



**IMO**

**INTERNATIONAL MARITIME LAW INSTITUTE**

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## **An Act to amend the Continental Shelf Act, Chapter 194 of the Laws of Malta**

**A Legislation Drafting Project submitted in partial fulfillment of the  
requirements for the award of the Degree of Master of Laws (LL.M.) at the  
IMO International Maritime Law Institute**

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# **Legislative Drafting Project – Act to amend the Continental Shelf Act, Chapter 194 of the Laws of Malta**

## **Table of Contents**

- 1. Introduction**
- 2. The Continental Shelf Act, as amended by Act \_\_\_\_ of 2008**
  - 2.1.** The abovementioned Act including explanatory notes
- 3. The Continental Shelf Regulations (new)**
  - 3.1.** The abovementioned Regulations including explanatory notes
- 4. The Designation of the Continental Shelf Area Order, as amended by Act \_\_\_\_ of 2008**
  - 4.1.** The abovementioned Order including explanatory notes
- 5. The Territorial Waters and Contiguous Zone Act, as amended by Act \_\_\_\_ of 2008**
  - 5.1.** The abovementioned Act including explanatory notes
- 6. A Bill entitled “An Act to amend the Continental Shelf Act”**

## **Annexes**

- I. Map of Malta’s Continental Shelf Claim
- II. Continental Shelf Act, Chapter 194 of the Laws of Malta
- III. Designation of the Continental Shelf Area Order, Subsidiary Legislation 194.03
- IV. Territorial Waters and Contiguous Zone Act, Chapter 226 of the Laws of Malta

# **1. Introduction**

Malta promulgated its CONTINENTAL SHELF ACT in 1966. As a party to the 1958 Geneva Convention on the Continental Shelf, it incorporated the provisions of this Convention in the said Act. With the adherence of Malta to the 1982 United Nations Convention on the Law of the Sea and developments in customary international law, there have been a number of considerable developments which are not reflected in Maltese Law. In fact, there are certain provisions of the said Act, based on the 1958 Convention, which through its adherence to the 1982 Convention, Malta is internationally bound to amend.

The aim of the legislative drafting project is to bring Maltese legislation in line with the provisions of the 1982 Convention and customary international law, particularly in the light of the modern technological developments relating to exploration and exploitation of continental shelf resources. The project also purports to harmonise the Maltese Continental Shelf Act with international practice, whilst taking into account the requirements of Malta's unique geographic position.

An example of the need to bring Maltese law in line with the provisions of the 1982 Convention relates to the definition of the outer limits of the continental shelf. The 1966 Act still reflects the outdated limits of the Continental Shelf found in Article 1 of the 1958 Geneva Convention on the Continental Shelf. The legislative drafting project abandons the 1958 criteria used in establishing the outer limit of the continental shelf. This is in line with Malta's obligation under Article 311 of the 1982 Convention which states that the 1982 Convention shall prevail over the 1958 Convention in relations between the parties. Furthermore, it is noteworthy that under Article 309 no reservations to the 1982 Convention are possible.

This change is also in line with customary international law and the position taken by the Government of Malta in the Malta-Libya Continental Shelf Case brought before the International Court of Justice. It is also consistent with the 1985 judgment delivered in the said case.

Another area requiring legislative attention relates to the environmental protection of the waters superjacent to the continental shelf. These waters may be at risk through the exploration and exploitation for oil and gas on the continental shelf and the legislative drafting project therefore addresses the need for their adequate protection.

The project introduces to the Continental Shelf Act a provision enabling the Prime Minister to enact regulations for the purpose of addressing many of the abovementioned issues. In this respect, the project introduces an innovative approach by consolidating relevant rules into one set of regulations entitled “Continental Shelf Regulations”, made pursuant to the abovementioned Act.

Since the amended Continental Shelf Act establishes the outer limit of Malta’s continental shelf using the same territorial sea baselines referred to in Article 3(2) of the Territorial Waters and Contiguous Zone Act as amended by this project, it is imperative that the co-ordinates which join the appropriate points forming the baselines are firmly established. One deficiency of Maltese law is the absence from the statute books of the said co-ordinates. Malta also has the obligation, under Article 16 of the 1982 Convention, to give due publicity to such charts or lists of geographical coordinates of the baselines used for measuring the breadth of the territorial sea. This problem is addressed by the drafting project through a proposed amendment of the current Territorial Waters and Contiguous Zone Act. The said amendment purports to add a schedule to the said Act which contains the geographical co-ordinates of Malta’s baselines. The amended Continental Shelf Act proposed by the project will, in its definition of baselines, cross-refer to the amended Territorial Waters and Contiguous Zone Act.

Malta has the obligation under Article 84 of UNCLOS to give publicity to the charts or lists of geographical coordinates showing the outer limit lines of the continental shelf. The said publicity is given by Malta in the Designation of the Continental Shelf Area Order<sup>1</sup>. It appears that current Maltese practice, which commenced some 20 years ago, departs from the co-ordinates listed in the Order, Neither do they take into account the boundary established by the *Agreement between the Republic of Malta and the Great Socialist People's Libyan Arab Jamahiriya implementing Article III of the Special Agreement and the Judgment of the International Court of Justice, signed on the 10<sup>th</sup> November 1986*.

It is therefore proposed that the schedules in the abovementioned Order be substituted with new schedules containing new geographical co-ordinates of the Maltese Continental Shelf Claim. This will bring the Order in line with current Maltese practice, thereby consolidating further Malta's legal title over the said continental Shelf Area.

In the light of the above, the following legislative drafting project is presented in the following sequence:

1. The proposed amended Continental Shelf Act as it would appear on the statute books, followed by the same Act footnoted with explanatory notes justifying all changes and innovations that were drafted.
2. The proposed Continental Shelf Regulations as they would appear in the statute books, followed by the same Regulations footnoted with explanatory notes justifying all innovations that were drafted.
3. The proposed amended Designation of the Continental Shelf Area Order, as it would appear in the statute books, followed by the same Order footnoted with explanatory notes justifying all changes that were drafted.

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<sup>1</sup> Subsidiary Legislation 194.01

4. The proposed amended Territorial Waters and Contiguous Zone Act, as it would appear in the statute books, followed by the same Act footnoted with explanatory notes justifying all changes and innovations that were drafted.

The annexes contained thereafter present the relevant laws of Malta which are in force as of 1<sup>st</sup> April 2008.

## CHAPTER 194

### CONTINENTAL SHELF ACT

*To make provision as to the exploration and exploitation of the continental shelf and for matters connected with those purposes.*

29th July, 1966

*ACT XXXV of 1966, as amended by Acts XIII of 1983, I of 2002 and the Act \_\_\_\_ of 2008.*

1. The short title of this Act is the Continental Shelf Act.

Short Title

2. In this Act, unless the context otherwise requires -

Interpretation

“baselines” means the lines, joining appropriate points along the coast of Malta, from which the breadth of the territorial waters is measured and shall have the same meaning assigned to it in the Territorial Waters and Contiguous Zone Act.

*Amended by:*  
*\_\_\_\_.2008.\_*

*Cap. 226*

“continental shelf” means the seabed and subsoil of the submarine areas that extend beyond the territorial waters of Malta to a limit established in accordance with international law, measured from the baselines from which the breadth of the territorial waters is measured; so however that where in relation to States of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective continental shelves, the boundary of the continental shelf shall be that determined by agreement between Malta and such other State or States or, in the absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and such other State or States is measured;

Provided that until the agreement mentioned in the preceding paragraph comes into force, any licenses issued in the regulations pursuant to this Act for the exploration and exploitation of resources of the continental shelf of Malta shall only apply to the area lying on the Maltese side of the median line between the coast of Malta and coast belonging to the opposite State or States.

“designated area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights mentioned in article 3 (1) of this Act are exercisable.

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

Cap. 423

"mineral resources" has the same meaning as in the Malta Resources Authority Act.

"natural resources" means (a) the mineral and other non-living resources of the sea bed and subsoil; as well as (b) the living organisms belonging to sedentary species.

Cap. 156

"petroleum" has the same meaning as in the Petroleum (Production) Act.

"sedentary species" means organisms which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil.

Cap. 226

"territorial waters" has the same meaning assigned to it by article 3 of the Territorial Waters and Contiguous Zone Act;

Exploration and  
exploitation of  
the continental  
shelf

*Amended by:*  
*\_\_\_, 2008, \_*

3. (1) The Government of Malta exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

(2) The rights referred to in subarticle (1) are exclusive in the sense that if the Government of Malta does not explore the continental shelf or exploit its natural resources, no one may undertake the activities referred to in the preceding subarticle without the express consent of the Government of Malta.

(3) The Government of Malta shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes.

(4) The Government of Malta shall have the exclusive right to exploit the subsoil of the continental shelf by means of tunnelling, irrespective of the depth of water above the said subsoil.

(5) In relation to any petroleum with respect to which the rights mentioned in subarticle (1) are exercisable, article 3(2) (which prohibits any person from searching or boring for or getting petroleum without a licence), article 4 (which relates to the granting of licences to search and bore for, and get, petroleum) and article 5 (which relates to the making of regulations with respect to the exploration, prospecting and mining for petroleum) of the



Cap. 156                      Petroleum (Production) Act shall apply as they apply in relation to petroleum in Malta.

Cap. 423                      (6) In relation to mineral resources, with respect to which the rights mentioned in subarticle (1) are exercisable, the provisions of the Malta Resources Authority Act shall apply as they apply in relation to mineral resources in Malta.

Cap. 425                      (7) In relation to sedentary species with respect to which the rights mentioned in subarticle (1) are exercisable, the provisions of the Fisheries Conservation and Management Act as far as they are applicable and with any necessary modifications, shall, to the extent that they relate to sedentary species, apply as they apply in relation to such sedentary species in Malta.

(7) The Prime Minister may from time to time by order published in the Government Gazette designate any area as an area within which the rights mentioned in subarticle (1) are exercisable, and any area so designated is in this Act referred to as a designated area.

4. (1) The Prime Minister may, from time to time, make regulations with respect to all or any one or more of the following purposes:

Power to make regulations

(a) regulating the construction, erection, or use of artificial islands, installations, structures or devices in, on, or above the continental shelf, or any specified part thereof, in connection with the exploration of the continental shelf or that part thereof or the exploitation of its natural resources;

*Substituted by: \_\_\_\_2008.\_*

(b) prohibiting the construction, erection, placing, or use of artificial islands, installations, structures or devices in, on, or above the continental shelf in places where they could cause interference with the use of recognised sea lanes essential to coastwise or international navigation;

(c) establishing safety zones around any such artificial islands, installations, structure or devices in, on, or above the continental shelf;

(d) prescribing such measures as he considers necessary in any such safety zone for the protection of the artificial island, installation, structure or device with respect to which the safety zone is established;

(e) regulating or prohibiting the entry of ships into any such safety zone, subject to any exceptions provided by the order from entering, without his consent, such part of that

area as may be specified in the order.

- (f) prescribing measures to be taken in any such safety zone for the protection of the living resources of the sea and the natural resources of the continental shelf from harmful agents;
- (g) prescribing the notice to be given of the construction, erection, or placing of artificial islands, installations, structures or devices in, on, or above the continental shelf;
- (h) prescribing the permanent means to be installed for the purpose of giving warning to shipping and aircraft of the presence of artificial islands, installations, structures or devices in, on, or above the continental shelf;
- (i) providing for the removal of artificial islands, installations, structures or devices constructed, erected, or placed in, on, or above the continental shelf which have been abandoned or become disused;
- (j) prohibiting or restricting any exploration of the continental shelf or any specified part thereof or any exploitation of its natural resources which in the opinion of the Government of Malta could result in any unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, or could interfere with national defence or with oceanographic or other scientific research or with submarine cables or pipelines;
- (k) providing for such matters as are necessary for giving full effect to this Act and for the due administration thereof; and;
- (l) prescribing the punishments, whether by way of fine (*multa* or *ammenda*) or of imprisonment, to be applied in respect of any contravention or non-observance of any regulation made under this article.

(2) In this article, the term “continental shelf” includes the sea-bed and subsoil of the submarine areas within the limits of the internal waters and the territorial waters of Malta:

Provided that nothing in this article shall affect the rights and powers of the Government of Malta under the appropriate laws in respect of areas within the limits of the territorial waters of Malta.

Orders or  
regulations  
may be varied  
or revoked

5. Any order or regulation made pursuant to this Act may be varied or revoked by a subsequent order or regulation.

Amended by:  
\_\_\_.2008.\_

Application of  
law in force in  
Malta

Amended by:  
\_\_\_.2008.\_

6. (1) Any act or omission which –

(a) involves or takes place on, under or above an artificial island, installation, structure or device on the continental shelf or any waters within five hundred metres of such artificial island, installation, structure or device and (b) would, if taking place in any part of Malta, constitute an offence under the law in force in Malta, shall be treated for the purposes of that law and of any other law in force in Malta as taking place in the island of Malta.

Cap. 12

For the purposes of article 742 of the Code of Organization and Civil Procedure (which relates to jurisdiction) any artificial island, installation, structure or device and any waters within five hundred metres of such an artificial island, installation, structure or device shall be treated as if they were situated in the island of Malta.

Discharge of oil

7. Repealed by: Act \_\_\_ of 2008

Amended by:  
XII. 1983. 5

Measures to  
prevent  
interference  
with  
exploitation of  
continental  
shelf

8. Repealed by: Act \_\_\_ of 2008

Amended by:  
XII. 1983.5

Offences by  
association of  
persons

Amended by:  
\_\_\_.2008.\_

9. (1) Where an offence under this Act or any regulations made thereunder (including an offence under another Act as applied by this Act or any regulations made thereunder and anything that is an offence by virtue of article 6(1)) is committed by an association of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such association or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(2) A member of the Police Force shall on any artificial island, installation, structure or device in a designated area have all

powers, protection and privileges which he has in Malta.

Right of hot  
pursuit

*Added by:*  
*1.2002.6*

*Amended by:*  
*\_\_\_2008.\_*

10. The provisions of subarticles (2) to (6), both inclusive, of article 8 of the Territorial Waters and Contiguous Zone Act shall apply *mutatis mutandis* to any reasonable suspicion of an offence under this Act or any regulations made thereunder.

Cap 226

## CHAPTER 194

### CONTINENTAL SHELF ACT (Explanatory Notes)

*To make provision as to the exploration and exploitation of the continental shelf and for matters connected with those purposes.*

29th July, 1966

*ACT XXXV of 1966, as amended by Acts XIII of 1983, I of 2002 and the Act \_\_\_\_ of 2008.*

11. The short title of this Act is the Continental Shelf Act.

Short Title

12. In this Act, unless the context otherwise requires -

Interpretation

“baselines” means the lines, joining appropriate points along the coast of Malta, from which the breadth of the territorial waters is measured and shall have the same meaning assigned to it in the Territorial Waters and Contiguous Zone Act.<sup>2</sup>

*Amended by:*  
*\_\_\_\_.2008.\_*

*Cap. 226*

“continental shelf” means the seabed and subsoil of the submarine areas that extend beyond the territorial waters of Malta to a limit established in accordance with international law, measured from the baselines from which the breadth of the territorial waters is measured; so however that where in relation to States of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective continental shelves, the boundary of the continental shelf shall be that determined by agreement between Malta and such other State or States or, in the absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and such other State or States is measured;<sup>3</sup>

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<sup>2</sup> The definition of baselines has been introduced given the importance of baselines to other substantial amendments, this definition is in line with the provisions of UNCLOS. There is a cross-reference made to the amended Territorial Waters and Contiguous Zone, Chapter 226, which defines baselines and furnishes their co-ordinates by means of a Schedule annexed thereto.

