

# **Territorial Sea and Exclusive Economic Zone Act 1977**

## **COOK ISLANDS**

### **TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE 1977**

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**1977, No. 16**

An Act to make provision with respect to the territorial sea of the Cook Islands; and to establish an exclusive economic zone of the Cook Islands adjacent to the territorial sea, and in the exercise of the sovereign rights or the Cook islands to make provision for the exploration and exploitation, and conservation and management, of the resources of the zone; and for matters connected with those purposes

*(14 November 1977)*

**BE IT ENACTED** by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

**1. Short Title and commencement** - (1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Act 1977.

(2) Section 25 of this Act shall come into force on the passing of this Act.

(3) Except as provided in subsection (2) of this section, the provisions of this Act shall come into force on a date to be appointed by the High Commissioner by Order in Executive Council.

(4) For the purposes of subsection (3) of this section, one or more Orders in Executive Council may be made -

- (a) Bringing different provisions of this Act into force on different dates; and
- (b) Bringing provisions of this Act into force on different dates in respect of specified parts of the Cook Islands.

**2. Interpretation** - (1) In this Act, unless the context otherwise requires, -

"Cook Islands fishing craft" means any fishing vessel based in and operating from the Cook Islands;

"Exclusive economic zone" and "zone" mean the exclusive economic zone of the Cook Islands described in section 8 of this Act;

"Fish" means every description of fish and shellfish and their young or fry or spawn, except sedentary species as described in paragraph (b) of the term "natural resources" in section 2 of the Continental Shelf Act 1964 of the New Zealand Parliament as applied to the Cook Islands;

"Fishery" means one or more stocks of fish that can be treated as a unit for the purposes of conservation and management;

"Fishing" means -

(a) Taking any fish; or

(b) Engaging in any activity relating to the taking of any fish including (inter alia) any activity involving the preparation; supply, storage, refrigeration, transportation, or processing of any fish;

"Fishing Craft" means any vessel, aircraft, hovercraft, or other craft, or whatever size and however propelled, that is capable of being used for fishing;

"Foreign fishing craft" means any fishing craft that is not a Cook Islands fishing craft;

"Highly migratory species" means species that, in the course of their life cycle, migrate over great distances of ocean;

"International agreement" means any bilateral or multilateral treaty, convention, or agreement, to which the Cook Islands is a party, and any understanding concluded by the Government of the Cook Islands and the government of any other country;

"Island" means a naturally formed area of land that is surrounded by and above water at mean high-water spring tides;

"Licence" means a licence issued under section 13 of this Act in respect of a foreign fishing craft; and "licensed" has a corresponding meaning;

"Licensee" means the person to whom a licence is issued;

"Low-water mark" has the meaning assigned to that expression by section 27 of this Act;

"Low-tide elevation" means a naturally formed area of land that is surrounded by and above water at mean low-water spring tides but is submerged at mean high-water spring tides;

"Master", in relation to a fishing craft, means the person for the time being having command or charge of the craft;

"Median line" as between the Cook Islands and any other country means a line every point of which is equidistant from the nearest points of the baseline of the territorial sea of the Cook Islands and the corresponding baseline of that other country;

"Minister" means the Minister responsible for Fisheries;

"Nautical mile" means the international nautical mile;

"Owner", in relation to a fishing craft, includes any body of persons, whether incorporated or not, by whom the craft is owned, and any charterer, sub-charterer, lessee, or sub-lessee of the craft;

"Prescribed" means prescribed by regulations made under this Act;

"Take" includes -

(a) To take, catch, kill, attract, or pursue by any means or device; and

(b) To attempt to do any act specified in paragraph (a) of this definition;

"Total allowable catch", with respect to the yield from any fishery, means the amount of fish that will produce from that fishery the maximum sustainable yield, as qualified by any relevant economic or environmental factors and taking into account fishing patterns, the interdependence of stocks of fish, and any generally recommended subregional, regional, or global standards.

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

**3. The territorial sea** - The territorial sea of the Cook Islands comprises those areas

of the sea having, as their inner limits, the baseline described in section 5 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant 12 nautical miles from the nearest point of the baseline.

**4. Internal waters** - The internal waters of the Cook Islands include any areas of the sea that are on the landward side of the baseline of the territorial sea of the Cook Islands.

**5. Baseline of territorial sea** - The baseline from which the breadth of the territorial sea off the Cook Islands is measured shall be -

- (a) In the case where there is a coral reef surrounding any island or any part of any island, the mean low water mark along the outer edge of the coral reef;
- (b) In the case where the island or any part of the island is not surrounded by a coral reef the mean low water mark along the coast of the island;
- (c) In the case of the sea adjacent to any harbour a straight line joining the low water marks of the natural entrance points of the harbour.

**6. Bed of territorial sea and internal waters vested in Crown** - Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the seabed and subsoil of submarine areas bounded on the landward side by the low-water mark along the coast of all islands of the Cook Islands and on the seaward side by the outer limits of the territorial sea of the Cook Islands shall be deemed to be and always to have been vested in the Crown.

**7. Regulations in territorial sea** - Where no other provision is for the time being made by any other enactment for any such purposes, the high Commissioner may from time to time, by Order in Executive Council make regulations not inconsistent with any other enactment for all or any other enactment for all or any of the following purposes:

- (a) Regulating the conduct of scientific research within the territorial sea;
- (b) prescribing measures for the protection and preservation of the marine environment of the territorial sea;
- (c) Regulating the construction, operation, and use of artificial islands (whether permanent or temporary), and other installations and structures in the territorial sea, including the establishment of safety zones, around such islands, installations, and structures;
- (d) Regulating the exploration and exploitation of the territorial sea for the production of energy from the water, current, and wind, and for any other economic purposes;