
CHAPTER 5**CONTINENTAL SHELF****ARRANGEMENT OF SECTIONS**

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CHAPTER 5

CONTINENTAL SHELF

An Act to make provision for the protection, exploration and exploitation of the continental shelf appertaining to The Bahamas, and for matters connected with those purposes. *17 of 1970
E L A O, 1974*

[Commencement 16th September, 1976]

1. This Act may be cited as the Continental Shelf Act. Short title.
2. (1) In this Act unless the context otherwise requires — Interpretation.

“continental shelf” means the continental shelf appertaining to The Bahamas, that is to say, the seabed and subsoil of the submarine areas adjacent to the coasts, but outside the territorial waters, of The Bahamas, 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;

“Minister” means the Minister responsible for Fisheries;

“petroleum” has the meaning given to that expression in the Petroleum Act. Ch. 219.

(2) The Governor-General may from time to time by order designate any submarine area adjacent to the coasts of The Bahamas as an area forming part of the continental shelf appertaining to The Bahamas for the purposes of this Act; and, notwithstanding anything contained in the definition of “continental shelf” in subsection (1) of this section, any such submarine area beyond a depth of two hundred metres shall not be regarded as forming part of the continental shelf appertaining to the said Islands for the purposes of this Act except insofar as such area is for the time being designated under this subsection.

Exploration and exploitation of continental shelf.

3. (1) Any rights exercisable with respect to the continental shelf and the natural resources thereof for the purpose of exploring that shelf and exploiting those resources are hereby vested in Her Majesty in right of Her Government of The Bahamas.

Ch. 219.

(2) In relation to any petroleum with respect to which any rights referred to in subsection (1) of this section are exercisable, the provisions of the Petroleum Act shall apply, subject to this Act, as those provisions apply in relation to petroleum in The Bahamas.

Protection of structures on the continental shelf.

4. (1) The Governor-General may, for the purpose of protecting any structure on the continental shelf, by order prohibit ships, subject to any exceptions provided by the order, from entering without the consent of the Minister such part of the waters above the said shelf as may be specified in the order.

(2) If any ship enters any area in contravention of an order made under this section its master shall be guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand five hundred dollars, unless he proves that the prohibition imposed by the order was not, and would not on reasonable inquiry have become, known to him.

Application of criminal and civil law.

5. (1) Any act or omission which —

- (a) takes place on, under or above a structure on the continental shelf or in any waters within five hundred metres of such a structure; and
- (b) would, if taking place in any part of The Bahamas, constitute an offence under any law in force in The Bahamas,

shall be treated for the purposes of that law as taking place in The Bahamas.

(2) The Governor-General may by order make provisions for the determination in accordance with the laws of The Bahamas, of questions arising out of the acts or omissions taking place in or on the continental shelf or the waters above the said shelf, in connection with the exploration of the said shelf or the exploitation of its natural resources, and for conferring jurisdiction with

respect to such questions on courts in The Bahamas; and any such order may make provision for treating for the purposes of the Bahamas Telecommunications Corporation Act and any regulations made thereunder, any structure on the said shelf with respect to which provision is made by such an order, and any waters within five hundred metres of such a structure, as if they were situated in The Bahamas. Ch 303

(3) Any jurisdiction conferred upon any court under the provisions of this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court.

6. (1) No person shall without the consent in writing of the Minister — Safety of navigation

(a) construct, alter or improve any works on, under or over; or

(b) remove any object or any material from,

any part of the continental shelf, so that any obstruction or danger to navigation is caused or is likely to result.

(2) Any application made to the Minister for his consent under the provisions of subsection (1) of this section shall be supported by such plans and particulars as the Minister may consider necessary.

(3) If the Minister is of the opinion that any operation in respect of which an application is made to him under this section, will cause or is likely to result in any obstruction or danger to navigation, he shall either refuse his consent or give his consent subject to such conditions as he may think fit having regard to the nature and extent of the obstruction or danger which it appears to him would otherwise be caused or be likely to result.

(4) A consent of the Minister under this section may be given so as to continue in force, unless renewed, only if the operation for which the consent is given is begun or completed within such period as may be specified in the consent; and any renewal of the consent may be limited in the like manner.