<sup>3</sup> The definition of the continental shelf being proposed departs from that found in the 1966 Act and refers to the establishment of the limits in accordance with international law. In the light of Malta’s geographic position, the proposed amendment also establishes the median line as the outer limit in the absence of agreement. This essentially represents the position of the Maltese Government and is in line with the median line claim which was submitted for the first time by the Maltese Government when it requested the right of intervention in the Libya-Tunisia Continental Shelf Case at the International Court of Justice. The new amendments abandon the criteria of depth and exploitability, and refer generally to the criteria established under international law. This approach has a dual advantage. First, it incorporates

Provided that until the agreement mentioned in the preceding paragraph comes into force, any licenses issued in the regulations pursuant to this Act for the exploration and exploitation of resources of the continental shelf of Malta shall only apply to the area lying on the Maltese side of the median line between the coast of Malta and coast belonging to the opposite State or States.<sup>4</sup>

“designated area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights mentioned in article 3 (1) of this Act are exercisable.<sup>5</sup>

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

Cap. 423

“mineral resources” has the same meaning as in the Malta Resources Authority Act.<sup>6</sup>

"natural resources" means (a) the mineral and other non-living resources of the sea bed and subsoil; as well as (b) the living organisms belonging to sedentary species.

Cap. 156

“petroleum” has the same meaning as in the Petroleum (Production) Act.<sup>7</sup>

“sedentary species” means organisms which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil.<sup>8</sup>

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the distance principle found in Article 76 of UNCLOS. This is of particular importance to the Maltese continental shelf claim which is based on equidistance between the Maltese coast and those of opposite States. Secondly, the new approach has the advantage of not requiring legislative change should the criteria on establishing the outer limits of the continental shelf change again.

<sup>4</sup> This proposed proviso regulates the practice of oil exploration concessions in relation to overlapping claims of other States. The advantage of this provision is that it is based on corresponding Italian legislation – Act No. 613 on the Surveying and Production of Oil and Gas in the Territorial Sea and Continental Shelf, and Amendments to Act No. 6 of 11<sup>th</sup> January 1967 on the Surveying and Production of Oil and Gas – Chapter 1- Article 1.

<sup>5</sup> For the sake of conformity, this amendment incorporates a definition of designation area. Previously, this was found in the substantial part of the Act in Article 3 (3).

<sup>6</sup> To ensure consistency in Maltese legislation, the definition of “mineral resources” has been adopted from that found in the Malta Resources Authority Act. This is important for the purposes of Article 3 (6) which refers to the Malta Resources Authority Act.

<sup>7</sup> This amendment shifts the definition of petroleum from Article 3 (4) to the “Interpretation article” so that all definitions are placed together.

<sup>8</sup> Under the 1982 Convention on the Law of the Sea, in Article 74 (4), sedentary species are included as part of the continental shelf resources. The new amendments also ensure that this also applies to Maltese law.

“territorial waters” has the same meaning assigned to it by article 3 of the Territorial Waters and Contiguous Zone Act;

Exploration and  
exploitation of  
the continental  
shelf

Amended by:  
—, 2008, —

13. (1) The Government of Malta exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.<sup>9</sup>

(2) The rights referred to in subarticle (1) are exclusive in the sense that if the Government of Malta does not explore the continental shelf or exploit its natural resources, no one may undertake the activities referred to in the preceding subarticle without the express consent of the Government of Malta.<sup>10</sup>

(3) The Government of Malta shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes.<sup>11</sup>

(4) The Government of Malta shall have the exclusive right to exploit the subsoil of the continental shelf by means of tunnelling, irrespective of the depth of water above the said subsoil.<sup>12</sup>

(5) In relation to any petroleum with respect to which the rights mentioned in subarticle (1) are exercisable, article 3(2) (which prohibits any person from searching or boring for or getting petroleum without a licence), article 4 (which relates to the granting of licences to search and bore for, and get, petroleum) and article 5 (which relates to the making of regulations with respect to the exploration, prospecting and mining for petroleum) of the Petroleum (Production) Act shall apply as they apply in relation to petroleum in Malta.

Cap. 156

(6) In relation to mineral resources, with respect to which the rights mentioned in subarticle (1) are exercisable, the provisions of the Malta Resources Authority Act shall apply as they apply in relation to mineral resources in Malta.<sup>13</sup>

Cap. 423

(7) In relation to sedentary species with respect to which the rights

<sup>9</sup> Article 3 (1) of the Act has been amended to bring it in line with Article 77 (1) of UNCLOS.

<sup>10</sup> This amendment defines the rights of the Government of Malta in terms of Article 77(2) of UNCLOS.

<sup>11</sup> This amendment has been inserted to ensure that the Maltese Act reflects Article 81 relating to drilling on the continental shelf.

<sup>12</sup> The amendment introduces a new aspect with respect to the exploration and exploitation of resources via tunnelling. Although not envisaged under the 1966 Act, this is contemplated in Article 85 of UNCLOS.

<sup>13</sup> Given the nature of the rights exercised by Malta, this amendment ensures that the Government of Malta has the authority over continental shelf resources, which authority is identical to that which the Government exercises over mineral resources in Malta.

mentioned in subarticle (1) are exercisable, the provisions of the Fisheries Conservation and Management Act as far as they are applicable and with any necessary modifications, shall, to the extent that they relate to sedentary species, apply as they apply in relation to such sedentary species in Malta.<sup>14</sup>

(7) The Prime Minister may from time to time by order published in the Government Gazette designate any area as an area within which the rights mentioned in subarticle (1) are exercisable, and any area so designated is in this Act referred to as a designated area.

14. (1) The Prime Minister may, from time to time, make regulations with respect to all or any one or more of the following purposes:<sup>15</sup>

Power to make regulations

- (a) regulating the construction, erection, or use of artificial islands, installations, structures or devices<sup>16</sup> in, on, or above the continental shelf, or any specified part thereof, in connection with the exploration of the continental shelf or that part thereof or the exploitation of its natural resources;
- (b) prohibiting the construction, erection, placing, or use of artificial islands, installations, structures or devices in, on, or above the continental shelf in places where they could cause interference with the use of recognised sea lanes essential to coastwise or international navigation;
- (c) establishing safety zones around any such artificial islands, installations, structure or devices in, on, or above the continental shelf;
- (d) prescribing such measures as he considers necessary in any such safety zone for the protection of the artificial island, installation, structure or device with respect to which the

*Substituted by:*  
\_\_\_2008.\_\_\_\_

<sup>14</sup> This amendment proposes to apply the applicable provisions of the Fisheries Conservation and Management Act, which is the principal law dealing with fisheries in Malta. It is noteworthy that under Article 3 (c) of the Fisheries Conservation and Management Act, the Act applies to all living resources - hence, the necessity of the new amendment. Furthermore, by referring to the Fisheries Conservation and Management Act, powers are given to conserve and manage these species, which powers are not available under the 1966 Continental Shelf Act.

<sup>15</sup> Given the complexity and technological advancements of continental shelf exploration and exploitation, Article 4 was introduced by the amendments to empower the Prime Minister to make regulations regarding the various activities referred to in the text of the Article. For example, power is given to the Prime Minister to regulate the construction, operation and use of artificial islands, installations, structures and devices which today form an integral part of oil exploration and exploitation.

<sup>16</sup> The 1966 Act uses the words "installation or device". In order to conform with UNLCOS, the amended Continental Shelf Act uses the terms "artificial island, structure or installation..." derived from UNCLOS, but also retains the term "... device" from the 1966 Act.



safety zone is established;

- (e) regulating or prohibiting the entry of ships into any such safety zone, subject to any exceptions provided by the order from entering, without his consent, such part of that area as may be specified in the order.
  - (f) prescribing measures to be taken in any such safety zone for the protection of the living resources of the sea and the natural resources of the continental shelf from harmful agents;
  - (g) prescribing the notice to be given of the construction, erection, or placing of artificial islands, installations, structures or devices in, on, or above the continental shelf;
  - (h) prescribing the permanent means to be installed for the purpose of giving warning to shipping and aircraft of the presence of artificial islands, installations, structures or devices in, on, or above the continental shelf;
  - (i) providing for the removal of artificial islands, installations, structures or devices constructed, erected, or placed in, on, or above the continental shelf which have been abandoned or become disused;
  - (j) prohibiting or restricting any exploration of the continental shelf or any specified part thereof or any exploitation of its natural resources which in the opinion of the Government of Malta could result in any unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, or could interfere with national defence or with oceanographic or other scientific research or with submarine cables or pipelines;
  - (k) providing for such matters as are necessary for giving full effect to this Act and for the due administration thereof; and;
  - (l) prescribing the punishments, whether by way of fine (*multa* or *ammenda*) or of imprisonment, to be applied in respect of any contravention or non-observance of any regulation made under this article.
- (2) In this article, the term “continental shelf” includes the sea-bed and subsoil of the submarine areas within the limits of the internal waters and the territorial waters of Malta<sup>17</sup>:

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<sup>17</sup> The term “territorial waters” under Maltese law is equivalent to that of the territorial sea as defined under Article 2 of UNCLOS. Notwithstanding that the term “territorial waters” is not used in the 1982

Provided that nothing in this article shall affect the rights and powers of the Government of Malta under the appropriate laws in respect of areas within the limits of the internal waters and territorial waters of Malta.<sup>18</sup>

Orders or  
regulations  
may be varied  
or revoked

15. Any order or regulation made pursuant to this Act may be varied or revoked by a subsequent order or regulation.

*Amended by:*  
\_\_\_.2008. \_

Application of  
law in force in  
Malta

16. (1) Any act or omission which –

(a) involves or takes place on, under or above an artificial island, installation, structure or device on the continental shelf or any waters within five hundred metres of such artificial island, installation, structure or device and (b) would, if taking place in any part of Malta, constitute an offence under the law in force in Malta, shall be treated for the purposes of that law and of any other law in force in Malta as taking place in the island of Malta.

*Amended by:*  
\_\_\_.2008. \_

Cap. 12

For the purposes of article 742 of the Code of Organization and Civil Procedure (which relates to jurisdiction) any artificial island, installation, structure or device and any waters within five hundred metres of such an artificial island, installation, structure or device shall be treated as if they were situated in the island of Malta.

Discharge of oil

17. Repealed by: *Act \_\_\_ of 2008*<sup>19</sup>

*Amended by:*  
*XII. 1983. 5*

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Convention, it seemed appropriate to retain the said term for the purpose of ensuring that Act harmonises with the other relevant Maltese laws.

<sup>18</sup> It is noteworthy that the proposed Article 4 (2) ensures that for the purposes of the Prime Minister's regulations, it is possible for him to apply the said regulations even to the seabed and subsoil which lie below the internal waters and territorial waters of Malta.

<sup>19</sup> It was felt that the provisions of the Act in Articles 7 should be shifted to the Regulations which have been introduced by the amendments. The principal reason for this is to enable the Prime Minister to regulate questions of environmental protection that may need decisive and quick responses, without having to amend the principal Act.

Measures to prevent interference with exploitation of continental shelf

18. Repealed by: Act \_\_\_\_ of 2008<sup>20</sup>

Amended by:  
XII. 1983.5

Offences by association of persons

Amended by:  
\_\_\_\_.2008.\_

19. (1) Where an offence under this Act or any regulations made thereunder (including an offence under another Act as applied by this Act or any regulations made thereunder and anything that is an offence by virtue of article 6(1)) is committed by an association of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such association or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(2) A member of the Police Force shall on any artificial island, installation, structure or device in a designated area have all powers, protection and privileges which he has in Malta.

Right of hot pursuit

Added by:  
I.2002.6

Amended by:  
\_\_\_\_.2008.\_

Cap 226

20. The provisions of subarticles (2) to (6), both inclusive, of article 8 of the Territorial Waters and Contiguous Zone Act shall apply *mutatis mutandis* to any reasonable suspicion of an offence under this Act or any regulations made thereunder.

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<sup>20</sup> Similarly, the provision in Article 8 has been transposed to the Regulations thereby empowering the Prime Minister to take quick action in response to any interference with respect to Malta's continental shelf rights.

## SUBSIDIARY LEGISLATION 194.02

### CONTINENTAL SHELF REGULATIONS

18<sup>th</sup> January,  
2008

*Legal Notice \_\_\_\_ of 2008*

21. The title of these Regulations is the Continental Shelf Regulations. Citation
22. The purpose of these Regulations is to regulate activities on the continental shelf and to establish and regulate safety zones therein. Purpose
23. (1) In these Regulations, unless the context otherwise requires: Interpretation
- “designated area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights mentioned in article 3 (1) of the Continental Shelf Act are exercisable. Cap. 194
- “dumping” means:
- (i) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
  - (ii) any deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea;
- but does not include:
- (i) the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;
  - (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of these Regulations.

(2) Unless otherwise defined in these Regulations or unless the context otherwise requires, words and expressions used in these Regulations shall have the same meaning assigned to them in the Continental Shelf Act.

Cap. 194

(3) The term “unit” with reference to any fine (*multa*) or fine (*ammenda*) that may be imposed under these Regulations shall be equivalent to the value established under Article 372C of the Merchant Shipping Act

Cap. 234

24. (1) The Prime Minister may for the purpose of protecting any installation or other device in a designated area by order published in the Government Gazette prohibit ships, subject to any exceptions provided by the order, from entering without his consent such part of that area as may be specified in the order.

Protection of  
installations in  
designated areas.

(2) If any ship enters any part of a designated area in contravention of an order under this regulation, its owner or master shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units or to imprisonment for a term not exceeding [*insert period*], or to both, unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to the master.

25. (1) If any oil or any mixture containing not less than [fifteen] parts of any oil in a million parts of the mixture is discharged or escapes into any part of the sea –

Discharge of oil

(a) from a pipeline, or

(b) as a result of any operations for the exploration of the sea bed and subsoil or the exploitation of their natural resources in a designated area, the owner of the pipeline or, as the case may be, the person carrying on the operations shall be guilty of an offence unless he proves, in the case of a discharge from a place in his occupation, that it was due to the act of a person who was there without his permission (express or implied) or, in the case of an escape, that he took all reasonable care to prevent it and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

(2) A person guilty of an offence under this regulation shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units.

Submarine  
cables and  
pipelines

26. (1) The right to regulate the laying of submarine cables and pipelines on the continental shelf is vested in the Government of Malta

(2) No person shall lay or maintain any submarine cable or pipeline on the continental shelf without a licence in that behalf granted by the Prime Minister or in contravention of any requirement or condition contained in any such licence as to the route of any such cable or pipeline or as to any other matter.

(3) The owner of any submarine cable or pipeline which has fallen into disuse or is beyond repair shall forthwith inform the Government of Malta thereof and shall, if so directed by the Government, remove such cable or pipeline within such period of time as the Government may direct.

