

### Abbozz ta' Liġi msejjah

*ATT biex jipprovdi għall-esplorazzjoni u l-esplorazzjoni tal-blata kontinentali u għal hwejjeg konnessi ma' dawg l-iskopijiet.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2014 dwar il-Blata Kontinentali. Titolu fil-qosor.

**2.** F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx Tifsir. teħtieġ xort'ohra -

"azzjoni kif imiss" għandha l-istess tifsira mogħti lilha fl-Att Kap. 226. dwar l-Ibhra Territorjali u z-Zona Kontigwa;

"blata kontinentali" tfisser qiegħ il-baħar u s-sottoswol taż-żoni taħt il-baħar li jestendu lil hinn mill-ibhra territorjali ta' Malta sa limitu stabbilit kif hemm fid-dritt internazzjonali, mkejla mil-linji bażi li minnhom titkejjel il-wisa' tal-ibhra territorjali; iżda hekk illi meta relattivament għal Stati li l-kosta tagħhom tkun faċċata dik ta' Malta jkun meħtieġ li jiġu stabbiliti l-konfini tal-blajjat kontinentali rispettivi, il-konfini tal-blata kontinentali għandha tkun dik stabbilita bi ftehim bejn Malta u dak l-iStat jew Stati oħra jew, fin-nuqqas ta' ftehim, il-linja medjana, jiġifieri linja li kull pont tagħha jkun ekwidistanti mill-ponti l-aktar viċini tal-linji bażi li minnhom titkejjel il-wisa' tal-ibhra territorjali ta' Malta u ta' dak l-iStat jew Stati oħra:

Izda sakemm il-ftehim imsemmi fil-paragrafu t'hawn qabel jidhol fis-seħħ, kull liċenza mahruġa taħt dan l-Att jew regolamenti magħmulin taħt għall-esplorazzjoni u l-esplorazzjoni ta' rizorsi naturali tal-blata kontinentali ta' Malta għandha tkun

C 350

tgħodd biss għaż-żona li tkun tinsab fuq in-naħa ta' Malta tal-linja medjana bejn il-kosta ta' Malta u l-kosta li tappartjeni lill-iStat jew Stati fuq in-naħa l-oħra:

Iżda wkoll ebda haġa m'għandha żżomm lill-Gvern milli jidhol f'xi arrangament ta' kooperazzjoni, bħalma hu kull ftehim ta' żvilupp kongunt, kull ftehim ta' qsim ta' introjti u kull ftehim internazzjonali ta' *unitisation*, ma' Stati għall-fini tal-esplorazzjoni u l-esplorazzjoni tar-riżorsi naturali fuq il-blata kontinentali:

Iżda wkoll ebda haġa m'għandha żżomm lill-Gvern milli jestendi l-konfini tal-blata kontinentali aktar mill-linja medjana skont id-dritt internazzjonali;

Kap. 226. "ibhra territorjali" għandha l-istess tifsira mogħti lilha bl-artikolu 3 tal-Att dwar l-Ibhra Territorjali u ż-Żona Kontigwa;

Kap.156. "liċenza" għandha l-istess tifsira mogħti lilha fl-Att dwar il-Produzzjoni tal-*Petroleum*;

"linji bażi" tfisser il-linji, miġbudin bejn ponot xierqa tul il-kosta ta' Malta, li minnhom jitkejjel il-wisa' tal-ibhra territorjali;

"Malta" għandha l-istess tifsira kif mogħti lilha bl-artikolu 124 tal-Kostituzzjoni ta' Malta;

Kap. 156. "*petroleum*" għandha l-istess tifsira kif mogħti lilha fl-Att dwar il-Produzzjoni tal-*Petroleum*;

"Prim Ministru" tfisser il-Prim Ministru jew xi persuna oħra msemmija mill-Prim Ministru u dan flimkien mad-dispożizzjonijiet ta' artikolu 5;

Kap. 423. "riżorsi minerali" għandha l-istess tifsira kif mogħti lilha fl-Att dwar l-Awtorità ta' Malta dwar ir-Riżorsi;

"riżorsi naturali" tfisser -

(a) ir-riżorsi minerali, tal-enerġija u kwalunkwe riżorsi oħra li ma jgħixux ta' qiegħ il-baħar u s-sottoswol; kif ukoll