(5) In this section and in section 7 of this Act “Minister” means the Minister responsible for Transport.

Enforcement

7. (1) Any person who —
- (a) carries out any operation in contravention of the provisions of subsection (1) of section 6 of this Act; or
 - (b) fails to comply with any condition subject to which any consent of the Minister has been given under that section,

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding three thousand dollars.

(2) Without prejudice to any proceedings under subsection (1) of this section, where any person has constructed, altered or improved any works in contravention of the provisions of the said section 6 or has failed to comply with any condition subject to which any consent of the Minister was given under that section, the Minister may serve a notice on that person requiring him within such period, not being less than thirty days, as may be specified in the notice, to remove the works or make such alterations therein as may be specified in the notice, or, if it appears to the Minister urgently necessary so to do, the Minister may himself arrange for the works to be removed or altered, as the case may be.

(3) If within the period specified in any notice under subsection (1) of this section the person upon whom the notice is served fails to comply therewith, the Minister may himself arrange for the works to be removed or altered, as the case may be.

(4) In any case in which the Minister, exercising the powers conferred by either subsection (2) or subsection (3) of this section, arranges for any works to be removed or altered, he shall be entitled to recover summarily as a civil debt the expense thereof, as certified by him, from the person by whom the works were constructed, altered or improved.

Discharge of oil

8. (1) If any oil to which this section applies or any mixture containing not less than one hundred parts of such oil in a million parts of the mixture is discharged or escapes into any part of the sea —

- (a) from a pipe-line in or on; or
- (b) as a result of any operations for the exploration of, or the exploitation of the natural resources of,

the continental shelf, the owner of the pipe-line 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) This section applies to crude oil, fuel oil, lubricating oil and heavy diesel oil, as the same may be defined by the Minister by order made under this section, and to any other description of oil which the Minister, having regard to the persistent character of that oil and the likelihood that it would cause pollution if discharged or allowed to escape into the sea, may declare by order to be a description of oil to which this section applies.

(3) Any person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding three thousand dollars.

9. (1) Where a structure of any description is constructed on or above the continental shelf for the purpose of, or to be used in connection with, the exploration or the exploitation of the resources of the said shelf and for the deposit within any such structure of any material substance, such structure and its contents shall be and become vested in Her Majesty in right of Her Government of The Bahamas.

Construction,
operation and
status of
structures

(2) Any such structure as is referred to in subsection (1) of this section may be occupied and used, for the purpose of or in connection with the exploration or exploitation of the continental shelf, by the person by or on whose behalf such structure was created, without payment of any rent or charge whatever; but, upon the termination of the agreement, licence or other authority under which such person is permitted to carry out such exploration or exploitation as aforesaid, he shall peaceably yield up the same to Her Majesty without receiving payment of any compensation whatever.

Agreements and
licences
ELAO, 1974

10. The Minister may enter into agreements with or grant licences to any person for the exploration by that person of any part of the continental shelf or the exploitation of the resources thereof upon such terms and conditions not inconsistent with the provisions of this Act as to the Minister may appear proper.

Prosecution of
offences

11. (1) Proceedings for any offence under this Act (including an offence under any other law applied by or under this Act and anything which is an offence by virtue of subsection (1) of section 5 of this Act) may be taken, and such offence may for all incidental purposes be treated as having been committed, in any place in The Bahamas.

(2) Where a body corporate is guilty of such an offence and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(3) In subsection (2) of this section, “director”, in relation to any statutory corporation the affairs of which are managed by its members, means a member of that corporation.

Saving
ELAO, 1974

12. Nothing in this Act shall make unlawful anything done whether before or after the commencement of this Act in accordance with the provisions of the Crown Lease entered into on the 3rd day of July, 1969, between the Government of the Bahama Islands and Ocean Industries Incorporated, a corporation organised under the laws of the State of Florida, one of the United States of America; and where any consent of the Minister or any agreement with, or licence or other authority from, the Minister would, but for the provisions of this section, be required by virtue of section 6 or 10 of this Act for any purpose mentioned in the aforesaid Lease, the provisions of the said Lease shall have effect according to the terms thereof for that purpose as if such consent, agreement, licence or other authority as aforesaid had been obtained.