(4) Any person who contravenes any of the provisions of this regulation shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units for each day during which the offence continues.

Marine  
scientific  
research

27. (1) The right to regulate, authorize and conduct marine scientific research on the continental shelf is vested in the Government of Malta.

(2) No person shall conduct marine scientific research on the continental shelf without the authorisation and consent of the Government of Malta by means of a license granted by the Prime Minister, or in contravention of any requirement or condition contained in any such license.

(3) The Prime Minister may however in his discretion withhold his consent to grant such license for the conduct of a marine scientific research project on the continental shelf of Malta if that project -

(a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;

(b) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;

(c) involves the construction, operation or use of artificial islands, installations, structures and devices.

(d) contains information communicated pursuant to

subregulation (4) of this regulation regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to the Government of Malta from a prior research project.

(4) Any person, State or competent international organisation intending to undertake marine scientific research on the continental shelf of Malta shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide the Government of Malta with a full description of -

- (a) the nature and objectives of the project;
- (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- (c) the precise geographical areas in which the project is to be conducted;
- (d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate;
- (e) the name of the sponsoring institution, its director, and the person in charge of the project; and
- (f) the extent to which it is considered that the Government of Malta should be able to participate or to be represented in the project.

(5) Any person, State or competent international organization when undertaking marine scientific research on the continental shelf of Malta shall comply with the following conditions:

- (a) ensure the right of the Government of Malta, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the Government of Malta and without obligation to contribute towards the costs of the project;
- (b) provide the Government of Malta, at its request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;

(c) provide access for the Government of Malta, at its request, to all data and samples derived from the marine scientific research project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;

(d) if requested, provide the Government of Malta with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;

(e) ensure, subject to subregulation (6), that the research results are made internationally available through appropriate national or international channels, as soon as practicable;

(f) inform the Government of Malta immediately of any major change in the research programme;

(g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.

(6) The preceding subregulation is without prejudice to the conditions established by the laws and regulations of Malta for the exercise of its discretion to grant or withhold consent pursuant to subregulation (3) of this regulation, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources.

(7) Communications concerning the marine scientific research projects shall be made through [*the Malta Resources Authority*].

(8) The Government of Malta shall have the right to require the suspension of any marine scientific research activities in progress on its continental shelf if:

(a) the research activities are not being conducted in accordance with the information communicated as provided under subregulation (4) of this regulation upon which the consent of the Government of Malta was based;  
or

(b) the State or competent international organization conducting the research activities fails to comply with the provisions of subregulation (5) of this regulation concerning the rights of the Government of Malta with respect to the marine scientific research project.

(9) The Government of Malta shall have the right to require the cessation of any marine scientific research activities in case of any



non-compliance with the provisions of subregulation (4) of this regulation which amounts to a major change in the research project or the research activities.

(10) The Government of Malta may also require cessation of marine scientific research activities if any of the situations contemplated in subregulation (8) of this regulation are not rectified within a reasonable period of time.

(11) Following notification by the Government of Malta of its decision to order suspension or cessation, States or competent international organizations authorized to conduct marine scientific research activities shall terminate the research activities that are the subject of such a notification.

(12) An order of suspension under subregulation (8) of this regulation shall be lifted by the Government of Malta and the marine scientific research activities allowed to continue once the researching State or competent international organization has complied with the conditions required under subregulations (4) and (5) of this regulation.

(13) Any person who contravenes any of the provisions of this regulation shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units.

(14) For the purposes of the preceding subregulations, the Government of Malta shall have the exclusive competence to determine what amounts to a “major change” in any given project.

Artificial islands,  
installations,  
structures and  
devices

28. (1) The Government of Malta shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of artificial islands, installations, structures and devices on the continental shelf.

(2) No person shall construct, operate or use any artificial island, or any installation, structure or device on the continental shelf without a license in that behalf granted by the Prime Minister or in contravention of any requirement or condition contained in any such license.

(3) The owner of any artificial island, installation, structure or device which has fallen into disuse or is beyond repair shall forthwith inform the Government of Malta thereof and shall, if so directed by the Government, remove such artificial island, installation, structure or device within such period of time as the Government may direct.

(4) Any person who contravenes any of the provisions of this

regulation shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units.

Dumping

29. (1) Dumping onto the continental shelf shall not be carried out without the express prior approval of the Government of Malta, which has the right to permit, regulate and control such dumping after due consideration of the matter with other States which by reason of their geographical situation may be adversely affected thereby.

(2) Any person who contravenes any of the provisions of this regulation shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units.

Orders may be varied or revoked

30. Any order under these Regulations may be varied or revoked by a subsequent order.

## SUBSIDIARY LEGISLATION 194.02

### CONTINENTAL SHELF REGULATIONS (Explanatory Notes)

18<sup>th</sup> January,  
2008

*Legal Notice \_\_\_\_ of 2008*

31. The title of these Regulations is the Continental Shelf Regulations. Citation
32. The purpose of these Regulations is to regulate activities on the continental shelf and to establish and regulate safety zones therein. Purpose
33. (1) In these Regulations, unless the context otherwise requires: Interpretation
- “designated area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights mentioned in article 3 (1) of the Continental Shelf Act are exercisable.<sup>21</sup> Cap. 194
- “dumping” means:
- (i) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
  - (ii) any deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea;
- but does not include:
- (i) the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;
  - (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of these Regulations.<sup>22</sup>

<sup>21</sup> This definition was lifted from Article 3 (3) of the 1966 Act.

<sup>22</sup> This definition was taken from Article 1 (1) (5) (a) of the 1982 UN Convention on the Law of the Sea.

(2) Unless otherwise defined in these Regulations or unless the context otherwise requires, words and expressions used in these Regulations shall have the same meaning assigned to them in the Continental Shelf Act. Cap. 194

(3) The term “unit” with reference to any fine (*multa*) or fine (*ammenda*) that may be imposed under these Regulations shall be equivalent to the value established under Article 372C of the Merchant Shipping Act Cap. 234

34. (1) The Prime Minister may for the purpose of protecting any installation or other device in a designated area by order published in the Government Gazette prohibit ships, subject to any exceptions provided by the order, from entering without his consent such part of that area as may be specified in the order.<sup>23</sup> Protection of installations in designated areas.

(2) If any ship enters any part of a designated area in contravention of an order under this regulation, its owner or master shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units or to imprisonment for a term not exceeding [*insert period*], or to both, unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to the master.<sup>24</sup>

35. (1) If any oil or any mixture containing not less than [fifteen] parts of any oil in a million parts of the mixture<sup>25</sup> is discharged or escapes into any part of the sea – Discharge of oil

(a) from a pipeline, or

(b) as a result of any operations for the exploration of the sea bed and subsoil or the exploitation of their natural resources in a designated area, the owner of the pipeline or, as the case may be, the person carrying on the operations shall be guilty of an offence unless he proves, in the case of a discharge from a place in his occupation, that it was due to the act of a person who was there without his permission (express or implied) or, in the case of an escape, that he took all reasonable care to prevent it and that as

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<sup>23</sup> This provision was deleted from the Article 4 of the 1966 Act and placed in these Regulations instead for the purposes of uniformity.

<sup>24</sup> The explanation in the previous note applies to this subarticle.

<sup>25</sup> This regulation ensures that Maltese law takes into account the exigencies of contemporary oil exploration and based the formula on the requirements found under MARPOL regime. Although MARPOL deals with pollution from ships and not pipelines, its values indicating the amount of oil permitted to be discharged in the sea are more in-line with present day anti-pollution policies than the old 1966 Continental Shelf Act.

soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

(2) A person guilty of an offence under this regulation shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units.

Submarine  
cables and  
pipelines

36. (1) The right to regulate the laying of submarine cables and pipelines on the continental shelf is vested in the Government of Malta.<sup>26</sup>

(2) No person shall lay or maintain any submarine cable or pipeline on the continental shelf without a licence in that behalf granted by the Prime Minister or in contravention of any requirement or condition contained in any such licence as to the route of any such cable or pipeline or as to any other matter.<sup>27</sup>

(3) The owner of any submarine cable or pipeline which has fallen into disuse or is beyond repair shall forthwith inform the Government of Malta thereof and shall, if so directed by the Government, remove such cable or pipeline within such period of time as the Government may direct.<sup>28</sup>

(4) Any person who contravenes any of the provisions of this regulation shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units for each day during which the offence continues.

Marine  
scientific  
research

37. (1) The right to regulate, authorize and conduct marine scientific research on the continental shelf is vested in the Government of Malta.<sup>29</sup>

(2) No person shall conduct marine scientific research on the

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<sup>26</sup> Given the importance of submarine cables to modern telecommunications and pipelines with respect to the transport of commodities, it was felt necessary to empower the Prime Minister to regulate this often important continental shelf activity.

<sup>27</sup> This subarticle is inserted to provide for the rights granted to Malta to regulate the placement of submarine cables and pipelines by other States on the Maltese continental shelf.

<sup>28</sup> This subarticle is introduced to allow the Prime Minister to take action when a submarine cable or pipeline needs to be removed. Such action may be necessary, for example, to protect the environment or to remove navigational hazards.

<sup>29</sup> Since the adoption of the 1958 Geneva Convention on the Continental Shelf, there have been a number of developments regarding the regulation of marine scientific research on the continental shelf. This Regulation, introduced by the amendments, enables the Prime Minister to introduce the relevant provisions of the 1982 Convention found in Part XIII relating to marine scientific research. This provision may be crucial since it enables the Prime Minister to distinguish between pure and applied marine scientific research. See Article 246 (2) of UNCLOS.

continental shelf without the authorisation and consent of the Government of Malta by means of a license granted by the Prime Minister, or in contravention of any requirement or condition contained in any such license.

(3) The Prime Minister may however in his discretion withhold his consent to grant such license for the conduct of a marine scientific research project on the continental shelf of Malta if that project -

- (a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;

- (b) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;

- (c) involves the construction, operation or use of artificial islands, installations, structures and devices.

- (d) contains information communicated pursuant to subregulation (4) of this regulation regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to the Government of Malta from a prior research project.

(4) Any person, State or competent international organisation intending to undertake marine scientific research on the continental shelf of Malta shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide the Government of Malta with a full description of -

- (a) the nature and objectives of the project;

- (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;

- (c) the precise geographical areas in which the project is to be conducted;

- (d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate;

- (e) the name of the sponsoring institution, its director, and the person in charge of the project; and

(f) the extent to which it is considered that the Government of Malta should be able to participate or to be represented in the project.

(5) Any person, State or competent international organization when undertaking marine scientific research on the continental shelf of Malta shall comply with the following conditions:

(a) ensure the right of the Government of Malta, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the Government of Malta and without obligation to contribute towards the costs of the project;

(b) provide the Government of Malta, at its request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;

(c) provide access for the Government of Malta, at its request, to all data and samples derived from the marine scientific research project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;

(d) if requested, provide the Government of Malta with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;

(e) ensure, subject to subregulation (6), that the research results are made internationally available through appropriate national or international channels, as soon as practicable;

(f) inform the Government of Malta immediately of any major change in the research programme;

(g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.

(6) The preceding subregulation is without prejudice to the conditions established by the laws and regulations of Malta for the exercise of its discretion to grant or withhold consent pursuant to subregulation (3) of this regulation, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources.

(7) Communications concerning the marine scientific research projects shall be made through [*the Malta Resources Authority*].

(8) The Government of Malta shall have the right to require the suspension of any marine scientific research activities in progress on its continental shelf if:

(a) the research activities are not being conducted in accordance with the information communicated as provided under subregulation (4) of this regulation upon which the consent of the Government of Malta was based; or

(b) the State or competent international organization conducting the research activities fails to comply with the provisions of subregulation (5) of this regulation concerning the rights of the Government of Malta with respect to the marine scientific research project.

(9) The Government of Malta shall have the right to require the cessation of any marine scientific research activities in case of any non-compliance with the provisions of subregulation (4) of this regulation which amounts to a major change in the research project or the research activities.

(10) The Government of Malta may also require cessation of marine scientific research activities if any of the situations contemplated in subregulation (8) of this regulation are not rectified within a reasonable period of time.

(11) Following notification by the Government of Malta of its decision to order suspension or cessation, States or competent international organizations authorized to conduct marine scientific research activities shall terminate the research activities that are the subject of such a notification.

(12) An order of suspension under subregulation (8) of this regulation shall be lifted by the Government of Malta and the marine scientific research activities allowed to continue once the researching State or competent international organization has complied with the conditions required under subregulations (4) and (5) of this regulation.

(13) Any person who contravenes any of the provisions of this regulation shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units.

(14) For the purposes of the preceding subregulations, the Government of Malta shall have the exclusive competence to determine what amounts to a “major change” in any given project.



- Artificial islands, installations, structures and devices
38. (1) The Government of Malta shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of artificial islands, installations, structures and devices on the continental shelf.<sup>30</sup>
- (2) No person shall construct, operate or use any artificial island, or any installation, structure or device on the continental shelf without a license in that behalf granted by the Prime Minister or in contravention of any requirement or condition contained in any such license.
- (3) The owner of any artificial island, installation, structure or device which has fallen into disuse or is beyond repair shall forthwith inform the Government of Malta thereof and shall, if so directed by the Government, remove such artificial island, installation, structure or device within such period of time as the Government may direct.
- (4) Any person who contravenes any of the provisions of this regulation shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units.
- Dumping
39. (1) Dumping onto the continental shelf shall not be carried out without the express prior approval of the Government of Malta, which has the right to permit, regulate and control such dumping after due consideration of the matter with other States which by reason of their geographical situation may be adversely affected thereby.<sup>31</sup>
- (2) Any person who contravenes any of the provisions of this regulation shall be liable, on summary conviction, to a fine (*multa*) not exceeding [*insert amount*] units.<sup>32</sup>
- Orders may be varied or revoked
40. Any order under these Regulations may be varied or revoked by a subsequent order.

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<sup>30</sup> The exploration and exploitation for continental shelf resources are usually heavily dependent on the construction of artificial islands, installations and structures. The matter is regulated by Article 60 and Article 80 of the 1982 Convention. As a result of Article 4(1) of the amended Continental Shelf Act, the Prime Minister is being empowered to make Regulations relating to artificial islands, installations, structures, as well as devices.

<sup>31</sup> Article 210 (5) of the 1982 Convention provides for the right of the coastal State to demand its express prior approval before dumping is carried out on its continental shelf.

<sup>32</sup> An innovation being proposed through this amendment is to replace the Maltese currency with a standard unit, the value of which is defined in Article 372 of the Merchant Shipping Act. The advantage of this proposal is that it will enable the Government to ensure that the penalties envisaged in these Regulations continue to reflect contemporary economic realities.