(b) l-organizmi li jgħixu u li jappartjenu lil speċji sedentarji;

"speċji sedentarji" tfisser organizmi li fiż-żmien li jinħasdu, jew ikunu ma jiċċaqilqux fuq jew taħt qiegħ il-baħar jew ma jkunux jistgħu jiċċaqilqu hliet f'kuntatt fiżiku kostanti ma' qiegħ il-baħar jew is-sottoswol;

"ufficjal marittimu għall-infurzar" għandha l-istess tifsira mogħti lilha bl-artikolu 2 tal-Att dwar l-Ibhra Territorjali u ż-Żona Kontigwa; Kap. 226.

"żona msemmija" tfisser kull żona, msemmija mill-Prim Ministru b'ordni pubblikat fil-Gazzetta tal-Gvern, li permezz tiegħu jistgħu jiġu eżerċitati d-drittijiet imsemmija fl-artikolu 3(1);

"żona ta' sigurtà" tfisser żona madwar xi gżira artifiċjali, stallazzjoni jew struttura, imsemmija għall-fini li tiġi żgurata s-sigurtà tagħhom kif ukoll is-sigurtà tat-tbahħir madwarhom.

**3.** (1) Il-Gvern jeżerċita fuq il-blata kontinentali kull dritt sovrana għall-fini tal-esplorazzjoni u l-esplorazzjoni tar-riżorsi naturali tagħha. Esplorazzjoni u sfruttament tal-blata kontinentali.

(2) Il-Gvern għandu jkollu d-dritt esklużiv li jesplojta s-sottoswol tal-blata kontinentali, kif ukoll li jawtorizza u jirregola kull attività, inkluża imma mhux limitata għat-thaffir 'l isfel u thaffir ta' mini, fuq il-blata kontinentali għall-finijiet kollha, irrispettivament mill-fond tal-ilma 'il fuq minn dak is-sottoswol.

(3) Id-drittijiet imsemmija fis-subartikolu (1) huma esklużivi fis-sens illi jekk il-Gvern ma jespjorax il-blata kontinentali jew ma jesplojtax ir-riżorsi naturali tagħha, hadd ma jista' jmexxi l-attivitajiet imsemmija fis-subartikolu ta' qabel mingħajr il-kunsens espress tal-Prim Ministru.

(4) Għall-finijiet tas-subartikolu (1), id-dispożizzjonijiet rilevanti kollha tal-Att dwar il-Produzzjoni tal-*Petroleum* għar-rigward tal-esplorazzjoni u l-esplorazzjoni tal-*petroleum* f'Malta għandhom japplikaw *mutadis mutandis*. Kap. 156.

(5) Dwar ir-riżorsi minerali, li għar-rigward tagħhom jistgħu jiġu eżerċitati d-drittijiet imsemmija fis-subartikolu (1), id-dispożizzjonijiet tal-Att dwar l-Awtorità ta' Malta dwar ir-Riżorsi għandhom, fir-rigward tar-riżorsi minerali f'Malta, japplikaw *mutadis mutandis*. Kap. 423.

(6) Dwar speċji sedentarji li għar-rigward tagħhom jistgħu jiġu eżerċitati d-drittijiet imsemmija fis-subartikolu (1), id-dispożizzjonijiet tal-Att dwar il-Konservazzjoni u l-Amministrazzjoni tas-Sajd, sakemm dawn japplikaw u b'kull modifika meħtieġa, għandhom, sa fejn dawn jirrigwardaw speċji sedentarji, japplikaw *mutadis mutandis*. Kap. 425.

(7) Il-Prim Ministru jista' minn żmien għal żmien b'ordni li jiġi pubblikat fil-Gazzetta jinnomina xi żona bħala żona li fiha jistgħu

C 352

jìgu eżerċitati d-drittijiet imsemmija fis-subartikolu (1), u kull zona li tiġi hekk imsemmija f'dan l-Att għandha tkun zona msemmija.

Setgħa ta' għemil ta' regolamenti.

