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Schedule Acts amended

An Act to declare the territorial sea, contiguous zone, exclusive economic zone, and continental shelf of the Cook Islands as the maritime zones of the Cook Islands, and to provide for related matters.

(23 February 2018)

The Parliament of the Cook Islands enacts as follows—

- 1 Title**
This Act is the Maritime Zones Act 2018.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the assent of the Queen's Representative.

Part 1 Preliminary matters

- 3 Purpose**
The purpose of this Act is to provide an effective legal framework that declares, and expresses the rights of the Cook Islands and other States in relation to, the maritime zones of the Cook Islands consistently with international law.
- 4 Interpretation**
In this Act, unless the context otherwise requires,—
 - contiguous zone** means the contiguous zone of the Cook Islands described in section 10
 - continental shelf** means the continental shelf of the Cook Islands described in section 12
 - exclusive economic zone** means the exclusive economic zone of the Cook Islands described in section 11
 - geodetic datum** means World Geodetic System 1984 (WGS84), which is a geocentric datum with a major (equatorial) radius of 6378137 metres and a flattening of 100/29825.7223563
 - laws**, where used in this Act in the context of the laws of the Cook Islands, includes any regulations or other laws made under any Act
 - low-water mark** means the line of low water at the lowest astronomical tide
 - maritime zone** means a maritime zone described in Part 2

median line means a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of the Cook Islands and of any opposite or adjacent State or territory are measured

Minister means the Minister for the time being responsible for the administration of this Act who is duly appointed under Article 13 of the Constitution

nautical mile means the international nautical mile of 1,852 metres

territorial sea means the territorial sea of the Cook Islands described in section 8

UNCLOS means the United Nations Convention on the Law of the Sea, 1982.

- 5 **Act binds the Crown**
This Act binds the Crown.

Part 2 Maritime zones

Territorial sea

- 6 **Baseline of territorial sea**
The baseline from which the breadth of the territorial sea is measured is—
- (a) the low-water mark along the coast of the Cook Islands; or
 - (b) where there is a coral reef along any part of the coast of the Cook Islands, the low-water mark along the outer edge of the coral reef.

Internal waters and territorial sea

- 7 **Internal waters**
The internal waters comprise any areas of the sea that are on the landward side of the baseline of the territorial sea of the Cook Islands.
- 8 **Territorial sea**
The territorial sea comprises those areas of the sea having,—
- (a) as their inner limits, the baseline described in section 6; and
 - (b) 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.
- 9 **Internal waters and territorial sea vested in Crown**
The seabed and subsoil of the internal waters and territorial sea are, and are taken always to have been, vested in the Crown.

Contiguous zones

- 10 **Contiguous zone**
The contiguous zone comprises those areas of the sea that are beyond and adjacent to the territorial sea having, as their outer limits, a line measured seaward from the baseline described in section 6, every point of which is distant 24 nautical miles from the nearest point of the baseline.

*Exclusive economic zone***11 Exclusive economic zone**

The exclusive economic zone of the Cook Islands comprises those areas of the sea, seabed, and subsoil that are beyond and adjacent to the territorial sea having, as their outer limits, a line measured seaward from the baseline described in section 6, every point of which line is not more than 200 nautical miles from the nearest point of the baseline.

*Continental shelf***12 Continental shelf**

- (1) The continental shelf comprises those areas of the seabed and subsoil of the submarine areas that extend beyond and adjacent to the territorial sea throughout the natural prolongation of the land territory of the Cook Islands—
 - (a) to the outer edge of the continental margin; or
 - (b) where the outer edge of the continental margin does not extend up to that distance, to a distance of two hundred nautical miles from the baselines of the territorial sea.
- (2) However, if an agreement is in force between the Cook Islands and an opposite or adjacent coastal State providing for the delimitation of a continental shelf boundary, the relevant area and limits of the continental shelf of the Cook Islands must be delimited in accordance with that agreement.