## SUBSIDIARY LEGISLATION 194.01

### DESIGNATION OF THE CONTINENTAL SHELF AREA ORDER

22<sup>nd</sup> April, 1971

*LEGAL NOTICES 36 of 1971 and 113 of 1974, consolidated, as amended  
by: LEGAL NOTICE \_ of 2008*

- |   |                                |
|---|--------------------------------|
| 41. The title of this Order is the Designation of the Continental Shelf Area Order.   | Title                          |
| 42. The areas described in the Schedule to this Order are by this Order designated as areas within which the rights mentioned in Article 3(1) of the Continental Shelf Act are to be exercised. | Indication of area<br>Cap. 194 |
-

<b>SCHEDULE</b>		Amended by:  LN ____ of 2008
1. The areas bounded by lines joining the co-ordinates set out hereunder, exclusive of any land and of any internal or territorial waters within those lines are as follows:		
Area 1	B C D E F G A	
	B:	35° 31' 00" N 16° 30' 36" E
	C:	35° 12' 30" N 13° 13' 12" E
	D:	34° 48' 00" N 18° 04' 36" E
	E:	34° 27' 12" N 17° 46' 12" E
	F:	34° 23' 30" N 17° 16' 00" E
	G:	34° 19' 18" N 16° 37' 30" E
	A:	defined below
	Point A is the intersection on the arc of the great circle between point B of Area 7 and point G of Area 1 with the 16° 30' 36" E meridian.	
Area 2	ZD A B C D DA DB E ZE ZB C	
	ZD:	35° 51' 00" N 15° 45' 00" E
	A:	35° 44' 30" N

		16° 00' 00" E	
	B:	35° 31' 00" N 16° 30' 36" E	
	C:	35° 00' 00" N 16° 30' 36" E	
	D:	35° 00' 00" N 15° 35' 00" E	
	DA:	34° 49' 00" N 15° 35' 00" E	
	DB:	34° 49' 00" N 15° 10' 00" E	
	E:	35° 23' 36" N 15° 10' 00" E	
	ZE:	35° 23' 36" N 15° 18' 06" E	
	ZB:	35° 35' 00" N 15° 18' 06" E	
	ZC:	35° 35' 00" N 15° 45' 00" E	
Area 3	A B C G M S T ZD ZC ZB ZE ZH E F		
	A:	36° 29' 24" N 13° 30' 00" E	
	B:	36° 32' 36" N 13° 49' 12" E	
	C:	36° 33' 12" N 13° 54' 42" E	

	G:	36° 26' 06" N 14° 30' 00" E	
	M:	36° 17' 00" N 14° 47' 24" E	
	S:	36° 03' 30" N 15° 18' 36" E	
	T:	35° 56' 54" N 15° 33' 42" E	
	ZD:	35° 51' 00" N 15° 45' 00" E	
	ZC:	35° 35' 00" N 15° 45' 00" E	
	ZB:	35° 35' 00" N 15° 18' 06" E	
	ZE:	35° 23' 36" N 15° 18' 06" E	
	ZH:	35° 23' 36" N 14° 00' 00" E	
	E:	36° 05' 00" N 14° 00' 00" E	
	F:	36° 05' 00" N 13° 30' 00" E	
	Excluding the following areas:  (a) N S T U V W X Y Z O		
	N:	36° 09' 24" N 15° 05' 00" E	

	S:	36° 03' 30" N 15° 18' 36" E	
	T:	35° 56' 54" N 15° 34' 42" E	
	U:	35° 56' 18" N 15° 35' 00" E	
	V:	35° 50' 00" N 15° 35' 00" E	
	W:	35° 50' 00" N 15° 30' 00" E	
	X:	35° 45' 00" N 15° 30' 00" E	
	Y:	35° 45' 00" N 15° 15' 00" E	
	Z:	35° 50' 00" N 15° 15' 00" E	
	O:	35° 50' 00" N 15° 05' 00" E	
	(b) U ZD ZC ZA O Z Y X W V		
	U:	35° 56' 18" N 15° 35' 00" E	
	ZD:	35° 51' 00" N 15° 45' 00" E	
	ZC:	35° 35' 00" N 15° 05' 00" E	
	ZA:	35° 35' 00" N	

		15° 05' 00" E	
	O:	35° 50' 00" N 15° 05' 00" E	
	Z:	35° 50' 00" N 15° 15' 00" E	
	Y:	35° 45' 00" N 15° 15' 00" E	
	X:	35° 45' 00" N 15° 30' 00" E	
	W:	35° 50' 00" N 15° 30' 00" E	
	V:	35° 50' 00" N 15° 35' 00" E	
	(c) AA AB AC AD		
	AA:	36° 22' 00" N 13° 45' 00" E	
	AB:	36° 22' 00" N 14° 13' 00" E	
	AC:	36° 05' 00" N 14° 13' 00" E	
	AD:	36° 05' 00" N 13° 45' 00" E	
	(d) An area enclosed by the outer line of circles of 2 km radius the centres of which are on the littoral of the Maltese islands.		
	Area 4	A E J JA JB JC KA KB MA MB MC MD O	
	A:	35° 23' 36" N	



		13° 51' 00" E	
	E:	35° 23' 36" N 15° 10' 00" E	
	J:	34° 29' 53" N 15° 10' 00" E	
	JA:	34° 31' 20" N 14° 49' 07" E	
	JB:	34° 32' 18" N 14° 37' 24" E	
	JC:	34° 33' 07" N 14° 31' 29" E	
	KA:	34° 34' 07" N 14° 23' 54" E	
	KB:	34° 35' 20" N 14° 15' 37" E	
	MA:	34° 37' 02" N 14° 05' 14" E	
	MB:	34° 37' 02" N 14° 04' 15" E	
	MC:	34° 39' 16" N 13° 56' 09" E	
	MD:	34° 40' 10" N 13° 52' 31" E	
	O:	34° 40' 32" N 13° 51' 00" E	
	Excluding the following area:		

	D N M MA MB MC MD O		
	D:	35° 06' 42" N 13° 51' 00" E	
	N:	35° 06' 42" N 14° 10' 50" E	
	M:	34° 36' 06" N 14° 10' 50" E	
	MA:	34° 37' 02" N 14° 05' 14" E	
	MB:	34° 37' 11" N 14° 04' 15" E	
	MC:	34° 39' 16" N 13° 56' 09" E	
	MD:	34° 40' 10" N 13° 52' 31" E	
	O:	34° 40' 32" N 13° 51' 00" E	
Area 5	N A O B C D E F I J L M		
	N:	defined below	
	Point N is the eastern intersection of the line of latitude 35° 23' 36" N and the outer line of circles of 13 nautical miles radius, the centres of which are on the littoral of the island of Lampedusa.		
	A:	35° 23' 36" N 13° 51' 00" E	
	O	34° 40' 32" N 13° 51' 00" E	

	B:	34° 40' 46" N  13° 50' 00" E	
	C:	defined below	
	Point C is the intersection on the arc of the great circle between point D of Area 5 and the point 34° 20' 18" N, 13° 54' 18" E with the 35° 50' E meridian.		
	D:	34° 27' 00" N  13° 27' 24" E	
	E:	34° 34' 00" N  13° 01' 30" E	
	F:	34° 42' 00" N  12° 59' 24" E	
	I:	34° 51' 00" N  12° 57' 12" E	
	J:	35° 02' 18" N  12° 54' 00" E	
	L:	35° 08' 48" N  12° 52' 00" E	
	M:	35° 19' 06" N  12° 47' 42" E	
	From point M to point N the boundary of Area 5 is the shorter part of the outer line of circles of 13 nautical miles radius the centres of which are on the littoral of the island of Lampedusa.		
Area 6	A F E Z H N O P Q R S		
A:	36° 29' 24" N  13° 30' 00" E		

	F:	35° 05' 00" N 13° 30' 00" E
	E:	36° 05' 00" N 14° 00' 00" E
	ZH:	35° 23' 36" N 14° 00' 00" E
	N:	defined below
	Point N is the eastern intersection of the line of latitude 35° 23' 36" N and the outer line of circles of 13 nautical miles radius the centres of which are on the littoral of the island of Lampedusa.	
	O:	defined below
	Point O is the eastern intersection of the two outer lines of 13 nautical miles radius the centres of which are on the littorals of the islands of Linosa and Lampedusa respectively.	
	P:	35° 58' 36" N 12° 36' 00" E
	Q:	36° 20' 24" N 12° 57' 00" E
	R:	36° 27' 42" N 12° 57' 00" E
	S:	36° 27' 42" N 13° 23' 30" E
	From the point N to point O the boundary of Area 6 is the shorter part of the outer line of circles of 13 nautical miles radius the centres of which are on the littoral of the island of Lampedusa.	
	From point O to point P the boundary of Area 6 is the longer part of the outer line of circles of 13 nautical miles radius the centres of which are on	

	the littoral of the island of Linosa.		
Area 7	D C A B BA BB BC DB DA		
	D:	35° 00' 00" N 15° 35' 00" E	
	C:	35° 00' 00" N 16° 30' 36" E	
	A:	defined below	
	Point A is the intersection on the arc of the great circle between point B of Area 7 and point G of Area 1 with the 16° 30' 36" E meridian.		
	B:	34° 14' 48" N 16° 00' 00" E	
	BA:	34° 12' 48" N 15° 43' 00" E	
	BB:	34° 11' 00" N 15° 25' 00" E	
	BC:	defined below	
	Point BC is the intersection on the arc of the great circle between point 34°12'18" N, 15° 02' 30" E and point BB of Area 7 with the 15° 10' E meridian.		
	DB:	34° 49' 00" N 15° 10' 00" E	
	DA:	34° 49' 00" N 15° 35' 00" E	

**SUBSIDIARY LEGISLATION 194.01**

**DESIGNATION OF THE CONTINENTAL SHELF AREA ORDER**  
(Explanatory Notes)

22<sup>nd</sup> April, 1971

*LEGAL NOTICES 36 of 1971 and 113 of 1974, consolidated, as amended  
by: LEGAL NOTICE \_ of 2008*

43. The title of this Order is the Designation of the Continental Shelf Area Order. Title
44. The areas described in the Schedule to this Order are by this Order designated as areas within which the rights mentioned in Article 3(1) of the Continental Shelf Act are to be exercised. Indication of area  
Cap. 194
-

<b>SCHEDULE<sup>33</sup></b>		Amended by:  LN ____ of 2008
2. The areas bounded by lines joining the co-ordinates set out hereunder, exclusive of any land and of any internal or territorial waters within those lines are as follows:		
Area 1	B C D E F G A	
	B:	35° 31' 00" N 16° 30' 36" E
	C:	35° 12' 30" N 13° 13' 12" E
	D:	34° 48' 00" N 18° 04' 36" E
	E:	34° 27' 12" N 17° 46' 12" E
	F:	34° 23' 30" N 17° 16' 00" E
	G:	34° 19' 18" N 16° 37' 30" E
	A:	defined below
	Point A is the intersection on the arc of the great circle between point B of Area 7 and point G of Area 1 with the 16° 30' 36" E meridian.	

<sup>33</sup> This Schedule gives publicity to the {chart and} geographical coordinates showing the outer limit lines of the continental shelf, thereby fulfilling Malta's obligation under Article 84 of UNCLOS to give the said publicity. Unlike the current Designation of The Continental Shelf Area Order, which was last amended in 1974, these co-ordinates take into account the boundary established by the Agreement between the Republic of Malta and the Great Socialist People's Libyan Arab Jamahiriya implementing Article III of the Special Agreement and the Judgment of the International Court of Justice, signed on the 10th November 1986. The abovementioned co-ordinates reflect Malta's current continental shelf claim as of the 28<sup>th</sup> March 2002, as established in accordance with international law.

Area 2	ZD A B C D DA DB E ZE ZB C		
	ZD:	35° 51' 00" N 15° 45' 00" E	
	A:	35° 44' 30" N 16° 00' 00" E	
	B:	35° 31' 00" N 16° 30' 36" E	
	C:	35° 00' 00" N 16° 30' 36" E	
	D:	35° 00' 00" N 15° 35' 00" E	
	DA:	34° 49' 00" N 15° 35' 00" E	
	DB:	34° 49' 00" N 15° 10' 00" E	
	E:	35° 23' 36" N 15° 10' 00" E	
	ZE:	35° 23' 36" N 15° 18' 06" E	
	ZB:	35° 35' 00" N 15° 18' 06" E	
	ZC:	35° 35' 00" N 15° 45' 00" E	
Area 3	A B C G M S T ZD ZC ZB ZE ZH E F		
	A:	36° 29' 24" N 13° 30' 00" E	



	B:	36° 32' 36" N 13° 49' 12" E	
	C:	36° 33' 12" N 13° 54' 42" E	
	G:	36° 26' 06" N 14° 30' 00" E	
	M:	36° 17' 00" N 14° 47' 24" E	
	S:	36° 03' 30" N 15° 18' 36" E	
	T:	35° 56' 54" N 15° 33' 42" E	
	ZD:	35° 51' 00" N 15° 45' 00" E	
	ZC:	35° 35' 00" N 15° 45' 00" E	
	ZB:	35° 35' 00" N 15° 18' 06" E	
	ZE:	35° 23' 36" N 15° 18' 06" E	
	ZH:	35° 23' 36" N 14° 00' 00" E	
	E:	36° 05' 00" N 14° 00' 00" E	
	F:	36° 05' 00" N 13° 30' 00" E	

	Excluding the following areas:	
	(e) N S T U V W X Y Z O	
	N:	36° 09' 24" N 15° 05' 00" E
	S:	36° 03' 30" N 15° 18' 36" E
	T:	35° 56' 54" N 15° 34' 42" E
	U:	35° 56' 18" N 15° 35' 00" E
	V:	35° 50' 00" N 15° 35' 00" E
	W:	35° 50' 00" N 15° 30' 00" E
	X:	35° 45' 00" N 15° 30' 00" E
	Y:	35° 45' 00" N 15° 15' 00" E
	Z:	35° 50' 00" N 15° 15' 00" E
	O:	35° 50' 00" N 15° 05' 00" E
	(f) U Z D Z C Z A O Z Y X W V	
	U:	35° 56' 18" N 15° 35' 00" E
	ZD:	35° 51' 00" N

		15° 45' 00" E	
	ZC:	35° 35' 00" N 15° 05' 00" E	
	ZA:	35° 35' 00" N 15° 05' 00" E	
	O:	35° 50' 00" N 15° 05' 00" E	
	Z:	35° 50' 00" N 15° 15' 00" E	
	Y:	35° 45' 00" N 15° 15' 00" E	
	X:	35° 45' 00" N 15° 30' 00" E	
	W:	35° 50' 00" N 15° 30' 00" E	
	V:	35° 50' 00" N 15° 35' 00" E	
	(g) AA AB AC AD		
	AA:	36° 22' 00" N 13° 45' 00" E	
	AB:	36° 22' 00" N 14° 13' 00" E	
	AC:	36° 05' 00" N 14° 13' 00" E	
	AD:	36° 05' 00" N 13° 45' 00" E	

	(h) An area enclosed by the outer line of circles of 2 km radius the centres of which are on the littoral of the Maltese islands.		
Area 4	A E J JA JB JC KA KB MA MB MC MD O		
	A:	35° 23' 36" N 13° 51' 00" E	
	E:	35° 23' 36" N 15° 10' 00" E	
	J:	34° 29' 53" N 15° 10' 00" E	
	JA:	34° 31' 20" N 14° 49' 07" E	
	JB:	34° 32' 18" N 14° 37' 24" E	
	JC:	34° 33' 07" N 14° 31' 29" E	
	KA:	34° 34' 07" N 14° 23' 54" E	
	KB:	34° 35' 20" N 14° 15' 37" E	
	MA:	34° 37' 02" N 14° 05' 14" E	
	MB:	34° 37' 02" N 14° 04' 15" E	
	MC:	34° 39' 16" N 13° 56' 09" E	
	MD:	34° 40' 10" N	

		13° 52' 31" E	
	O:	34° 40' 32" N  13° 51' 00" E	
	Excluding the following area:  D N M MA MB MC MD O		
	D:	35° 06' 42" N  13° 51' 00" E	
	N:	35° 06' 42" N  14° 10' 50" E	
	M:	34° 36' 06" N  14° 10' 50" E	
	MA:	34° 37' 02" N  14° 05' 14" E	
	MB:	34° 37' 11" N  14° 04' 15" E	
	MC:	34° 39' 16" N  13° 56' 09" E	
	MD:	34° 40' 10" N  13° 52' 31" E	
	O:	34° 40' 32" N  13° 51' 00" E	
Area 5	N A O B C D E F I J L M		
	N:	defined below	
	Point N is the eastern intersection of the line of latitude 35° 23' 36" N and the outer line of circles of 13 nautical miles radius, the centres of which are on the littoral of the island of Lampedusa.		