**4.** (1) Il-Prim Ministru jista', minn żmien għal żmien, jagħmel regolamenti għar-rigward ta' kull għan jew xi wiehed minn dawn l-għanijiet li ġejjin:

(a) li jirregolaw l-esplorazzjoni u l-esplojtazzjoni ta' riżorsi naturali tal-blata kontinentali;

(b) li jirregolaw jew jipprojbixxu l-kostruzzjoni, twaqqif, tqegħid, jew użu ta' gzejjer artifiċjali, installazzjonijiet, strutturi jew tagħmir fi, fuq, jew 'il fuq mill-blata kontinentali:

(i) f'dak li għandu x'jaqsam mal-esplorazzjoni tal-blata kontinentali jew dik il-parti minnha jew l-esplojtazzjoni tar-riżorsi naturali tagħha, jew

(ii) f'postijiet fejn dawn jistgħu jikkagunaw interferenza mad-drittijiet tal-Gvern li jesplora u jesplojta r-riżorsi naturali ta' dik il-blata kontinentali, jew

(iii) f'postijiet fejn dawn jistgħu jikkagunaw interferenza mal-użu ta' korsiji marittimi rikonoxxuti li huma essenzjali għat-tbaħħir internazzjonali, kif ukoll dak ta' mal-kosta;

(ċ) li jistabbilixxu zoni ta' sigurtà madwar l-imsemmija gzejjer artifiċjali, installazzjonijiet, strutturi jew tagħmir fi, fuq, jew 'il fuq mill-blata kontinentali;

(d) li jirregolaw it-tqegħid, manutenzjoni u sorveljar ta' *cables* u *pipelines* taħt il-baħar;

(e) li jirregolaw ir-riċerka xjentifika marittima;

(f) li jirregolaw il-qbid tal-karbonju u l-ħzin tiegħu;

(g) li jippreskrivu dawk il-miżuri bħalma jista' jkunu meħtieġa f'kull zona ta' sigurtà bħal dik għall-ħarsien tal-gżira artifiċjali, installazzjoni, struttura jew tagħmir li għar-rigward tagħhom tiġi stabbilita ż-zona ta' sigurtà;

(h) li jirregolaw jew jipprojbixxu d-dħul ta' bastimenti f'xi zona ta' sigurtà bħal dik, bla ħsara għal kull eċċezzjoni provduta mill-ordni biex ma jsirx dħul, mingħajr il-kunsens tiegħu, f'dik il-parti minn dik iż-żona li tista' tiġi speċifikata fl-

ordni;

(i) li jippreskrivu miżuri li għandhom jittiehdu f'xi zona ta' sigurtà bhal dik għall-harsien tar-riżorsi li jgħixu tal-baħar u r-riżorsi naturali tal-blata kontinentali minn aġenti dannużi;

(j) li jippreskrivu l-avviż li għandu jingħata dwar il-konstruzzjoni, twaqqif, jew tqeghid ta' gzejjer artifiċjali, installazzjonijiet, strutturi jew tagħmir fi, fuq, jew 'il fuq mill-blata kontinentali;

(k) li jippreskrivu l-mezzi permanenti li għandhom jigu installati għall-fini li tingħata twissija lil bastimenti u ingenji tal-ajru bil-preżenza ta' gzejjer artifiċjali, installazzjonijiet, strutturi jew tagħmir fi, fuq, jew 'il fuq mill-blata kontinentali;

(l) li jipprovdu għat-tneħħija ta' gzejjer artifiċjali, installazzjonijiet, strutturi jew tagħmir fi, fuq, jew 'il fuq mill-blata kontinentali li jkunu ġew abbandunati jew li ma baqgħux jintużaw;

(m) li jipprojbixxu jew jirrestringu xi esplorazzjoni jew xi esplojtazzjoni -

(i) tal-blata kontinentali jew ta' xi parti speċifikata minnha; jew

(ii) tar-riżorsi naturali tagħha

li fil-fehma tal-Gvern din tista' tirriżulta f'xi interferenza ingustifikabbli mat-tbaħħir, is-sajd, jew il-konservazzjoni jew immaniġġjar tar-riżorsi naturali tal-baħar inkluż qiegħ il-baħar u s-sottoswol, jew li jistgħu jinterferixxu mad-difiża nazzjonali jew ma' xi riċerka oċeanografika jew xi riċerka xjentifika oħra jew ma' *cables* jew *pipelines* taħt il-baħar;

