

THE OFFICIAL GAZETTE — 7TH JULY, 1977  
LEGAL SUPPLEMENT — A

---



ACT No. 10 of 1977

MARITIME BOUNDARIES ACT 1977

I assent,

A CHUNG,  
President,

30th June, 1977.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Interpretation.

44 THE OFFICIAL GAZETTE LEGAL SUPPLEMENT—A 7TH JULY, 1977  
No. 10] THE LAWS OF GUYANA [A.D. 1977

**PART I**

**THE TERRITORIAL SEA**

3. Territorial Sea.
4. Internal waters.
5. Sovereignty of Guyana.
6. Use of territorial sea by foreign ships.
7. Baseline.
8. Low-water line.

**PART II**

**THE CONTINENTAL SHELF**

9. Continental Shelf.
10. Full and exclusive sovereign rights.
11. Licence or authority to explore or exploit resources.
12. Declaration of designated area.
13. Order to extend enactment.
14. Submarine cables and pipelines.

**PART III**

**THE EXCLUSIVE ECONOMIC ZONE**

15. Exclusive economic zone.
16. Exclusive and sovereign rights.
17. Licence or authority to explore or exploit resources.
18. Declaration of designated area.
19. Order to extend enactment.
20. Submarine cables and pipelines.
21. Navigation and overflight.
22. Exclusion or modification of Parts II and IV.

**PART IV**

**THE FISHERY ZONE**

23. Fishery zone.
24. Regulation of conduct of fishing operations.
25. Access to fishery limits.
26. Fishery officers.
27. Powers of fishery officers.
28. Fish seized.
29. Fishery officer to prevent interference of fishing operations.
30. Fishery officer to exercise powers conferred by applied Act.
31. Protection of persons acting under this Part.
32. Offences.
33. Warrant of distress.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

A.D. 1977

A.D. 1977

MARITIME BOUNDARIES

[No. 10

PART V  
GENERAL

- 34. Alteration of seaward limit.
- 35. Maritime boundaries determined by agreement.
- 36. Charts.
- 37. Application of criminal and civil law.
- 38. Penalties.
- 39. Offences by companies.
- 40. Previous sanction of the Director of Public Prosecutions.
- 41. Power to make regulations.
- 42. Power to amend any law to give effect to this Act.
- 43. Amendment of Fisheries Act.
- 44. Repeal.

AN ACT to provide for certain matters relating to the territorial sea, the internal waters, the continental shelf, the exclusive economic zone and the fishery zone of Guyana.

Enacted by the Parliament of Guyana:—

A.D. 1977

1. (1) This Act may be cited as the Maritime Boundaries Act, 1977.

Short title and commencement.

(2) Part III of this Act shall come into force on a date appointed by order of the Minister.

Interpretation.

2. In this Act —

“continental shelf” means the continental shelf of Guyana;

“exclusive economic zone” means the exclusive economic zone of Guyana as designated under section 15;

“fish” includes all or any of the varieties of marine, estuarine or fresh water fishes, crustacea, whales, porpoises, manatees, mollusca or other marine animal and plant life or fresh water animal and plant life;

“fishery zone” means the fishery zone of Guyana established by section 23;

“fishing” means —

- (a) the catching, taking or harvesting of fish;

- (b) the attempted catching, taking or harvesting of fish;
  - (c) any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish;
  - (d) any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b) and (c), but does not include any scientific research activity which is conducted by a scientific research vessel.
- “fishing boat” means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for —

- (a) fishing; or
- (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing;

“fishing boat of Guyana” means a fishing boat which is registered in Guyana;

“foreign fishing boat” means a fishing boat which is not registered in Guyana;

“miles” means international nautical miles of 1,852 metres each;

“territorial sea” means the territorial sea of Guyana.

#### PART I

#### THE TERRITORIAL SEA

3. (1) Subject to section 34, the territorial sea comprises those areas of the sea having as their inner limits the baseline referred to in section 7 and as their outer limits the line every point on which is twelve miles from the nearest point of the baseline.

(2) References to the territorial sea in any law shall, in relation to any period after the commencement of the Act, be construed in accordance with subsection (1).

4. The internal waters of Guyana include any areas of the sea that are on the landward side of the baseline of the territorial sea.

Territorial sea.

Internal waters.

A.D. 1977]

MARITIME BOUNDARIES

[No. 10

5. The sovereignty of Guyana extends and has always extended to the territorial sea and to the seabed and subsoil underneath, and the airspace over such sea. <sup>Sovereignty of Guyana.</sup>

6. (1) Without prejudice to any other written law for the time being in force, all foreign ships (other than warships including submarines and other underwater vehicles) shall enjoy the right of innocent passage. <sup>Use of territorial sea by foreign ships.</sup>

(2) For the purposes of this section, passage is innocent as long as it is not prejudicial to the peace, good order or security of Guyana.