	A:	35° 23' 36" N 13° 51' 00" E	
	O	34° 40' 32" N 13° 51' 00" E	
	B:	34° 40' 46" N 13° 50' 00" E	
	C:	defined below	
	Point C is the intersection on the arc of the great circle between point D of Area 5 and the point 34° 20' 18" N, 13° 54' 18" E with the 35° 50' E meridian.		
	D:	34° 27' 00" N 13° 27' 24" E	
	E:	34° 34' 00" N 13° 01' 30" E	
	F:	34° 42' 00" N 12° 59' 24" E	
	I:	34° 51' 00" N 12° 57' 12" E	
	J:	35° 02' 18" N 12° 54' 00" E	
	L:	35° 08' 48" N 12° 52' 00" E	
	M:	35° 19' 06" N 12° 47' 42" E	
	From point M to point N the boundary of Area 5 is the shorter part of the outer line of circles of 13 nautical miles radius the centres of which are on		

	the littoral of the island of Lampedusa.		
Area 6	A F E ZH N O P Q R S		
	A:	36° 29' 24" N 13° 30' 00" E	
	F:	35° 05' 00" N 13° 30' 00" E	
	E:	36° 05' 00" N 14° 00' 00" E	
	ZH:	35° 23' 36" N 14° 00' 00" E	
	N:	defined below	
	Point N is the eastern intersection of the line of latitude 35° 23' 36" N and the outer line of circles of 13 nautical miles radius the centres of which are on the littoral of the island of Lampedusa.		
	O:	defined below	
	Point O is the eastern intersection of the two outer lines of 13 nautical miles radius the centres of which are on the littorals of the islands of Linosa and Lampedusa respectively.		
	P:	35° 58' 36" N 12° 36' 00" E	
	Q:	36° 20' 24" N 12° 57' 00" E	
	R:	36° 27' 42" N 12° 57' 00" E	
	S:	36° 27' 42" N 13° 23' 30" E	
	From the point N to point O the boundary of Area		

	6 is the shorter part of the outer line of circles of 13 nautical miles radius the centres of which are on the littoral of the island of Lampedusa.		
	From point O to point P the boundary of Area 6 is the longer part of the outer line of circles of 13 nautical miles radius the centres of which are on the littoral of the island of Linosa.		
Area 7	D C A B BA BB BC DB DA		
	D:	35° 00' 00" N 15° 35' 00" E	
	C:	35° 00' 00" N 16° 30' 36" E	
	A:	defined below	
	Point A is the intersection on the arc of the great circle between point B of Area 7 and point G of Area 1 with the 16° 30' 36" E meridian.		
	B:	34° 14' 48" N 16° 00' 00" E	
	BA:	34° 12' 48" N 15° 43' 00" E	
	BB:	34° 11' 00" N 15° 25' 00" E	
	BC:	defined below	
	Point BC is the intersection on the arc of the great circle between point 34°12'18" N, 15° 02' 30" E and point BB of Area 7 with the 15° 10' E meridian.		
	DB:	34° 49' 00" N 15° 10' 00" E	
	DA:	34° 49' 00" N	



		15° 35' 00" E	
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## CHAPTER 226

### TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT

*To extend the territorial waters of Malta and to make provision for a contiguous zone.*

10th December 1971

*ACT XXXII of 1971, as amended by Acts: XLVI of 1975, XXIV of 1978, XXVIII of 1981, I of 2002 and X of 2005 and Act \_\_\_\_ of 2008.*

45. The short title of this Act is the Territorial Waters and Contiguous Zone Act. Short Title
46. In this Act, unless the context otherwise requires - Interpretation
- Amended by:*  
*I. 2002.2.*  
*\_\_\_\_.2008.\_*
- "appropriate action" means all or any of the following actions:
- (a) to hail a vessel,
  - (b) to stop a vessel,
  - (c) to board a vessel,
  - (d) to search a vessel,
  - (e) to arrest and detain any person suspected of being about to commit a criminal offence or of having committed such an offence,
  - (f) to seize anything on board a vessel suspected of having any connection with a criminal offence,
  - (g) to require the master of a vessel to take the vessel and crew out of Maltese waters or to a port or harbour in Malta;
- "foreign military vessel" means any ship belonging to the armed forces of a foreign State and having such characteristics *mutatis mutandis* as correspond to those of a Maltese military vessel;
- "law" includes any instrument having the force of law;
- "Malta" means the Island of Malta, the Island of Gozo and the other islands of the Maltese Archipelago;
- "Maltese military vessel" means a ship belonging to the armed

forces of Malta bearing the external marks distinguishing such ships as belonging to Malta under the command of an officer duly commissioned by the government of Malta and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline;

"maritime enforcement officer" means any member of the Malta Police Force, of the Armed Forces of Malta, any Customs Officer and any other officer vested with general law enforcement authority;

"relevant offence" means any offence against any law relating to customs, fiscal matters, immigration and sanitation, including pollution;

"relevant vessel or craft" means any Maltese military vessel or military aircraft or any vessel or craft, including an aircraft, belonging to the armed forces or any of the law enforcement authorities of Malta, including the customs authorities, bearing the external marks distinguishing such vessel or craft as belonging to Malta and identifying it as being on government service;

"suspect vessel" means any vessel in respect of which appropriate action is to be taken.

Extent of  
territorial  
waters

*Amended by:*

*XLVI. 1975.2;  
XXIV. 1978.2;  
X.2005.3  
—.2008.\_*

Cap. 425

47. (1) Save as hereinafter provided, the territorial waters of Malta shall be all parts of the open sea within twelve nautical miles of the coast of Malta measured from low-water mark on the method of straight baselines joining appropriate points.

(2) The appropriate points referred to in the preceding subarticle shall be those defined by the co-ordinates in Schedule I of this Act.

(3) For the purposes of the Fisheries Conservation and Management Act and of any other law relating to fishing, whether made before or after this Act, the territorial waters of Malta shall, with respect to the exercise of sovereign rights for the purpose of exploring and exploiting, conserving and managing the living and, or non-living natural resources therein, extend to all other parts of the open sea within twenty-five nautical miles from the baselines from which the breadth of the territorial waters is measured, and, for the purposes aforesaid, jurisdiction shall extend accordingly.

48. (1) Without prejudice to the provisions of article 3(2), in the zone of the open sea contiguous to the territorial waters of Malta as defined in article 3(1) (such zone being in this Act referred to as "the contiguous zone") the State shall have such jurisdictions and powers as are recognised in respect of such zone by international law and in particular may exercise therein the control necessary -

Contiguous Zone

*Amended by:  
XLVI. 1975.2  
XXIV. 1978.3*

(a) to prevent any contravention of any law relating to customs, fiscal matters, immigration and sanitation, including pollution, and

(b) to punish offences against any such law committed within Malta or in the territorial waters of Malta as defined by article 3(1) or (2), as the case may require.

(2) The contiguous zone shall extend to twenty-four nautical miles from the baselines from which the breadth of the territorial waters is measured.

Action with  
respect to  
vessel within  
Maltese waters

*Added by:  
I. 2002.4.*

49. (1) Subject to the provisions of subarticle (2), any maritime enforcement officer on board a relevant vessel or craft may, within the internal or territorial waters of Malta, take appropriate action with respect to any vessel, other than a foreign military vessel or a ship owned by a foreign state used only for non-commercial service, whether flying the Maltese or any other flag or not flying any flag, reasonably suspected of having on board any person reasonably suspected of being about to commit or of having committed any offence against any of the laws of Malta.

(2) Subject to the provisions of subarticle (3), where the suspected offence has been committed on board the foreign vessel during its passage through the territorial waters of Malta, the power referred to in subarticle (1) shall not be exercised unless:

(a) the consequences of the offence extend to Malta; or

(b) the offence is such as to disturb the peace of Malta or the good order of the territorial waters; or

(c) the assistance of the Maltese authorities has been requested by the master of the vessel or by a diplomatic agent or consular officer of the flag State of the vessel; or

(d) appropriate action is necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

(3) The provisions of subarticle (2) shall not affect the right of any maritime enforcement officer on board any relevant vessel or craft to take any steps authorised by Maltese law for the purpose of an

arrest or investigation on board a foreign vessel passing through the territorial waters of Malta after leaving Maltese internal waters.

Action with respect to vessel within the contiguous zone

*Added by:  
I.2002.4.*

50. (1) Any maritime enforcement officer on board a relevant vessel or craft may, within the contiguous zone, take appropriate action with respect to any vessel, other than a foreign military vessel or a ship owned by a foreign state used only for non-commercial service, whether flying the Maltese or any other flag or not flying any flag, reasonably suspected of having on board any person reasonably suspected of being about to commit or of having committed within the jurisdiction of the Maltese courts any relevant offence.

(2) Where following appropriate action having been taken in respect of a suspect vessel flying a foreign flag no suspicion remains that an offence against the laws of Malta has been committed by any member of the crew of that vessel, the same vessel may be kept under surveillance until it is out of the limits of the contiguous zone.

(3) Where following appropriate action having been taken in respect of a suspect vessel, whether pertaining to Malta or flying a foreign flag, the suspicion remains that any person on board the vessel has committed within the jurisdiction of the Maltese courts any offence against the laws of Malta, any maritime enforcement officer may take any further appropriate action in respect of that person and of the vessel and crew.

(4) Where the master of a suspect vessel has been required to take the vessel to a port or harbour in Malta, the members of the crew of the vessel suspected of being about to commit or of having committed an offence within the jurisdiction of the Maltese courts shall be handed over to the Police for further investigation.

Powers to regulate the passage of ships through territorial waters.

*Added by:  
XXVIII. 1981. 3  
Amended by:  
I. 2002.3.*

51. (1) The Prime Minister may make regulations to control and regulate the passage of ships through the territorial waters of Malta, and, without prejudice to the generality of the foregoing, may by such regulations make provision with respect to all or any one or more of the following matters:

(2) the safety of navigation and the regulation of marine traffic, including the designation or establishment of sea lanes and traffic separation schemes to be used or observed for the passage of ships;

(b) the protection of navigational aids and facilities and other facilities or installations;

(c) the protection of cables and pipelines;

- (d) the conservation of the living resources of the sea;
- (e) the prevention of infringement of any law or regulation relating to fisheries;
- (f) the preservation of the environment and the prevention, reduction and control of pollution thereof;
- (g) marine scientific research and hydrographic surveys;
- (h) the prevention of infringement of any customs, fiscal, immigration or sanitary laws or regulations;
- (2) the arrest, detention and seizure of ships to ensure compliance with any law, rule, regulation or order and such other power as may be necessary for securing such compliance;
- (j) the punishments, whether by way of fine (multa or ammenda) or of imprisonment, to be applied in respect of any contravention or non-observance of any regulation made under this article.

(2) In the application of any regulation made under subarticle (1) to warships or to nuclear powered ships or to ships carrying nuclear or other inherently dangerous or noxious substances, their passage through territorial waters may, by any such regulation, be made subject to the prior consent of, or prior notification to, such authority as may be specified therein.

Saving

*Amended by:  
XXVIII. 1981.2  
I.2002.3, 5.*

Right of hot  
pursuit.

52. (1) Nothing in this Act shall be construed as affecting any jurisdiction and power exercisable in accordance with international law outside territorial waters, and in particular the following provisions of this article shall apply.

(2) Subject to the provisions of subarticle (3), where a relevant vessel or craft has, within Maltese internal or territorial waters, or within the contiguous zone of Malta, commenced the pursuit of a suspect vessel, the relevant vessel may continue in hot pursuit of the suspect vessel into the high seas provided that the pursuit has not been interrupted:

Provided that where the suspect vessel is within the contiguous zone when it is ordered to stop by a maritime enforcement officer on board the relevant vessel, the pursuit may only be undertaken if the suspect vessel is suspected of having committed any relevant offence.

(3) Where the suspect vessel is within the contiguous zone, hot

pursuit may only be undertaken if the commission of a relevant offence is reasonably suspected.

(4) The right of hot pursuit referred to in this article shall not be undertaken unless the relevant vessel or craft has first given the suspect vessel a visual or auditory signal to stop and the said right of hot pursuit shall cease where the suspect vessel enters the territorial sea of its own State or of a third State.

(5) Where hot pursuit is effected by an aircraft the provisions of subarticles (2) to (4) shall apply *mutatis mutandis*. The provisions of subarticle (6) shall also apply.

(6) An aircraft shall not arrest a suspect vessel outside the territorial waters of Malta unless the aircraft had itself ordered the suspect vessel to stop and had pursued it without interruption, and where hot pursuit had been undertaken by an aircraft and the pursuit was taken over by another aircraft or ship, such other aircraft or ship shall only be authorised to arrest the suspect vessel outside the territorial waters of Malta if the said other aircraft or ship had continued the pursuit without interruption.

(7) The right of hot pursuit shall apply *mutatis mutandis* to any violation in the area established by article 3(2) or of any law for the purposes of which the said area is established.

(8) Where a Maltese military vessel encounters on the high seas a foreign vessel, not being a foreign military vessel or a ship owned by a foreign State used only on non-commercial service, hereafter referred to in this subarticle as the suspect vessel, and there is reasonable ground for suspecting that –

Action with respect  
to vessel on the high  
seas

- (a) the suspect vessel is engaged in piracy;
- (b) the suspect vessel is engaged in the slave trade;
- (c) the suspect vessel is engaged in unauthorised broadcasting and the Maltese courts have jurisdiction thereon;
- (d) the suspect vessel is without nationality; or
- (e) though flying a foreign flag or refuses to show its flag, the suspect vessel is a vessel registered in Malta, any maritime enforcement officer on board the relevant vessel may proceed to verify the suspect vessel's right to fly its flag by boarding the suspect vessel and checking its documents and if thereupon suspicion remains as to the nationality of the suspect vessel, the relevant vessel may proceed to a further examination with all possible consideration.

(9) Any person or suspect vessel discovered to be engaged in unauthorised broadcasting as provided in subarticle (7)(c) may be arrested by any maritime enforcement officer on board the relevant vessel who may also seize any apparatus used in the said unauthorised broadcasting.