(n) li jharsu l-ambjent marittimu;

(o) li jipprovdu dwar dawk il-materji li jkunu meħtieġa, inkluż li jippreskrivu d-drittijiet u l-ġbir ta' taxxi, biex jingħata kull seħħ lil dan l-Att u għall-amministrazzjoni kif dovuta tiegħu;

(p) li jirregolaw il-proċeduri ta' liċenzjar għar-rigward ta' attivitajiet li jseħħu fuq il-blata kontinentali; u

(q) li jippreskrivu l-inqas u l-ogħla pieni, sew jekk

C 354

b'multa sew jekk prigunerija, li għandhom jiġu applikati dwar kull kontravvenzjoni jew nuqqas ta' osservanza ta' xi regolament magħmul taħt dan l-artikolu:

Iżda kull piena li regolamenti magħmulin taħt dan is-subartikolu jippreskrivu m'għandhomx ikunu ta' multa iżjed minn żewġ miljun euro (€2,000,000), u m'għandhomx ikunu ta' iżjed minn prigunerija għal żmien hames snin, jew it-tnejn flimkien, dwar kull kontravvenzjoni jew nuqqas ta' osservanza ta' xi regolament bħal dak.

(2) Ir-regolamenti magħmula taħt dan l-artikolu jistgħu jawtorizzaw ukoll lil Prim Ministru biex jagħmel regolamenti jew ordnijiet kif jista' jkun meħtieġ għall-implimentazzjoni u l-amministrazzjoni korretta ta' dan l-Att u ta' kull regolament magħmul tahtu.

(3) F'dan l-artikolu, il-frazi "blata kontinentali" tinkludi qiegħ il-baħar u s-sottoswol taż-żoni taħt il-baħar fil-limiti tal-ibhra interni u l-ibhra territorjali ta' Malta:

Iżda ebda haġa f'dan l-artikolu m'għandha tolgot id-drittijiet u s-setgħat tal-Gvern taħt il-liġijiet xierqa dwar żoni fil-limiti tal-ibhra territorjali ta' Malta.

Tismija tal-awtoritajiet kompetenti.

**5.** Għall-finijiet tal-implimentazzjoni tad-dispożizzjonijiet ta' dan l-Att u ta' regolamenti magħmulin tahtu, il-Prim Ministru jista' jappunta lil kull persuna bħala awtorità kompetenti għall-finijiet tal-implimentazzjoni u għall-eżerċizzju ta' kull dritt u dmir imħaddna fihom.

Ġurisdizzjoni kriminali u ċivili.

**6.** (1) Kull att jew ommissjoni li -

(a) jinvolvu jew isseħħu fuq, taħt jew 'il fuq minn xi gżira artifiċjali, installazzjoni, struttura jew tagħmir fuq il-blata kontinentali jew xi ibhra f'distanza ta' hames mitt metru minn dik il-gżira artifiċjali, installazzjoni, struttura jew tagħmir, u

(b) jkunu, li kellhom isseħħu f'xi parti minn Malta, jikkostitwixxu reat taħt il-liġi li tkun fis-seħħ f'Malta,

għandhom jiġu ttrattati għall-finijiet ta' dik il-liġi u ta' kull liġi oħra li tkun fis-seħħ f'Malta bhallikieku qegħdin isseħħu f'Malta.

(2) Għall-finijiet tal-ġurisdizzjoni ċivili li tiġi eżerċitata mill-Qrati ta' Malta, kull gżira artifiċjali, installazzjoni, struttura jew tagħmir u l-ibhra kollha f'distanza ta' hames mitt metru 'il bogħod minnhom għandhom jiġu ttrattati bhallikieku kienu jinsabu f'Malta.

(3) Kull uffiċjal marittimu għall-infurzar għandu fuq kull gżira artifiċjali, installazzjoni, struttura jew tagħmir f'żona msemmija jkollu kull setgħa, protezzjoni u privileġġ li jkollu f'Malta.

7. Għall-finijiet li jkun żgurat it-tħaris ta' dan l-Att, kull uffiċjal marittimu għall-infurzar jista', fejn għandu raġuni biex jemmen li sar reat taht dan l-Att u regolamenti magħmulin tahtu, jieħu kif ikun meħtieġ kull azzjoni kif imiss.