(3) Foreign warships including submarines and other underwater vehicles may enter or pass through the territorial sea after giving prior notice to the Government of Guyana:

Provided that submarines and other underwater vehicles shall navigate on the surface and show their flag while passing through such sea.

(4) The Minister may exercise such powers and take such measures in or in relation to the territorial sea as he may consider necessary in the interest of the peace, good order or security of Guyana or any part thereof, and such measures may include the suspension whether absolutely or subject to such exceptions and qualifications as he thinks fit, of the entry of all or any class of foreign ships into such area of the territorial sea.

7. (1) The baseline from which the territorial sea shall be measured shall be the low-water line along the coast and, where the coast line is broken by a river, a straight line joining the two points where the low-water line on the coast ends on either side of the river. <sup>Baseline.</sup>

(2) The Minister responsible for lands and surveys may by order prescribe geographical co-ordinates of points from which straight lines may be drawn for the purpose of subsection (1).

8. (1) For the purposes of section 7, the low-water line in any specified area shall be the line of the mean low-water springs as depicted on the largest scale Guyana Government nautical chart on record at the Ministry responsible for lands and surveys for the time being of that area or, where no such chart of that area exists, the largest scale British Admiralty chart for the time being of that area. <sup>Low-water line.</sup>

(2) In any proceedings in any court, a certificate purporting to be signed by the Minister responsible for lands and surveys or a person authorised by him that —

- (a) any specified Guyana Government nautical chart of any area is the largest scale chart for the time being of that area; or
  - (b) no Guyana Government nautical chart for any area exists and that any specified British Admiralty chart of that area is the largest scale British Admiralty chart for the time being of that area,
- shall be admissible as evidence of the matter stated in the certificate.
- (3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorised to sign it.

## PART II

### THE CONTINENTAL SHELF

Continental shelf.

9. Subject to section 34, the continental shelf (which by virtue of the applied law, that is to say, the British Guiana (Alteration of Boundaries) Order in Council, 1954, was included in the boundaries of Guyana) comprises the seabed and subsoll of the submarine areas that extend beyond the limit of the territorial sea throughout the natural prolongation of the land territory of Guyana to the outer edge of the continental margin or to a distance of two hundred miles from the baseline referred to in section 7, where the outer edge of the continental margin does not extend up to that distance.

Full and exclusive sovereign rights.

10. (1) Guyana has, and always had, full and exclusive sovereign rights in respect of the continental shelf.
- (2) Without prejudice to the generality of the provisions of subsection (1) Guyana has in the continental shelf —
- (a) sovereign rights for the purposes of exploration, exploitation, conservation and management of all resources;
  - (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the continental shelf or for the convenience of shipping or for any other purpose;
  - (c) exclusive jurisdiction to authorise, regulate and control scientific research; and

- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.

11. No person (including a foreign Government) shall, except under and in accordance with the terms of a licence or a order of authority granted by the Minister responsible for natural resources, explore the continental shelf or exploit its resources or carry out any search or excavation or conduct any research within the continental shelf or drill therein or construct, maintain or operate any artificial island, off-shore terminal, installation or other structure or device therein for any purpose whatsoever.

Licence of authority to explore or exploit resources.

12. The President may by order —

Declaration of designated area.

- (a) declare any area of the continental shelf and its superjacent waters to be a designated area; and
- (b) make such provisions as he may deem necessary with respect to —
- (i) the exploration, exploitation and protection of the resources of the continental shelf within such designated area;
  - (ii) the safety and protection of artificial islands, off-shore terminals, installations, and other structures and devices in such designated area;
  - (iii) the protection of the marine environment of such designated area;
  - (iv) customs and other fiscal matters in relation to such designated area; or
  - (v) the entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Guyana.

13. The President may by order —

Order to extend enactment.

- (a) extend with such restrictions and modifications as he thinks fit any enactment for the time being in force in Guyana or any part thereof to the continental shelf or any part (including any area declared to be a designated area under section 12) thereof; and

No. 10]

THE LAWS OF GUYANA

[A.D. 1977

- (b) make such provisions as he may consider necessary for facilitating the enforcement of such an enactment,

and any enactment so extended shall have effect as if the continental shelf or the part (including, as the case may be, any area declared to be a designated area under section 12) thereof in which it has been extended is a part of the territory of Guyana

Submarine cables and pipelines.

14. Without prejudice to the provisions of section 10 (1) and subject to any measures that may be necessary for protecting the interests of Guyana, the Government of Guyana may not impede the laying or maintenance of submarine cables or pipelines on the continental shelf by other States; provided however that the consent of the Government shall be necessary for the delineation of the course for the laying of such cables or pipelines.

PART III

THE EXCLUSIVE ECONOMIC ZONE

Exclusive economic zone.