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## SCHEDULE I

*Added by: Act \_ of 2008*

3. The appropriate points, joined by baselines, from which the territorial sea is measured are as follows -

PT. 1	14° 33' 41"	35° 49' 11"
PT. 2	14° 33' 47"	35° 49' 16"
PT. 3	14° 34' 25"	35° 50' 31"
PT. 4	14° 34' 38"	35° 51' 45"
PT. 5	14° 34' 33"	35° 52' 08"
PT. 6	14° 34' 18"	35° 52' 25"
PT. 7	14° 33' 55"	35° 52' 47"
PT. 8	14° 33' 53"	35° 52' 48"
PT. 8A	14° 33' 05"	35° 53' 22"
PT. 9	14° 29' 30"	35° 55' 55"
PT. 10	14° 18' 38"	36° 03' 36"
PT. 11	14° 15' 10"	36° 04' 52"
PT. 12	14° 14' 12"	36° 04' 59"
PT. 13	14° 13' 56"	36° 05' 00"
PT. 14	14° 13' 25"	36° 04' 58"
PT. 15	14° 12' 31"	36° 04' 50"
PT. 16	14° 12' 13"	36° 04' 46"
PT. 17	14° 11' 12"	36° 04' 33"
PT. 17A	14° 11' 08"	36° 04' 31"
PT. 18	14° 11' 06"	36° 04' 25"
PT. 19	14° 11' 04"	36° 04' 15"
PT. 20	14° 11' 13"	36° 02' 16"
PT. 21	14° 20' 14"	35° 52' 52"

PT. 22	14° 24' 21"	35° 47' 20"
PT. 23	14° 24' 25"	35° 47' 17"
PT. 24	14° 24' 39"	35° 47' 16"
PT. 25	14° 31' 53"	35° 48' 28"
PT. 26	14° 32' 10"	35° 48' 32"

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## CHAPTER 226

### TERRITORIAL WATERS AND CONTIGUOUS ZONE ACT (Explanatory Notes)

*To extend the territorial waters of Malta and to make provision for a contiguous zone.*

10th December 1971

*ACT XXXII of 1971, as amended by Acts: XLVI of 1975, XXIV of 1978, XXVIII of 1981, I of 2002 and X of 2005 and Act \_\_\_\_ of 2008.*

53. The short title of this Act is the Territorial Waters and Contiguous Zone Act. Short Title
54. In this Act, unless the context otherwise requires - Interpretation
- Amended by:  
I. 2002.2.  
\_\_\_\_.2008.\_*
- "appropriate action" means all or any of the following actions:
- (a) to hail a vessel,
  - (b) to stop a vessel,
  - (c) to board a vessel,
  - (d) to search a vessel,
  - (e) to arrest and detain any person suspected of being about to commit a criminal offence or of having committed such an offence,
  - (f) to seize anything on board a vessel suspected of having any connection with a criminal offence,
  - (g) to require the master of a vessel to take the vessel and crew out of Maltese waters or to a port or harbour in Malta;
- "foreign military vessel" means any ship belonging to the armed forces of a foreign State and having such characteristics *mutatis mutandis* as correspond to those of a Maltese military vessel;
- "law" includes any instrument having the force of law;
- "Malta" means the Island of Malta, the Island of Gozo and the other islands of the Maltese Archipelago;
- "Maltese military vessel" means a ship belonging to the armed

forces of Malta bearing the external marks distinguishing such ships as belonging to Malta under the command of an officer duly commissioned by the government of Malta and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline;

"maritime enforcement officer" means any member of the Malta Police Force, of the Armed Forces of Malta, any Customs Officer and any other officer vested with general law enforcement authority;

"relevant offence" means any offence against any law relating to customs, fiscal matters, immigration and sanitation, including pollution;

"relevant vessel or craft" means any Maltese military vessel or military aircraft or any vessel or craft, including an aircraft, belonging to the armed forces or any of the law enforcement authorities of Malta, including the customs authorities, bearing the external marks distinguishing such vessel or craft as belonging to Malta and identifying it as being on government service;

"suspect vessel" means any vessel in respect of which appropriate action is to be taken.

Extent of  
territorial  
waters

*Amended by:*

*XLVI. 1975.2;  
XXIV. 1978.2;  
X.2005.3  
—.2008.—*

Cap. 425

55. (1) Save as hereinafter provided, the territorial waters of Malta shall be all parts of the open sea within twelve nautical miles of the coast of Malta measured from low-water mark on the method of straight baselines joining appropriate points.

(2) The appropriate points referred to in the preceding subarticle shall be those defined by the co-ordinates in Schedule I of this Act.<sup>34</sup>

(3) For the purposes of the Fisheries Conservation and Management Act and of any other law relating to fishing, whether made before or after this Act, the territorial waters of Malta shall, with respect to the exercise of sovereign rights for the purpose of exploring and exploiting, conserving and managing the living and, or non-living natural resources therein, extend to all other parts of the open sea within twenty-five nautical miles from the baselines from which the breadth of the territorial waters is measured, and, for the purposes aforesaid, jurisdiction shall extend accordingly.

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<sup>34</sup> This subarticle was added by the project in order to bring Maltese legislation in line with Article 16 of UNCLOS which requires the coastal State to give due publicity to charts or lists of geographical coordinates determining the baselines used for measuring the breadth of the territorial sea. See also Schedule I

56. (1) Without prejudice to the provisions of article 3(2), in the zone of the open sea contiguous to the territorial waters of Malta as defined in article 3(1) (such zone being in this Act referred to as "the contiguous zone") the State shall have such jurisdictions and powers as are recognised in respect of such zone by international law and in particular may exercise therein the control necessary -

Contiguous Zone

*Amended by:*  
*XLVI. 1975.2*  
*XXIV. 1978.3*

(a) to prevent any contravention of any law relating to customs, fiscal matters, immigration and sanitation, including pollution, and

(b) to punish offences against any such law committed within Malta or in the territorial waters of Malta as defined by article 3(1) or (2), as the case may require.

(2) The contiguous zone shall extend to twenty-four nautical miles from the baselines from which the breadth of the territorial waters is measured.

Action with  
respect to  
vessel within  
Maltese waters

*Added by:*  
*I. 2002.4.*

57. (1) Subject to the provisions of subarticle (2), any maritime enforcement officer on board a relevant vessel or craft may, within the internal or territorial waters of Malta, take appropriate action with respect to any vessel, other than a foreign military vessel or a ship owned by a foreign state used only for non-commercial service, whether flying the Maltese or any other flag or not flying any flag, reasonably suspected of having on board any person reasonably suspected of being about to commit or of having committed any offence against any of the laws of Malta.

(2) Subject to the provisions of subarticle (3), where the suspected offence has been committed on board the foreign vessel during its passage through the territorial waters of Malta, the power referred to in subarticle (1) shall not be exercised unless:

(a) the consequences of the offence extend to Malta; or

(b) the offence is such as to disturb the peace of Malta or the good order of the territorial waters; or

(c) the assistance of the Maltese authorities has been requested by the master of the vessel or by a diplomatic agent or consular officer of the flag State of the vessel; or

(d) appropriate action is necessary for the suppression of illicit

traffic in narcotic drugs or psychotropic substances.

(3) The provisions of subarticle (2) shall not affect the right of any maritime enforcement officer on board any relevant vessel or craft to take any steps authorised by Maltese law for the purpose of an arrest or investigation on board a foreign vessel passing through the territorial waters of Malta after leaving Maltese internal waters.

Action with respect to vessel within the contiguous zone

*Added by:  
I.2002.4.*

58. (1) Any maritime enforcement officer on board a relevant vessel or craft may, within the contiguous zone, take appropriate action with respect to any vessel, other than a foreign military vessel or a ship owned by a foreign state used only for non-commercial service, whether flying the Maltese or any other flag or not flying any flag, reasonably suspected of having on board any person reasonably suspected of being about to commit or of having committed within the jurisdiction of the Maltese courts any relevant offence.

(2) Where following appropriate action having been taken in respect of a suspect vessel flying a foreign flag no suspicion remains that an offence against the laws of Malta has been committed by any member of the crew of that vessel, the same vessel may be kept under surveillance until it is out of the limits of the contiguous zone.

(3) Where following appropriate action having been taken in respect of a suspect vessel, whether pertaining to Malta or flying a foreign flag, the suspicion remains that any person on board the vessel has committed within the jurisdiction of the Maltese courts any offence against the laws of Malta, any maritime enforcement officer may take any further appropriate action in respect of that person and of the vessel and crew.

(4) Where the master of a suspect vessel has been required to take the vessel to a port or harbour in Malta, the members of the crew of the vessel suspected of being about to commit or of having committed an offence within the jurisdiction of the Maltese courts shall be handed over to the Police for further investigation.

Powers to regulate the passage of ships through territorial waters.

*Added by:  
XXVIII. 1981. 3  
Amended by:  
I. 2002.3.*

59. (1) The Prime Minister may make regulations to control and regulate the passage of ships through the territorial waters of Malta, and, without prejudice to the generality of the foregoing, may by such regulations make provision with respect to all or any one or more of the following matters:

(3) the safety of navigation and the regulation of marine traffic, including the designation or establishment of sea lanes and traffic separation schemes to be used or observed for the passage of ships;

- (b) the protection of navigational aids and facilities and other facilities or installations;
- (c) the protection of cables and pipelines;
- (d) the conservation of the living resources of the sea;
- (e) the prevention of infringement of any law or regulation relating to fisheries;
- (f) the preservation of the environment and the prevention, reduction and control of pollution thereof;
- (g) marine scientific research and hydrographic surveys;
- (h) the prevention of infringement of any customs, fiscal, immigration or sanitary laws or regulations;
- (3) the arrest, detention and seizure of ships to ensure compliance with any law, rule, regulation or order and such other power as may be necessary for securing such compliance;
- (j) the punishments, whether by way of fine (multa or ammenda) or of imprisonment, to be applied in respect of any contravention or non-observance of any regulation made under this article.

(2) In the application of any regulation made under subarticle (1) to warships or to nuclear powered ships or to ships carrying nuclear or other inherently dangerous or noxious substances, their passage through territorial waters may, by any such regulation, be made subject to the prior consent of, or prior notification to, such authority as may be specified therein.

Saving

*Amended by:  
XXVIII. 1981.2  
I.2002.3, 5.*

Right of hot  
pursuit.

60. (1) Nothing in this Act shall be construed as affecting any jurisdiction and power exercisable in accordance with international law outside territorial waters, and in particular the following provisions of this article shall apply.

(2) Subject to the provisions of subarticle (3), where a relevant vessel or craft has, within Maltese internal or territorial waters, or within the contiguous zone of Malta, commenced the pursuit of a suspect vessel, the relevant vessel may continue in hot pursuit of the suspect vessel into the high seas provided that the pursuit has not been interrupted:

Provided that where the suspect vessel is within the contiguous zone when it is ordered to stop by a maritime enforcement officer

on board the relevant vessel, the pursuit may only be undertaken if the suspect vessel is suspected of having committed any relevant offence.

(3) Where the suspect vessel is within the contiguous zone, hot pursuit may only be undertaken if the commission of a relevant offence is reasonably suspected.

(4) The right of hot pursuit referred to in this article shall not be undertaken unless the relevant vessel or craft has first given the suspect vessel a visual or auditory signal to stop and the said right of hot pursuit shall cease where the suspect vessel enters the territorial sea of its own State or of a third State.

(5) Where hot pursuit is effected by an aircraft the provisions of subarticles (2) to (4) shall apply *mutatis mutandis*. The provisions of subarticle (6) shall also apply.

(6) An aircraft shall not arrest a suspect vessel outside the territorial waters of Malta unless the aircraft had itself ordered the suspect vessel to stop and had pursued it without interruption, and where hot pursuit had been undertaken by an aircraft and the pursuit was taken over by another aircraft or ship, such other aircraft or ship shall only be authorised to arrest the suspect vessel outside the territorial waters of Malta if the said other aircraft or ship had continued the pursuit without interruption.

(7) The right of hot pursuit shall apply *mutuatis mutandis* to any violation in the area established by article 3(2) or of any law for the purposes of which the said area is established.

(8) Where a Maltese military vessel encounters on the high seas a foreign vessel, not being a foreign military vessel or a ship owned by a foreign State used only on non-commercial service, hereafter referred to in this subarticle as the suspect vessel, and there is reasonable ground for suspecting that –

Action with respect  
to vessel on the high  
seas

(a) the suspect vessel is engaged in piracy;

(b) the suspect vessel is engaged in the slave trade;

(c) the suspect vessel is engaged in unauthorised broadcasting and the Maltese courts have jurisdiction thereon;

(d) the suspect vessel is without nationality; or

(e) though flying a foreign flag or refuses to show its flag, the suspect vessel is a vessel registered in Malta, any maritime enforcement officer on board the relevant vessel may proceed to verify the suspect vessel's right to fly its flag by boarding the



suspect vessel and checking its documents and if thereupon suspicion remains as to the nationality of the suspect vessel, the relevant vessel may proceed to a further examination with all possible consideration.

(9) Any person or suspect vessel discovered to be engaged in unauthorised broadcasting as provided in subarticle (7)(c) may be arrested by any maritime enforcement officer on board the relevant vessel who may also seize any apparatus used in the said unauthorised broadcasting.

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## SCHEDULE I

*Added by: Act \_ of 2008*

4. The appropriate points, joined by baselines, from which the territorial sea is measured are as follows -

PT. 1	14° 33' 41"	35° 49' 11"
PT. 2	14° 33' 47"	35° 49' 16"
PT. 3	14° 34' 25"	35° 50' 31"
PT. 4	14° 34' 38"	35° 51' 45"
PT. 5	14° 34' 33"	35° 52' 08"
PT. 6	14° 34' 18"	35° 52' 25"
PT. 7	14° 33' 55"	35° 52' 47"
PT. 8	14° 33' 53"	35° 52' 48"
PT. 8A	14° 33' 05"	35° 53' 22"
PT. 9	14° 29' 30"	35° 55' 55"
PT. 10	14° 18' 38"	36° 03' 36"
PT. 11	14° 15' 10"	36° 04' 52"
PT. 12	14° 14' 12"	36° 04' 59"
PT. 13	14° 13' 56"	36° 05' 00"
PT. 14	14° 13' 25"	36° 04' 58"
PT. 15	14° 12' 31"	36° 04' 50"
PT. 16	14° 12' 13"	36° 04' 46"
PT. 17	14° 11' 12"	36° 04' 33"
PT. 17A	14° 11' 08"	36° 04' 31"
PT. 18	14° 11' 06"	36° 04' 25"
PT. 19	14° 11' 04"	36° 04' 15"
PT. 20	14° 11' 13"	36° 02' 16"
PT. 21	14° 20' 14"	35° 52' 52"

PT. 22	14° 24' 21"	35° 47' 20"
PT. 23	14° 24' 25"	35° 47' 17"
PT. 24	14° 24' 39"	35° 47' 16"
PT. 25	14° 31' 53"	35° 48' 28"
PT. 26	14° 32' 10"	35° 48' 32"

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**A BILL  
entitled**

*AN ACT to amend the Continental Shelf Act*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows –

61. The short title of this Act is the Continental Shelf (Amendment) Act, 2008. Short Title

62. (1) This Act amends the Continental Shelf Act, and it shall be read and construed as one with the Continental Shelf Act, hereinafter referred to as “the principal Act”.