Azzjoni kif imiss minn uffiċjali marittimu għall-infurzar.

8. Id-dispożizzjonijiet tas-subartikoli (2) sa (6), it-tnejn inkluzi, tal-artikolu 8 tal-Att dwar l-Ibħra Territorjali u ż-Żona Kontigwa, għandhom ikunu japplikaw *mutatis mutandis* għal kull suspett raġonevoli ta' reat taht dan l-Att jew taht regolamenti magħmulin tahtu.

Dritt ta' inseqwiment attiv. Kap. 226.

9. (1) L-Att dwar il-Blata Kontinentali qiegħed b'dan jiġi mhassar mingħajr preġudizzju għal dak li hemm provdut fis-subartikoli (2) u (3).

Thassir u dispożizzjonijiet transitorji. Kap. 194.

(2) Kull liċenza jew permess mahruġ taht l-Att dwar il-Blata Kontinentali għandu jibqa' jiġi regolat bid-dispożizzjonijiet tal-Att imsemmi sad-data meta dawn jiskadu.

(3) Kull ordni jew regolament magħmul taht l-Att dwar il-Blata Kontinentali għandu jibqa' fis-seħħ bhallikieku sar taht dan l-Att sa meta jistgħu jiġu emandati jew revokati b'ordnijiet jew regolamenti taht id-dispożizzjonijiet ta' dan l-Att.

(4) Kull attività oħra ta' kwalunkwe natura magħmula taht dan l-Att għandha tibqa fis-seħħ.

(5) Kull riferenza għall-"Att dwar il-Blata Kontinentali" f'xi liċenza, kuntratt jew ftehim li jkollhom x'jaqsmu mal-esplorazzjoni u l-esplojtazzjoni tal-*petroleum*, li l-Gvern jkun parti fihom, li jkunu saru qabel ma beda jseħħ dan l-Att, għandhom jibqgħu jiftiehm bħala riferenza għall-Att tal-1966 dwar il-Blata Kontinentali.

### Ghanijiet u Raġunijiet

L-għan ta' dan l-Abbozz huwa li jgħib l-Att dwar il-Blata Kontinentali (Kap. 194) konformi mal-Konvenzjoni tan-Nazzjonijiet Uniti fuq il-Liġi tal-Baħar (UNCLOS) tal-1982 u biex iħassar l-Att permezz ta' arrangament transitorju.

C 356

**A Bill  
entitled**

*AN ACT to make provision as to the exploration and exploitation of the continental shelf and for matters connected with those purposes.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Short title.                    **1.** The short title of this Act is the Continental Shelf Act, 2014.

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

Cap. 226.                    "appropriate action" has the same meaning as is assigned to it by the Territorial Waters and Contiguous Zone Act;

"baselines" means the lines, joining appropriate points along the coast of Malta, from which the breadth of the territorial waters is measured;

"continental shelf" means the seabed and subsoil of the submarine areas that extend beyond the territorial waters of Malta to a limit established in accordance with international law, measured from the baselines from which the breadth of the territorial waters is measured; so however that where in relation to States of which the coast is opposite that of Malta it is necessary to determine the boundaries of the respective continental shelves, the boundary of the continental shelf shall be that determined by agreement between Malta and such other State or States or, in the absence of agreement, the median line, namely a line every point of which is equidistant



from the nearest points of the baselines from which the breadth of the territorial waters of Malta and such other State or States is measured:

Provided that until the agreement mentioned in the preceding paragraph comes into force, any licences issued under this Act or any regulations made thereunder for the exploration and exploitation of natural resources of the continental shelf of Malta shall only apply to the area lying on the Maltese side of the median line between the coast of Malta and coast belonging to the opposite State or States:

Provided further that nothing shall preclude the Government of Malta from entering into any cooperative arrangements, such as joint development agreements, revenue sharing agreements and international unitisation agreements, with other States for the purpose of exploring and exploiting the natural resources on the continental shelf:

Provided further that the Government of Malta may extend the continental shelf boundary beyond the median line in accordance with international law;

"designated area" means any area, designated by the Prime Minister by means of an order published in the Gazette, within which the rights mentioned in article 3(1) are exercisable;

"Prime Minister" shall mean the Prime Minister or any other person designated by the Prime Minister, and this in addition to the provisions of article 5;

"licence" has the same meaning as assigned to it in the Petroleum (Production) Act;

Cap. 156.