Part 3**General and miscellaneous provisions***Charts***13 Official charts**

- (1) The Cabinet may endorse any charts that it considers fit showing any matter relating to the baseline of the territorial sea or the limits of the territorial sea, contiguous zone, exclusive economic zone, or continental shelf.
- (2) For the purpose of any proceedings in a court, the Minister may provide a certificate stating that a chart is a chart that is endorsed under this section and stating any other relevant matters as to the contents of the chart.
- (3) A certificate under subsection (2) is admissible as evidence of the matters stated in the certificate, in the absence of evidence to the contrary.

*Limits of maritime zones***14 Declaration of limits of maritime zones**

- (1) The limits of the maritime zones under this Act may be declared by regulations made under section 20.
- (2) Any regulations declaring limits, or amending the limits, of maritime zones must—
 - (a) be consistent with UNCLOS and other relevant rules of international law; and
 - (b) either—

- (i) be made by reference to lists of geographical coordinates expressed in terms of the geodetic datum; or
 - (ii) be shown on charts of a scale or scales adequate for ascertaining their position; and
- (c) be deposited with the Secretary-General of the United Nations.

Harbour works

15 Permanent harbour works

- (1) For the purposes of this Act, permanent harbour works forming an integral part of a harbour system are taken to form part of the coast of the Cook Islands.
- (2) The outermost permanent harbour works which form an integral part of a harbour system are taken to form part of the coast, but this section does not apply to off-shore installations or artificial islands.

Sovereignty and control

16 Sovereignty over internal waters, territorial sea, and related land and airspace

The sovereignty of the Cook Islands extends to its internal waters, its territorial sea, the airspace over them, the seabed and subsoil under them, and the resources contained in them.

17 Control that may be exercised in the contiguous zone

- (1) Within the contiguous zone,—
 - (a) any authorised officer of the Government of the Cook Islands may exercise the control necessary to prevent infringement of the customs, fiscal, immigration, or sanitary laws within the Cook Islands or the territorial sea; and
 - (b) any court or other judicial authority may punish any infringement of the customs, fiscal, immigration, or sanitary laws committed within the Cook Islands or the territorial sea.
- (2) All relevant laws of the Cook Islands extend to the contiguous zone accordingly.

Rights of Cook Islands and other States

18 Rights in the exclusive economic zone and continental shelf

- (1) Within the exclusive economic zone, the Cook Islands has sovereign rights—
 - (a) for the purposes of exploring, exploiting, conserving, and managing the natural resources, whether living or non-living, of—
 - (i) the seabed; and
 - (ii) the subsoil under the seabed; and
 - (iii) the waters over the seabed; and
 - (b) in relation to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents, and winds.
- (2) Within the continental shelf, the Cook Islands has—

- (a) sovereign rights for the purposes of exploring it and exploiting its natural resources; and
- (b) exclusive rights to authorise and regulate drilling on it for all purposes.
- (3) Within the exclusive economic zone and the continental shelf, the Cook Islands has the exclusive right to construct, authorise, and regulate the construction, operation, and use of—
 - (a) artificial islands; and
 - (b) installations and structures for the purposes provided in section 15, marine scientific research, the protection and preservation of the marine environment, and other economic purposes; and
 - (c) installations and structures which may interfere with the Cook Islands exercise of its rights in the exclusive economic zone or continental shelf.
- (4) Within the exclusive economic zone and continental shelf, the Cook Islands has exclusive jurisdiction over the artificial islands, installations and structures referred to in subsection (3), including jurisdiction in relation to the customs, fiscal, health, safety, and immigration laws.
- (5) Within the exclusive economic zone and continental shelf, the Cook Islands—
 - (a) has jurisdiction with in relation to protection and preservation of the marine environment; and
 - (b) has the right to regulate, authorise, and conduct marine scientific research.
- (6) Within the contiguous zone, the exclusive economic zone, and the continental shelf, the Cook Islands has such other rights as are conferred or recognised by international law.

