

WES 1

1) NATIONAL LIMITS OF JURISDICTION

a) Territorial Sea Act 1971

THE TERRITORIAL SEA ACT 1971

1971, No. 3

An Act to make provision with respect to the territorial sea of Western Samoa

(15 July 1971)

Short title 1. This Act may be cited as the Territorial Sea Act 1971.

See also the following enactments:

Customs Act 1977, especially s.251 (seizure of goods within territorial limits).

Exclusive Economic Zone Act 1977 (not yet in force, see s.1(2), s.3(1) (areas beyond territorial sea); s.16 (offences).

National Parks and Reserves Act 1974, s.6(1) (areas of territorial sea set aside to be nature reserves).

Post Office Act 1972, s.155 (control of radio within territory)

Samoa Quarantine Order 1920 (N.Z.), cl. 4 (quarantine while within territorial waters).

Interpre-  
tation

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

"Bay" means an indentation of the coast such that its area is not less than that of the semicircle whose diameter is a line drawn across the mouth of the indentation; and for the purposes of this definition the area of an indentation shall be taken to be the area bounded by low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points; and where, because of the presence of islands, an indentation has more than one mouth the length of the diameter of the semicircle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and in calculating the area of an indentation the area of any islands lying within it shall be treated as part of the area of the indentation;

WES 2

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

"Government" means the Government of Western Samoa;

"Low-water mark" has the meaning assigned thereto by section 8 of this Act;

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

"Nautical mile" means the international nautical mile of 6,080 feet;

"Western Samoa" means the Independent State of Western Samoa.

Cf. 1965, No. 11, s.2(N.Z.).

The territorial sea

3. The territorial sea of Western Samoa comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 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. Cf. 1965, No. 11, s.3(N.Z.).

Internal waters

4. The internal waters of Western Samoa include any areas of the sea that are on the landward side of the baseline of the territorial sea of Western Samoa. Cf. 1965, No. 11, s.4(N.Z.).

Baseline of the territorial sea

5. (1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of Western Samoa is measured shall be the low-water mark along the coast of Western Samoa, including the coast of all islands.

(2) For the purposes of this section, a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as an island.  
Cf. 1965, No. 11, s.5(N.Z.).

Baseline of the territorial sea adjacent to a bay

6. In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured shall -
  - (a) If the bay has only one mouth and the distance between the low-water marks of the natural

WES 3

entrance points of the bay does not exceed 24 nautical miles, be a straight line joining the said low-water marks:

- (b) If, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed 24 nautical miles, be a series of straight lines across each of the mouths so as to join the said low-water marks:
- (c) If neither paragraph (a) nor paragraph (b) of this section applies, be a straight line 24 nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length. Cf. 1965, No. 11, s.6 (N.Z.).

Bed of territorial sea and internal waters vested in Western Samoa

- 7. (1) For the purposes of this section, the term "high-water mark" means the line of median high tide between the spring and neap tides.
- (2) 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 sea bed and subsoil of submarine areas bounded on the landward side by the high-water mark along the coast of Western Samoa including the coast of all islands, and on the seaward side by the outer limits of the territorial sea of Western Samoa shall be deemed to be and always to have been public land vested in Western Samoa. Cf. 1965, No. 11, s.7 (N.Z.); Constitution, Art. 104.

Official charts

- 8. (1) For the purposes of this Act, the low-water mark in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest scale nautical chart of that area produced by any authority and for the time being held and used by the Government.
- (2) In any proceedings in any Court, a certificate purporting to be signed by the Director of Lands or by a Harbourmaster of the Marine Department that any specified nautical chart of any area is the largest scale nautical chart of that area produced by any authority and for the time being held and used by the Government shall be admissible as evidence of the matters stated in the certificate.
- (3) Every person signing any such certificate shall, in the absence of proof to the contrary, be

WES 4

presumed to be duly authorised to sign it.  
Cf. 1965, No. 11, s.9 (N.Z.).

In subs. (2) the words "Ministry of Transport" have been substituted for the words "Marine Department" by s.12(1) of the Ministry of Transport Act 1978 from a date to be fixed; see s.1 of that Act.

- Permanent harbour
9. For the purposes of this Act, permanent harbour works which form an integral part of a harbour system shall be works treated as forming part of the coast.  
Cf. 1965, No. 11, s.10 (N.Z.)
- Amendments
10. The enactment specified in the Schedule to this Act is hereby amended in the manner indicated in that Schedule.  
Cf. 1965, No. 11, s.11(N.Z.).

#### SCHEDULE

##### Section 10

The amendments specified to the Crimes Ordinance 1961 have been incorporated in that Ordinance, where they appear in this reprint.

Part of this Schedule was repealed by s.2 of the Reprint of Statutes (Miscellaneous Provisions) Act 1975.

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The Territorial Sea Act 1971 is administered in the Prime Minister's Department.

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