15. The President may, if he considers it necessary or expedient having regard to international law and State practice, by order designate an area beyond and adjacent to the territorial sea an exclusive economic zone.

Exclusive and sovereign rights.

16. In the exclusive economic zone, Guyana shall have —

- (a) sovereign rights for the purpose of exploration, exploitation, conservation and management of the natural resources, both living and non-living as well as for producing energy from tides, winds and currents;
- (b) exclusive rights and jurisdiction for the construction, maintenance or operation of artificial islands, off-shore terminals, installations and other structures and devices necessary for the exploration and exploitation of the resources of the zone or for the convenience of shipping or for any other purpose;
- (c) exclusive jurisdiction to authorise, regulate and control scientific research;
- (d) exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution;
- (e) such other rights as are recognised by international law.



7TH JULY 1977

[A.D. 1977]

consider necessary  
of such an area

effect as if the  
e may be, and  
in 12) thereof  
itory of Guyana

f section 10(1) shall  
for protection, and  
ta may not impede  
or pipelines on the  
ever that the  
the delineation of  
elines.

ZONE

t necessary or ex-  
State practice, by  
to the territorial

a shall have -

f exploration, ex-  
ment of the na-  
ving as well  
1 winds and

for the constru-  
artificial islands,  
nd other struc-  
e exploration and  
e zone or for the  
other purpose  
regulate and con-

nd protect the  
it and control

by international

7TH JULY, 1977 THE OFFICIAL GAZETTE LEGAL SUPPLEMENT—A 51

A.D. 1977]

MARITIME BOUNDARIES

[No. 10

17. No person (including a foreign Government) shall, ex-  
cept under and in accordance with, the terms of any agreement  
with the Government of Guyana or of a licence or a letter of  
authority granted by the Minister responsible for natural re-  
sources explore or exploit any resources of the exclusive econo-  
mic zone or carry out any search or excavation or conduct any  
research within the exclusive economic zone or drill therein or  
construct, maintain or operate any artificial island, off-shore ter-  
minal, installation or other structure or device therein for any  
purpose whatsoever.

Licence or  
authority  
to explore  
or exploit  
resources.

Provided that nothing in this section shall apply in rela-  
tion to fishing by a citizen of Guyana.

18. The President may by order —

Declaration  
of desig-  
nated area.

- (a) declare any area of the exclusive economic zone to be a designated area; and
- (b) make such provisions as he may deem necessary with respect to —
  - (i) the exploration, exploitation and protection of the resources of such designated area;
  - (ii) other activities for the economic exploitation and exploration of such designated area such as the production of energy from tides, winds and currents;
  - (iii) the safety and protection of artificial islands, off-shore terminals, installations and other structure and devices in such designated area;
  - (iv) the protection of the marine environment of such designated area;
  - (v) customs and other fiscal matters in relation to such designated area; or
  - (vi) entry into and passage through the designated area of foreign ships by the establishment of fairways, sealanes, traffic separation schemes or any other mode of ensuring freedom of navigation which is not prejudicial to the interests of Guyana.

The President may by order —

Order to  
extend  
enactment.

- (c) extend, with such restrictions and modifications as he thinks fit, any enactment for the time being in force in Guyana or any part thereof to the exclusive economic zone or any part thereof; and

(b) make such provisions as he may consider necessary for facilitating the enforcement of such enactments and any enactment so extended shall have effect as if the exclusive economic zone or the part thereof to which it has been extended is a part of the territory of Guyana.

Submarine cables and pipelines.

20. The provisions of section 14 shall apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the exclusive economic zone as they apply in relation to the laying or maintenance of submarine cables or pipelines on the seabed of the continental shelf.

Navigation and overflight.

21. In the exclusive economic zone and the air space over the zone, ships and aircraft of all States shall, subject to the extent by Guyana of its rights within the zone, enjoy freedom of navigation and overflight.

Exclusion or modification of Parts II and IV.

22. Any order made under section 15 may provide for the exclusion or modification in relation to the exclusive economic zone of the provisions of Part II and Part IV.

#### PART IV

#### THE FISHERY ZONE

Fishing zone.

23. There is hereby established a fishery zone beyond and adjacent to the territorial sea and bounded on its seaward side by the line every point on which is two hundred miles from the nearest point of the baseline of the territorial sea.

Regulation of conduct of fishing operations.

24. (1) The Minister responsible for fisheries may wherever it appears to him necessary or convenient by order make provision for regulating the conduct of, and safeguarding, fishing operations and operations ancillary thereto, including provisions with respect to the identification and marking of fishing boats and fishing gear.

(2) An order made under subsection (1) applies —

(a) to all fishing boats of Guyana, and things done by such boats and their crews wherever they may be, and

(b) to all foreign fishing boats and things done by such boats and their crews, in waters within the fishery zone.

