

**CHAPTER 26:01**

**CONTINENTAL SHELF ACT**

**ARRANGEMENT OF SECTIONS**

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## CHAPTER 26:01

## CONTINENTAL SHELF ACT

**An Act to make provision as to the exploitation and exploration of the Continental Shelf, to enable effect to be given to certain provisions of the Convention on the High Seas done in Geneva on 29th April, 1958, and for connected matters.**

[Act No. 11 of 1965.]

[Date of commencement: 18th June, 1965.]

**1. Short title**

This Act may be cited as the Continental Shelf Act.

**2. Interpretation**

In this Act unless the context otherwise requires—

“**designated area**” means an area designated under the provisions of subsection (2) of section 3 of this Act;

“**Minister**” means the Minister for the time being responsible for the administration of this Act.

**3. Vesting of rights in the State**

(1) Rights exercisable by The Gambia outside territorial waters with respect to the seabed and sub-soil and their natural resources are hereby vested in the State.

(2) The President may from time to time by Order published in the *Gazette* designate any area as an area within which the rights mentioned in subsection (1) of this section are exercisable.

**4. Protection of installations in designated areas**

(1) The Minister may for the purpose of protecting any installation in a designated area, by Order published in the *Gazette* prohibit ships, subject to any exception provided by the Order, from entering without his or her consent such part of that area as may be specified in the Order.

(2) If any ship enters any part of a designated area in contravention of an Order under this section, its owner or master is liable on summary conviction to a fine or to imprisonment for a term not exceeding one year, or to both the fine and imprisonment, unless he or she proves that the prohibition imposed by the Order was not, and would not on reasonable inquiry have become, known to the master.

(3) An Order under this section may be varied or revoked by a subsequent Order published in the *Gazette*, and is subject to annulment in pursuance of a resolution of the National Assembly.

#### **5. Application of criminal and civil law**

(1) An act or omission which—

- (a) takes place on, under or above an installation in a designated area or any waters within five hundred metres of such an installation; and
- (b) would, if taking place in any part of The Gambia, constitute an offence under the laws in force in that part,

shall be treated for the purposes of the laws as taking place in that part.

(2) The Minister may, by Order published in the *Gazette*, make provision for the determination, in accordance with the laws in force in such part of The Gambia as may be specified in the Order, of questions arising out of acts or omissions taking place in a designated area, or in any part of such an area, in connection with the exploration of the seabed or subsoil or the exploitation of their natural resources, and for conferring jurisdiction with respect to such questions on courts in any part of The Gambia so specified.

(3) Jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court.

(4) An Order under this section may be varied or revoked by a subsequent Order published in the *Gazette*, and is subject to annulment in pursuance of a resolution of the National Assembly.

#### **6. Safety of navigation**

(1) Subject to the provisions of section 7 of this Act, a person shall not without the consent in writing of the Minister carry out any of the following operations, that is to say—

- (a) construct, alter or improve any works on, under or over any part of the seabed in a designated area;
- (b) deposit any object or any materials from any part of the seabed as aforesaid; or
- (c) remove any object or any materials from any part of the seabed as aforesaid,

so that obstruction or danger to navigation is caused or is likely to result.

(2) The Minister may, as a condition of considering an application for consent under this section, require to be furnished with such plans and particulars of the proposed operation as he or she may consider necessary, and on receipt of the application he or she may cause notice of the application, and of the time within

which and the manner in which objections thereto may be made, to be published in such manner as he or she may consider appropriate for informing persons affected thereby, and, before granting his or her consent, may, if he or she thinks fit, direct a local inquiry to be held.

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

(4) A consent of the Minister under this subsection 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 such a consent may be limited in the like manner.

(5) A person who contravenes the provisions of this section commits an offence and is liable on summary conviction to a fine or to imprisonment for a term not exceeding one year or to both the fine and imprisonment.

#### **7. Discharge of oil**

(1) If 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 vessel;
- (b) from a pipeline; or
- (c) as the result of any operations for the exploration of the seabed and subsoil or the exploitation of their natural resources in a designated area,

the owner or master of the vessel, the owner of the pipeline or, as the case may be, the person carrying on the operations commits an offence unless he or she proves, in the case of a discharge from a place in his or her occupation, that it was due to the act of a person who was there without his or her permission (express or implied) or, in the case of an escape, that he or she 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—

- (a) to crude oil, fuel oil and lubricating oil; and
- (b) to heavy diesel oil, as defined by regulations made by the Minister under this section,

and also applies to any other description of oil which may be prescribed by the Minister.

(3) A person guilty of an offence under this section is liable, on summary conviction, to a fine.

#### **8. Wireless telegraphy**

An Order under section 5 of this Act may make provision for treating for the purposes of the Telegraph Stations Act and any regulations made thereunder any installation in an area or part with respect to which provision is made under that section and any waters within five hundred metres of such an installation as if they were situated in such part of The Gambia as may be specified in the Order.

[Cap. 74:01.]

#### **9. Submarine cables and pipelines**

Section 3 (punishment for damaging cables) of the Submarine Telegraph Act, 1885, and Article IV and paragraph I of Article VII (liability to pay compensation for damage to cables and for loss of gear sacrificed to avoid such damage) of the Convention set out in the Schedule to that Act (which by virtue of section 2 thereof has the force of law) shall apply in relation to all submarine cables under the high seas (and not only to those to which that Convention applies) and to pipelines under the high seas; and the said section 3 shall be construed as referring to telephonic as well as telegraphic communication, and, in relation to high-voltage power cables and to pipelines, as if the words, from "in such manner" to the end of subsection (1) were omitted.

#### **10. Prosecution of offences, etc.**

(1) Proceedings for any offence under this Act (including an offence under another Act as applied by or under this Act and anything that is an offence by virtue of section 3 (1) of this Act) may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in The Gambia.

(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 or she, as well as the body corporate, commits the offence and is liable to be proceeded against and punished accordingly.

(3) In this subsection, "**Director**", in relation to a body corporate established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

(4) A police officer shall on any installation in a designated area have all the powers, protection and privileges which he or she has in the area for which he or she acts as a police officer.

**11. Power to make regulations**

The Minister may make regulations for the better carrying out of the purposes of this Act and without prejudice to the generality of such power may in such regulations make provision for the control of—

- (a) radioactive substances and the disposal of radioactive waste in a designated area; and
  - (b) the exploitation and the development of mineral resources other than mineral oil.
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