19 Rights of other States in maritime zones

- (1) The Minister may, by public notice, prescribe sea lanes and traffic separation schemes for foreign ships exercising the right of innocent passage through the territorial sea.
- (2) Ships of all States have, in accordance with international law, the right of innocent passage through the territorial sea of the Cook Islands, but this right is subject to compliance with any notice given under subsection (1).
- (3) All States enjoy in the exclusive economic zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms, but this right is subject to this Act, the other laws of the Cook Islands, and international law.
- (4) All States may lay submarine cables and pipelines on the continental shelf in accordance with international law, but this right is subject to this Act and the other laws of the Cook Islands.

Regulations

20 Regulations

The Queen's Representative may, by Order in Executive Council, make regulations providing for the following purposes—

- (a) declaring or amending the limits of any maritime zone, in accordance with section 14:

- (b) providing for any other matters contemplated by this Act, necessary for its full administration, or necessary for giving it full effect.

Repeals and savings

21 Repeals and amendments

(1) The following Acts are repealed—

- (a) the Continental Shelf Act 1964;
- (b) the Territorial Sea and Exclusive Economic Zone Act 1977.

(2) The Acts referred to in the Schedule are amended as indicated in the Schedule.

22 Transitional provisions

Any proceedings commenced under any Act repealed by this Act, but not completed before the commencement of this Act, must be completed under the former Act as if this Act had not been enacted.

Schedule

Section 21

Acts amended

Enactment	Amendment
Marae Moana Act 2017	<p>Section 4, definition of continental shelf: omit “section 2 of the Continental Shelf Act 1964” and substitute “the Maritime Zones Act 2018”.</p> <p>Section 4, definition of exclusive economic zone: omit “the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.</p> <p>Section 4, definition of internal waters: omit “section 4 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.</p> <p>Section 4, definition of territorial sea: omit “section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.</p> <p>Section 24(1)(a): omit “section 5 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.</p>
Customs Revenue and Border Protection 2012	<p>Section 4(1), definition of Cook Islands: (a) omit “Sections 3 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.</p> <p>(b) omit “section 7A of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.</p>
Aviation Security Act 2008	Section 2, definition of The Cook Islands : omit “section 3 of the Territorial Sea and Exclusive Economic Zone Act No. 16 of 1977” and substitute “the Maritime Zones Act 2018”.
Maritime Transport Act 2008	<p>Section 2, definition of continental shelf: omit “the Continental Shelf Act 1964” and substitute “the Maritime Zones Act 2018”.</p> <p>Section 2(2): omit “the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.</p>
Admiralty Act 2004	Section 2, definition of Cook Islands territorial waters : omit “section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.

Environment Act 2003	Section 2, definition of Cook Islands waters : omit “section 4 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”. Section 2, definition of exclusive economic zone : omit “section 8 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”. Section 2, definition of internal waters : omit “section 5 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”. Section 2, definition of territorial sea : omit “section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.
Cook Islands Natural Heritage Trust Act 1999	Section 2, definition of exclusive economic zone : omit “section 2 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”. Section 2, definition of territorial sea : omit “section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.
Prevention of Marine Pollution Act 1998	Section 2, definition of Cook Islands waters : omit “the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”. Section 2, definition of sea : omit “the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.
Shipping Act 1998	Section 2, definition of Cook Islands waters : omit “territorial sea as defined in the Territorial Sea Act 1971 and the exclusive economic zone as defined by the Exclusive Economic Zone Act 1977” and substitute “territorial sea and the exclusive economic zone as defined by the Maritime Zones Act 2018”.
Income Tax Act 1997	Section 2, para (b) of the definition of Cook Islands : omit “section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.
Ministry of Marine Resources Act 1984	Schedule 1, omit item 1, item 2, item 3, item 4 and substitute with “1. The Maritime Zones Act 2018” and “2. Marine Resources Act 2005”.

Conservation Act 1986-87	Section 2, definition of Cook Islands waters : omit “section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”; omit “section 4 of that Act” and substitute “the Maritime Zones Act 2018”.
Crimes (Internationally Protected persons and Hostages) Act 1982	Section 2, definition of Cook Islands : omit “section 3 of the Territorial Sea and Exclusive Economic Zone Act 1977” and substitute “the Maritime Zones Act 2018”.

This Act is administered by Ministry of Marine Resources.
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