"Malta" has the same meaning as is assigned to it by article 124 of the Constitution of Malta;

"maritime enforcement officer" has the same meaning as is assigned to it by article 2 of the Territorial Waters and Contiguous Zone Act;

Cap. 226.

"mineral resources" has the same meaning as in the Malta Resources Authority Act;

Cap. 423.

"natural resources" means -

(a) the mineral, energy and other non-living resources of the sea bed and subsoil; as well as

C 358

(b) the living organisms belonging to sedentary species;

Cap. 156. "petroleum" has the same meaning as in the Petroleum (Production) Act;

"safety zone" means an area around any artificial island, installation or structure, designated for the purpose of ensuring their safety as well as safety of navigation around them;

"sedentary species" means organisms which at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil;

Cap. 226. "territorial waters" has the same meaning assigned to it by article 3 of the Territorial Waters and Contiguous Zone Act.

Exploration and exploitation of the continental shelf.

3. (1) The Government of Malta exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

(2) The Government of Malta shall have the exclusive right to exploit the subsoil of the continental shelf, as well as to authorise and regulate any activity, including but not limited to drilling and tunnelling, on the continental shelf for all purposes, irrespective of the depth of water above the said subsoil.

(3) The rights referred to in sub-article (1) are exclusive in the sense that if the Government of Malta does not explore the continental shelf or exploit its natural resources, no one may undertake the activities referred to in the preceding sub-article without the express written consent of the Prime Minister.

Cap. 156. (4) For the purposes of sub-article (1), all relevant provisions of the Petroleum (Production) Act with respect to exploration for and exploitation of petroleum in Malta shall apply *mutadis mutandis*.

Cap. 423. (5) In relation to mineral resources, with respect to which the rights mentioned in sub-article (1) are exercisable, the provisions of the Malta Resources Authority Act in relation to mineral resources in Malta shall apply *mutadis mutandis*.

Cap. 425. (6) In relation to sedentary species with respect to which the rights mentioned in sub-article (1) are exercisable, the provisions of the Fisheries Conservation and Management Act, as far as they are applicable and with any necessary modifications, shall, to the extent that they relate to sedentary species in Malta, apply *mutadis mutandis*.

(7) The Prime Minister may from time to time by order

published in the Gazette designate any area as an area within which the rights mentioned in sub-article (1) are exercisable, and any area so designated in this Act shall be a designated area.

4. (1) The Prime Minister may, from time to time, make regulations with respect to all or any one or more of the following purposes:

Power to make regulations.

(a) regulating the exploration and exploitation of the natural resources of the continental shelf;

(b) regulating or prohibiting the construction, erection, placing, or use of artificial islands, installations, structures or devices in, on, or above the continental shelf:

(i) in connection with the exploration of the continental shelf or that part thereof or the exploitation of its natural resources, or

(ii) in places where they could cause interference with the rights of the Government of Malta to explore and exploit the natural resources of the said continental shelf, or

(iii) in places where they could cause interference with the use of recognised sea lanes essential to international as well as coastwise navigation;

(c) establishing safety zones around any such artificial islands, installations, structures or devices in, on, or above the continental shelf;

(d) regulating the laying, maintenance and monitoring of submarine cables and pipelines;

(e) regulating marine scientific research;

(f) regulating carbon capture and storage;

(g) prescribing such measures as he considers necessary in any such safety zone for the protection of the artificial island, installation, structure or device with respect to which the safety zone is established;

(h) regulating or prohibiting the entry of ships into any such safety zone, subject to any exceptions provided by the order from entering, without his consent, such part of that area as may be specified in the order;

C 360

(i) prescribing measures to be taken in any such safety zone for the protection of the living resources of the sea and the natural resources of the continental shelf from harmful agents;

(j) prescribing the notice to be given of the construction, erection, or placing of artificial islands, installations, structures or devices in, on, or above the continental shelf;

(k) prescribing the permanent means to be installed for the purpose of giving warning to shipping and aircraft of the presence of artificial islands, installations, structures or devices in, on, or above the continental shelf;