Amendment of the  
Continental Shelf Act  
Cap. 194 and  
commencement.

(2) This Act shall come into force on such date as the Prime Minister may by notice in the Gazette appoint and different dates may be so appointed for different provisions and different purposes thereof.

63. Article 2 of the principal Act shall be amended as follows:

Amendment of Article 2  
of the principal Act

(a) Immediately before the definition “continental shelf” there shall be inserted the following new definition :

“baselines” means the lines, joining appropriate points along the coast of Malta, from which the breadth of the territorial waters is measured and have the same meaning assigned to it in the Territorial Waters and Contiguous Zone Act.

(b) The definition “continental shelf” shall be substituted by the following new definition:

“continental shelf” means the seabed and subsoil of the submarine areas that extend beyond the territorial waters of Malta to a limit established in accordance with international law, measured from the baselines from which the breadth of the territorial waters is measured; so however that where in relation to States of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective continental shelves, the boundary of the continental shelf shall be that determined by agreement between Malta and such other State or States or, in the absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the

breadth of the territorial waters of Malta and such other State or States is measured;

Provided that until the agreement mentioned in the preceding paragraph comes into force, any licenses issued in the regulations pursuant to this Act for the exploration and exploitation of resources of the continental shelf of Malta shall only apply to the area lying on the Maltese side of the median line between the coast of Malta and coast belonging to the opposite State or States.

- (c) Immediately after the new definition “continental shelf” there shall be inserted the following new definition:

“designated area” means an area, designated by the Prime Minister by means of an order published in the Government Gazette, within which the rights mentioned in article 3 (1) of this Act are exercisable.

- (d) Immediately after the definition “Malta”, there shall be inserted the following new definition:

“mineral resources” has the same meaning as in the Malta Resources Authority Act.

- (e) The definition “natural resources” shall be substituted by the following new definition:

"natural resources" means (a) the mineral and other non-living resources of the sea bed and subsoil; as well as (b) the living organisms belonging to sedentary species.

- (f) Immediately after the new definition “natural resources” there shall be inserted the following new definitions:

“petroleum” has the same meaning as in the Petroleum (Production) Act.

“sedentary species” means organisms which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil.

“territorial waters” has the same meaning assigned to it by article 3 of the Territorial Waters and Contiguous Zone Act;

64. Article 3 of the principal Act shall be amended as follows:

Amendment of Article 3  
of the principal Act

(a) For subarticle (1) there shall be substituted the following:

“(1)The Government of Malta exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.”

(b) For subarticle (2) there shall be substituted the following:

“(2)The rights referred to in subarticle (1) are exclusive in the sense that if the Government of Malta does not explore the continental shelf or exploit its natural resources, no one may undertake the activities referred to in the preceding subarticle without the express consent of the Government of Malta.”

(c) For subarticle (3) there shall be substituted the following:

“(3) The Government of Malta shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes.”

(d) For subarticle (4) there shall be substituted the following:

“(4) The Government of Malta shall have the exclusive right to exploit the subsoil of the continental shelf by means of tunnelling, irrespective of the depth of water above the said subsoil.”

(e) Immediately after the new subarticle (4), there shall be inserted the following:

“(5) In relation to any petroleum with respect to which the rights mentioned in subarticle (1) are exercisable, article 3(2) (which prohibits any person from searching or boring for or getting petroleum without a licence), article 4 (which relates to the granting of licences to search and bore for, and get, petroleum) and article 5 (which relates to the making of regulations with respect to the exploration, prospecting and mining for petroleum) of the Petroleum (Production) Act shall apply as they apply in relation to petroleum in Malta.

(6) In relation to mineral resources, with respect to which the rights mentioned in subarticle (1) are exercisable, the provisions of the Malta Resources Authority Act shall apply as they apply in relation to

mineral resources in Malta.

(7) In relation to sedentary species with respect to which the rights mentioned in subarticle (1) are exercisable, the provisions of the Fisheries Conservation and Management Act as far as they are applicable and with any necessary modifications, shall, to the extent that they relate to sedentary species, apply as they apply in relation to such sedentary species in Malta.

(7) The Prime Minister may from time to time by order published in the Government Gazette designate any area as an area within which the rights mentioned in subarticle (1) are exercisable, and any area so designated is in this Act referred to as a designated area.”

65. Article 4 shall be substituted with the following new article:

Substitution of Article 4  
of the principal Act

Power to  
make  
regulations

“4. (1) The Prime Minister may, from time to time, make regulations with respect to all or any one or more of the following purposes:

- (a) regulating the construction, erection, or use of artificial islands, installations, structures or devices in, on, or above the continental shelf, or any specified part thereof, in connection with the exploration of the continental shelf or that part thereof or the exploitation of its natural resources;
- (b) prohibiting the construction, erection, placing, or use of artificial islands, installations, structures or devices in, on, or above the continental shelf in places where they could cause interference with the use of recognised sea lanes essential to coastwise or international navigation;
- (c) establishing safety zones around any such artificial islands, installations, structures or devices in, on, or above the continental shelf;
- (d) prescribing such measures as he considers necessary in any such safety zone for the protection of the artificial island, installation, structure or device with respect to which the safety zone is established;
- (e) regulating or prohibiting the entry of ships into any

such safety zone, subject to any exceptions provided by the order from entering, without his consent, such part of that area as may be specified in the order.

- (f) prescribing measures to be taken in any such safety zone for the protection of the living resources of the sea and the natural resources of the continental shelf from harmful agents;
- (g) prescribing the notice to be given of the construction, erection, or placing of artificial islands, installations, structures or devices in, on, or above the continental shelf;
- (h) prescribing the permanent means to be installed for the purpose of giving warning to shipping and aircraft of the presence of artificial islands, installations, structures or devices in, on, or above the continental shelf;
- (i) providing for the removal of artificial islands, installations, structures or devices constructed, erected, or placed in, on, or above the continental shelf which have been abandoned or become disused;
- (j) prohibiting or restricting any exploration of the continental shelf or any specified part thereof or any exploitation of its natural resources which in the opinion of the Government of Malta could result in any unjustifiable interference with navigation, fishing, or the conservation of the living resources of the sea, or could interfere with national defence or with oceanographic or other scientific research or with submarine cables or pipelines;
- (k) providing for such matters as are necessary for giving full effect to this Act and for the due administration thereof; and;
- (l) prescribing the punishments, whether by way of fine (*multa* or *ammenda*) or of imprisonment, to be applied in respect of any contravention or non-observance of any regulation made under this article.

(2) In this article, the term “continental shelf” includes the sea-bed and subsoil of the submarine areas within the limits



of the internal waters and the territorial waters of Malta:

Provided that nothing in this article shall affect the rights and powers of the Government of Malta under the appropriate laws in respect of areas within the limits of the internal waters and territorial waters of Malta.”

66. Article 5 shall be amended as follows:

Amendment of Article 5  
of the principal Act

- (a) Immediately after the words “Any order made under this Act” in paragraph (a) of subarticle (1) of Article 5, there shall be inserted the words “Any order or regulation made pursuant to this Act”
- (b) Immediately after the words “subsequent order” there shall be inserted the words “or regulation”.

67. Article 6 shall be amended as follows:

Amendment of Article 6  
of the principal Act.

- (a) Paragraph (a) of subarticle (1) of Article 6 shall be substituted with:

“(a) involves or takes place on, under or above an artificial island, installation, structure or device on the continental shelf or any waters within five hundred metres of such artificial island, installation, structure or device, and “

- (b) Paragraph (b) of subarticle (1) of Article 6 shall be substituted with:

“(b) would, if taking place in any part of Malta, constitute an offence under the law in force in Malta, shall be treated for the purposes of that law and of any other law in force in Malta as taking place in the island of Malta.”

- (c) Subarticle (2) of Article 6 shall be substituted with:

“(2) For the purposes of article 742 of the Code of Organization and Civil Procedure (which relates to jurisdiction) any artificial island, installation, structure or device and any waters within five hundred metres of such an artificial island, installation, structure or device shall be treated as if they were situated in the island of Malta.”

68. Article 7 shall be deleted.

Deletion of Article 7 of  
the principal Act

69. Article 8 shall be deleted.

Deletion of Article 8 of  
the principal Act

70. Article 9 shall be amended as follows:

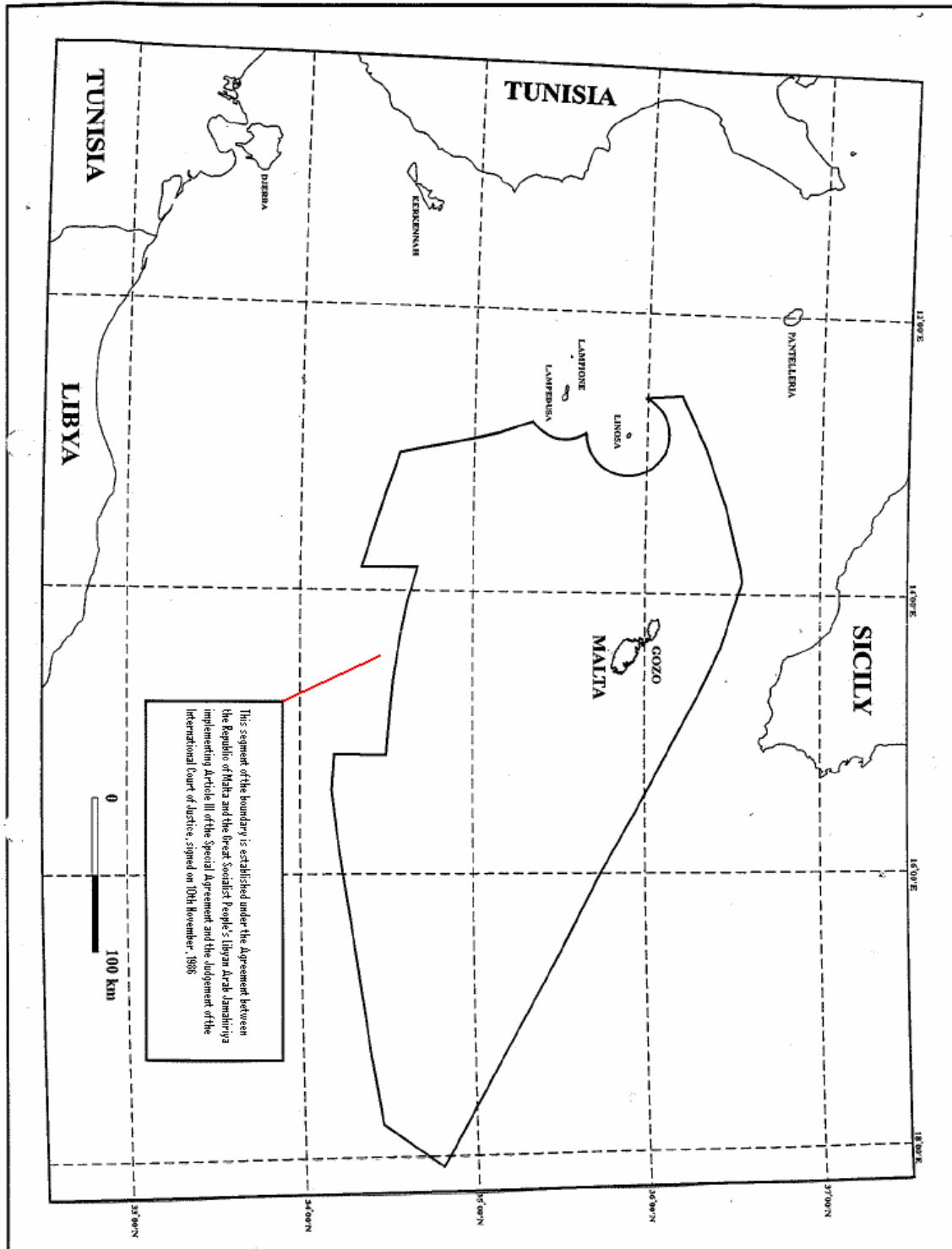
Amendment of Article 9  
of the principal Act

- (a) Immediately after the words “under this Act” in subarticle (1) there shall be inserted the words “or any regulations made thereunder”
- (b) Immediately after the words “as applied by this Act” in subarticle (1) there shall be inserted the words “or any regulations made thereunder”.



## Annex I

### Map of Malta's Continental Shelf Claim



## CHAPTER 194

### CONTINENTAL SHELF ACT

*To make provision as to the exploration and exploitation of the continental shelf and for matters connected with those purposes.*

29th July, 1966

*ACT XXXV of 1966, as amended by Acts XIII of 1983 and I of 2002; and Legal Notice 410 of 2007.*

1. The short title of this Act is the Continental Shelf Act.

Short title.

2. In this Act, unless the context otherwise requires -

Interpretation.

"the continental shelf" means the sea bed and subsoil of the submarine areas adjacent to the coast of Malta but outside territorial waters, to a depth of two hundred metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas; so however that where in relation to states of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective continental shelves, the boundary of the continental shelf shall be that determined by agreement between Malta and such other state or states or, in the absence of agreement, the median line, namely a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial waters of Malta and of such other state or states is measured;

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"natural resources" means the mineral and other non-living resources of the sea bed and subsoil as well as the living organisms belonging to sedentary species.

3. (1) Any rights exercisable by Malta with respect to the continental shelf and its natural resources are by this Act vested in the Government of Malta.

Exploration and exploitation of the continental shelf.

(2) In relation to any petroleum with respect to which the rights mentioned in subarticle (1) are exercisable, article 3(2) (which prohibits any person from searching or boring for or getting petroleum without a licence), article 4 (which relates to the granting of licences to search and bore for, and get, petroleum) and article 5 (which relates to the making of regulations with respect to the exploration, prospecting and mining for petroleum) of the Petroleum (Production) Act shall apply as they apply in relation to petroleum in Malta.

Cap. 156.

(3) The Prime Minister may from time to time by order published in the Government Gazette designate any area as an area within which the rights mentioned in subarticle (1) are exercisable, and any area so designated is in this Act referred to as a designated area.