(l) providing for the removal of artificial islands, installations, structures or devices constructed, erected, or placed in, on, or above the continental shelf which have been abandoned or have fallen into disuse;

(m) prohibiting or restricting any exploration or exploitation of -

(i) the continental shelf or any specified part thereof; or

(ii) its natural resources

which in the opinion of the Government of Malta could result in any unjustifiable interference with navigation, fishing, or the conservation or management of the natural resources of the sea, including the seabed and subsoil, or which could interfere with national defence or with marine scientific or other research or with submarine cables or pipelines;

(n) protecting the marine environment;

(o) providing for such matters as are necessary, including the prescription of fees and levying of taxes, for giving full effect to this Act and for the due administration thereof;

(p) regulating licensing procedures with regard to activities carried out on the continental shelf; and

(q) prescribing the minimum and maximum punishments, whether by way of fine (*multa*) or of imprisonment, to be applied in respect of any contravention or non-observance of any regulation made under this article:

Provided that any punishment prescribed in the regulations made under this sub-article shall not exceed a fine (*multa*) of two million euro (€2,000,000), and shall not exceed a term of five years imprisonment, or both, in respect of any contravention or non-observance of any such regulation.

(2) By virtue of this article, the Prime Minister is also empowered to make any regulations or orders as may be required for the proper implementation and administration of this Act and any of the regulations made thereunder.

(3) In this article, the term "continental shelf" includes the seabed and subsoil of the submarine areas within the limits of the internal waters and the territorial waters of Malta:

Provided that nothing in this article shall affect the rights and powers of the Government of Malta under the appropriate laws in respect of areas within the limits of the territorial waters of Malta.

5. For the purposes of the implementation of the provisions of this Act and regulations made thereunder, the Prime Minister may designate any person as a competent authority for the purposes of the implementation and for the exercise of any rights and duties therein.

Designation of competent authorities.

6. (1) Any act or omission which -

(a) involves or takes place on, under or above an artificial island, installation, structure or device on the continental shelf or any waters within five hundred metres of such artificial island, installation, structure or device, and

(b) would, if taking place in any part of Malta, constitute an offence under the law in force in Malta,

Criminal and civil jurisdiction.

shall be treated for the purposes of that law and of any other law in force in Malta as taking place in Malta.

(2) For the purposes of civil jurisdiction exercisable by the courts of Malta, any artificial island, installation, structure or device and any waters within five hundred metres thereof shall be treated as if they were situated in Malta.

(3) Any maritime enforcement officer shall on any artificial island, installation, structure or device in a designated area have all powers, protection and privileges which he has in Malta.

C 362

Appropriate  
action by  
maritime  
enforcement  
officers

7. For the purpose of ensuring compliance with this Act, any maritime enforcement officer may, where he has reason to believe that an offence has been committed under this Act and any regulations made hereunder, take any appropriate action necessary.

Right of hot  
pursuit.  
Cap. 226.

8. The provisions of sub-articles (2) to (6), both inclusive, of article 8 of the Territorial Waters and Contiguous Zone Act shall apply *mutatis mutandis* to any reasonable suspicion of an offence under this Act or any regulations made thereunder.

Repealing and  
transitory  
provisions.  
Cap. 194.

9. (1) Without prejudice to the provisions of sub-articles (2) and (3), the Continental Shelf Act is hereby repealed .

(2) Any licences or permits issued under the Continental Shelf Act shall continue to be regulated by the provisions of the said Act until their date of expiry.

(3) Any order or regulation made under the Continental Shelf Act shall remain in force as if they were made under this Act until such time as they may be amended or revoked by orders or regulations made under the provisions of this Act.

(4) Any other activity of whatsoever nature made under the Continental Shelf Act shall remain in force.

(5) Any reference to "the Continental Shelf Act" in any licence, contract or agreement relating to the exploration and exploitation of petroleum, to which the Government of Malta is a party, which was concluded prior to the coming into force of this Act, shall continue to be construed as a reference to the Continental Shelf Act, 1966.

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### **Objects and Reasons**

The main objective of this Bill is to bring the Continental Shelf Act (Cap. 194) in line with the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and to replace the Act by a transitional arrangement.