Cap. 156.	(4) In this article "petroleum" has the same meaning as in the Petroleum (Production) Act.
Protection of installations in designated areas. <i>Amended by:</i> <i>XIII. 1983.5;</i> <i>L.N. 410 of 2007.</i>	<p><b>4.</b> (1) The Prime Minister may for the purpose of protecting any installation or other device in a designated area by order published in the Government Gazette prohibit ships, subject to any exceptions provided by the order, from entering without his consent such part of that area as may be specified in the order.</p> <p>(2) If any ship enters any part of a designated area in contravention of an order under this article, its owner or master shall be liable, on summary conviction, to a fine (<i>multa</i>) not exceeding two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to imprisonment for a term not exceeding three months, or to both, unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to the master.</p>
Orders may be varied or revoked.	<b>5.</b> Any order under this Act may be varied or revoked by a subsequent order.
Application of law in force in Malta.	<p><b>6.</b> (1) Any act or omission which -</p> <p>(a) takes place on, under or above an installation or other device in a designated area or any waters within five hundred metres of such an installation or device, and</p> <p>(b) would, if taking place in any part of Malta, constitute an offence under the law in force in Malta,</p> <p>shall be treated for the purposes of that law and of any other law in force in Malta as taking place in the island of Malta.</p>
Cap. 12.	(2) For the purposes of article 742 of the Code of Organization and Civil Procedure (which relates to jurisdiction) any installation or device in a designated area and any waters within five hundred metres of such an installation or device shall be treated as if they were situated in the island of Malta.
Discharge of oil. <i>Amended by:</i> <i>XIII. 1983.5;</i> <i>L.N. 410 of 2007.</i>	<p><b>7.</b> (1) If any oil or any mixture containing not less than one hundred parts of any oil in a million parts of the mixture is discharged or escapes into any part of the sea -</p> <p>(a) from a pipeline, or</p> <p>(b) as a result of any operations for the exploration of the sea bed and subsoil or the exploitation of their natural resources in a designated area,</p> <p>the owner of the pipeline or, as the case may be, the person carrying on the operations shall be guilty of an offence unless he proves, in the case of a discharge from a place in his occupation, that it was due to the act of a person who was there without his permission (express or implied) or, in the case of an escape, that he took all reasonable care to prevent it and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.</p> <p>(2) A person guilty of an offence under this article shall be liable, on summary conviction, to a fine (<i>multa</i>) not exceeding two</p>

thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37).

**8.** (1) No person shall lay or maintain any submarine cable or pipeline under the high seas in a designated area without a licence in that behalf granted by the Prime Minister or in contravention of any requirement or condition contained in any such licence as to the route of any such cable or pipeline or as to any other matter intended to ensure non-interference with the exploration or exploitation of the continental shelf or its natural resources.

Measures to prevent interference with exploitation of continental shelf.  
*Amended by:*  
*XIII. 1983.5;*  
*L.N. 410 of 2007.*

(2) Any person who contravenes any of the provisions of this article shall be liable, on summary conviction, to a fine (*multa*) not exceeding one hundred and sixteen euro and forty-seven cents (116.47) for each day during which the offence continues.

**9.** (1) Where an offence under this Act (including an offence under another Act as applied by this Act and anything that is an offence by virtue of article 6(1)) is committed by an association of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such association or was purporting to act in any such capacity shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

Offences by association of persons.

(2) A member of the Police Force shall on any installation or device in a designated area have all powers, protection and privileges which he has in Malta.

**10.** The provisions of subarticles (2) to (6), both inclusive, of article 8 of the Territorial Waters and Contiguous Zone Act shall apply *mutatis mutandis* to any reasonable suspicion of an offence under this Act.

Right of hot pursuit.  
*Added by:*  
*I. 2002.6.*  
*Cap. 226.*

**SUBSIDIARY LEGISLATION 194.01****DESIGNATION OF THE CONTINENTAL  
SHELF AREA ORDER**

22nd April, 1971

*LEGAL NOTICES 36 of 1971 and 113 of 1974, consolidated.*

- |   |                                  |
|---|----------------------------------|
| <b>1.</b> The title of this Order is Designation of the Continental Shelf Area Order.   | Title.                           |
| <b>2.</b> The area described in the Schedule to this Order is by this Order designated as an area within which the rights mentioned in article 3(1) of the Continental Shelf Act are to be exercised. | Indication of area.<br>Cap. 194. |

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**SCHEDULE**

1. The area bounded by lines joining the co-ordinates set out hereunder, exclusive of any land and of any territorial waters within those lines. The aforesaid co-ordinates are -

- A. 36° 23' 8N., 14° 28' 0E
- B. 36° 02' SN., 15° 19' 5E
- C. 35° 36' 3N., 15° 19' 5E
- D. 35° 23' 6N., 15° 11' 8E
- E. 35° 23' 7N., 14° 50' 5E
- F. 35° 41' 4N., 14° 26' 9E
- G. 36° 09' 8N., 14° 19' 1E

2. The area bounded by lines joining the co-ordinates (which are expressed in degrees, minutes and tenths of a minute) set out hereunder. The aforesaid co-ordinates are -

- (a) D 35°06' 7 N  
14°50' 5 E  
H 35°06' 7 N  
15°33' 5 E  
K 34°43' 4 N  
15°33' 5 E  
E 34°43' 4 N  
14°50' 5 E
- (b) U 34°43' 4 N  
15°03' 3 E



X 34°43' 4 N

15°23' 3 E

W 34°27' 2 N

15°23' 3 E

V 34°27' 2 N

15°03' 3 E

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## CHAPTER 226

TERRITORIAL WATERS AND CONTIGUOUS  
ZONE ACT

*To extend the territorial waters of Malta and to make provision for a contiguous zone.*

10th December, 1971

*ACT XXXII of 1971, as amended by Acts: XLVI of 1975, XXIV of 1978, XXVIII of 1981, I of 2002 and X of 2005.*

1. The short title of this Act is the Territorial Waters and Contiguous Zone Act. Short title.

2. In this Act, unless the context otherwise requires - Interpretation.  
"appropriate action" means all or any of the following actions: Amended by:  
I. 2002.2.

- (a) to hail a vessel,
- (b) to stop a vessel,
- (c) to board a vessel,
- (d) to search a vessel,
- (e) to arrest and detain any person suspected of being about to commit a criminal offence or of having committed such an offence,
- (f) to seize anything on board a vessel suspected of having any connection with a criminal offence,
- (g) to require the master of a vessel to take the vessel and crew out of Maltese waters or to a port or harbour in Malta;

"foreign military vessel" means any ship belonging to the armed forces of a foreign State and having such characteristics *mutatis mutandis* as correspond to those of a Maltese military vessel;

"law" includes any instrument having the force of law;

"Malta" means the Island of Malta, the Island of Gozo and the other islands of the Maltese Archipelago;

"Maltese military vessel" means a ship belonging to the armed forces of Malta bearing the external marks distinguishing such ships as belonging to Malta under the command of an officer duly commissioned by the government of Malta and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline;

"maritime enforcement officer" means any member of the Malta Police Force, of the Armed Forces of Malta, any Customs Officer and any other officer vested with general law enforcement authority;

"relevant offence" means any offence against any law relating to customs, fiscal matters, immigration and sanitation, including

pollution;

"relevant vessel or craft" means any Maltese military vessel or military aircraft or any vessel or craft, including an aircraft, belonging to the armed forces or any of the law enforcement authorities of Malta, including the customs authorities, bearing the external marks distinguishing such vessel or craft as belonging to Malta and identifying it as being on government service;

"suspect vessel" means any vessel in respect of which appropriate action is to be taken.

Extent of territorial waters.  
*Amended by:*  
*XLVI. 1975.2;*  
*XXIV. 1978.2;*  
*X. 2005.3.*  
Cap. 425.

**3.** (1) Save as hereinafter provided, the territorial waters of Malta shall be all parts of the open sea within twelve nautical miles of the coast of Malta measured from low-water mark on the method of straight baselines joining appropriate points.

(2) For the purposes of the Fisheries Conservation and Management Act and of any other law relating to fishing, whether made before or after this Act, the territorial waters of Malta shall, with respect to the exercise of sovereign rights for the purpose of exploring and exploiting, conserving and managing the living and, or non-living natural resources therein, extend to all other parts of the open sea within twenty-five nautical miles from the baselines from which the breadth of the territorial waters is measured, and, for the purposes aforesaid, jurisdiction shall extend accordingly.

Contiguous Zone.  
*Amended by:*  
*XLVI. 1975.2;*  
*XXIV. 1978.3.*

**4.** (1) Without prejudice to the provisions of article 3(2), in the zone of the open sea contiguous to the territorial waters of Malta as defined in article 3(1) (such zone being in this Act referred to as "the contiguous zone") the State shall have such jurisdictions and powers as are recognised in respect of such zone by international law and in particular may exercise therein the control necessary -

- (a) to prevent any contravention of any law relating to customs, fiscal matters, immigration and sanitation, including pollution, and
- (b) to punish offences against any such law committed within Malta or in the territorial waters of Malta as defined by article 3(1) or (2), as the case may require.

(2) The contiguous zone shall extend to twenty-four nautical miles from the baselines from which the breadth of the territorial waters is measured.

Action with respect to vessel within Maltese waters.  
*Added by:*  
*I. 2002.4.*

**5.** (1) Subject to the provisions of subarticle (2), any maritime enforcement officer on board a relevant vessel or craft may, within the internal or territorial waters of Malta, take appropriate action with respect to any vessel, other than a foreign military vessel or a ship owned by a foreign state used only for non-commercial service, whether flying the Maltese or any other flag or not flying any flag, reasonably suspected of having on board any person reasonably suspected of being about to commit or of having committed any offence against any of the laws of Malta.

(2) Subject to the provisions of subarticle (3), where the

suspected offence has been committed on board the foreign vessel during its passage through the territorial waters of Malta, the power referred to in subarticle (1) shall not be exercised unless:

- (a) the consequences of the offence extend to Malta; or
- (b) the offence is such as to disturb the peace of Malta or the good order of the territorial waters; or
- (c) the assistance of the Maltese authorities has been requested by the master of the vessel or by a diplomatic agent or consular officer of the flag State of the vessel; or
- (d) appropriate action is necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

(3) The provisions of subarticle (2) shall not affect the right of any maritime enforcement officer on board any relevant vessel or craft to take any steps authorised by Maltese law for the purpose of an arrest or investigation on board a foreign vessel passing through the territorial waters of Malta after leaving Maltese internal waters.

6. (1) Any maritime enforcement officer on board a relevant vessel or craft may, within the contiguous zone, take appropriate action with respect to any vessel, other than a foreign military vessel or a ship owned by a foreign state used only for non-commercial service, whether flying the Maltese or any other flag or not flying any flag, reasonably suspected of having on board any person reasonably suspected of being about to commit or of having committed within the jurisdiction of the Maltese courts any relevant offence.

Action with respect to vessel within the contiguous zone.  
Added by:  
I. 2002.4.

(2) Where following appropriate action having been taken in respect of a suspect vessel flying a foreign flag no suspicion remains that an offence against the laws of Malta has been committed by any member of the crew of that vessel, the same vessel may be kept under surveillance until it is out of the limits of the contiguous zone.

(3) Where following appropriate action having been taken in respect of a suspect vessel, whether pertaining to Malta or flying a foreign flag, the suspicion remains that any person on board the vessel has committed within the jurisdiction of the Maltese courts any offence against the laws of Malta, any maritime enforcement officer may take any further appropriate action in respect of that person and of the vessel and crew.

(4) Where the master of a suspect vessel has been required to take the vessel to a port or harbour in Malta, the members of the crew of the vessel suspected of being about to commit or of having committed an offence within the jurisdiction of the Maltese courts shall be handed over to the Police for further investigation.

Powers to regulate the passage of ships through territorial waters.  
 Added by:  
 XXVIII. 1981.3.  
 Amended by:  
 I. 2002.3.

7. (1) The Prime Minister may make regulations to control and regulate the passage of ships through the territorial waters of Malta, and, without prejudice to the generality of the foregoing, may by such regulations make provision with respect to all or any one or more of the following matters:

- (a) the safety of navigation and the regulation of marine traffic, including the designation or establishment of sea lanes and traffic separation schemes to be used or observed for the passage of ships;
- (b) the protection of navigational aids and facilities and other facilities or installations;
- (c) the protection of cables and pipelines;
- (d) the conservation of the living resources of the sea;
- (e) the prevention of infringement of any law or regulation relating to fisheries;
- (f) the preservation of the environment and the prevention, reduction and control of pollution thereof;
- (g) marine scientific research and hydrographic surveys;
- (h) the prevention of infringement of any customs, fiscal, immigration or sanitary laws or regulations;
- (i) the arrest, detention and seizure of ships to ensure compliance with any law, rule, regulation or order and such other power as may be necessary for securing such compliance;
- (j) the punishments, whether by way of fine (*multa* or *ammenda*) or of imprisonment, to be applied in respect of any contravention or non-observance of any regulation made under this article.

(2) In the application of any regulation made under subarticle (1) to warships or to nuclear powered ships or to ships carrying nuclear or other inherently dangerous or noxious substances, their passage through territorial waters may, by any such regulation, be made subject to the prior consent of, or prior notification to, such authority as may be specified therein.

Saving.  
 Amended by:  
 XXVIII. 1981.2;  
 I. 2002.3, 5.

8. (1) Nothing in this Act shall be construed as affecting any jurisdiction and power exercisable in accordance with international law outside territorial waters, and in particular the following provisions of this article shall apply.

Right of hot pursuit.

(2) Subject to the provisions of subarticle (3), where a relevant vessel or craft has, within Maltese internal or territorial waters, or within the contiguous zone of Malta, commenced the pursuit of a suspect vessel, the relevant vessel may continue in hot pursuit of the suspect vessel into the high seas provided that the pursuit has not been interrupted:

Provided that where the suspect vessel is within the contiguous zone when it is ordered to stop by a maritime enforcement officer on board the relevant vessel, the pursuit may only be undertaken if the suspect vessel is suspected of having

committed any relevant offence.

(3) Where the suspect vessel is within the contiguous zone, hot pursuit may only be undertaken if the commission of a relevant offence is reasonably suspected.

(4) The right of hot pursuit referred to in this article shall not be undertaken unless the relevant vessel or craft has first given the suspect vessel a visual or auditory signal to stop and the said right of hot pursuit shall cease where the suspect vessel enters the territorial sea of its own State or of a third State.

(5) Where hot pursuit is effected by an aircraft the provisions of subarticles (2) to (4) shall apply *mutatis mutandis*. The provisions of subarticle (6) shall also apply.

(6) An aircraft shall not arrest a suspect vessel outside the territorial waters of Malta unless the aircraft had itself ordered the suspect vessel to stop and had pursued it without interruption, and where hot pursuit had been undertaken by an aircraft and the pursuit was taken over by another aircraft or ship, such other aircraft or ship shall only be authorised to arrest the suspect vessel outside the territorial waters of Malta if the said other aircraft or ship had continued the pursuit without interruption.

(7) The right of hot pursuit shall apply *mutatis mutandis* to any violation in the area established by article 3(2) or of any law for the purposes of which the said area is established.

(8) Where a Maltese military vessel encounters on the high seas a foreign vessel, not being a foreign military vessel or a ship owned by a foreign State used only on non-commercial service, hereafter referred to in this subarticle as the suspect vessel, and there is reasonable ground for suspecting that -

- (a) the suspect vessel is engaged in piracy;
- (b) the suspect vessel is engaged in the slave trade;
- (c) the suspect vessel is engaged in unauthorised broadcasting and the Maltese courts have jurisdiction thereon;
- (d) the suspect vessel is without nationality; or
- (e) though flying a foreign flag or refuses to show its flag, the suspect vessel is a vessel registered in Malta,

any maritime enforcement officer on board the relevant vessel may proceed to verify the suspect vessel's right to fly its flag by boarding the suspect vessel and checking its documents and if thereupon suspicion remains as to the nationality of the suspect vessel, the relevant vessel may proceed to a further examination with all possible consideration.

(9) Any person or suspect vessel discovered to be engaged in unauthorised broadcasting as provided in subarticle (7)(c) may be arrested by any maritime enforcement officer on board the relevant vessel who may also seize any apparatus used in the said unauthorised broadcasting.

Action with respect to vessel on the high seas.