(3) Where an order made under this section is not complied with in the case of a fishing boat or its crew the master, the owner, and the charterer, if any, are liable on summary conviction in the case of a first conviction under this section to a fine of one thousand dollars

and in the case of a second or subsequent conviction to a fine of two thousand dollars.

25. (1) The Minister responsible for fisheries may by order designate any country outside Guyana, and in relation to it, areas within the fishery zone in which, and the descriptions and quantities of fish for which, fishing boats registered in that country may fish. Access to fishery limits.

(2) A foreign fishing boat not registered in a country for the time being designated under subsection (1) shall not enter the fishery zone except for a purpose recognised by international law or by any convention for the time being in force between the Government of Guyana and the Government of the country to which the boat belongs and any such boat which enters the zone for such a purpose —

- (a) shall return outside the zone as soon as the purpose has been fulfilled; and
- (b) shall not fish while within the zone.

(3) A foreign fishing boat registered in a country designated under subsection (1) shall not fish within the fishery zone except in an area and for the descriptions and quantities of fish for the time being designated in relation to that country.

(4) If this section is contravened in the case of any fishing boat the master of the boat is liable on summary conviction to a fine of two hundred thousand dollars and the court may, on convicting him for an offence under this section, order a forfeiture of any fishing gear found in the boat or taken or used by any person from the boat.

(5) This section shall extend to prohibit or restrict fishing by fishing boats registered in a country outside Guyana in any area except with respect to which special provision is made by any arrangement between the Government of Guyana and the Government of that country for fishing by such boats for the purpose of scientific research.

26. The persons appointed fishery officers under the Fisheries Act are fishery officers for the purposes of this Act. Fishery officers.

27. (1) For the purpose of enforcing the provisions of this Part or of any orders or regulations made under it a fishery officer may exercise in relation to any fishing boat within the fishery zone and in relation to any fishing boat of Guyana anywhere outside the zone the powers conferred by subsections (2) to (4). c. 71:88 Powers of fishery officers.

(2) A fishery officer may go on board the boat, with or without persons assigned to assist him in his duties, and for that purpose may require the boat to stop and do anything else which may facilitate the boarding of the boat.

54 THE OFFICIAL GAZETTE LEGAL SUPPLEMENT—A 7TH JULY, 1977

No. 10]

THE LAWS OF GUYANA

[A.D. 1977

(3) A fishery officer may require the attendance of the master and other persons on board the boat and may make any examination and inquiry which appears to him to be necessary for the purpose mentioned in subsection (2) and, in particular, may —

(a) examine any fish on the boat and the equipment of the boat, including the fishing gear, and require persons on board the boat to do anything which appears to him to be necessary for facilitating the examination; and

(b) require any person on board the boat to produce any documents relating to the boat or the persons on board which are in his custody or possession and may take copies of any such document.

(4) Where it appears to a fishery officer that an offence has been committed under this Act by any person on board any boat he may without any warrant or other process seize the boat together with any net, line, stake, instrument or appliance suspected to have been used in the commission of the offence and detain any person found on board.

(5) Where any vessel or thing is seized or any person is detained under this section the fishery officer shall take such vessel, thing or person as soon as may be to the port which appears to him to be the nearest convenient place, and as soon as practicable thereafter the fishery officer shall lay a complaint in respect of the alleged offence and cause any person detained to be brought before a court of summary jurisdiction.

(6) Subject to the foregoing provisions of this section, in carrying out the provisions of this Act a fishery officer shall have the same powers, authorities and privileges as are conferred upon an officer of customs by the Customs Act.

c. 82:01

(7) The court may order any such boat, net, line, stake, instrument or appliance —

(a) to be disposed of in such manner as the court may think fit in the event of the court convicting any person of any offence in relation to which such boat, net, line, stake, instrument or appliance was seized under subsection (4):

Provided that where the person convicted is not the owner of the boat in relation to which the offence was committed no order shall be made in respect of such boat unless the owner has been given an opportunity of being heard;

(b) to be returned to the owner in the event of no person being prosecuted within a reasonable time

D. 1977]

MARITIME BOUNDARIES

[No. 16

or where the person prosecuted is discharged by the court;

- (c) to be forfeited to the State where the owner thereof is unknown and no claim is made thereto within one month of its being detained.

28. If there is found as a consequence of any examination referred to in section 27(3) any fish or part thereof appearing to have been obtained or to have been possessed in contravention of this Part the same may be seized and detained and shall be sold in such manner as the Chief Agricultural Officer may think fit and the proceeds of such sale shall be paid into the court of competent jurisdiction and shall —

- (a) be forfeited to the State in the event of any person being convicted of any offence under this Part or in the event of such persons being unknown and no claim being made thereto within one month of the payment into the court;
- (b) be handed to the person who captures such fish where the person who captured such fish is known and either no person is prosecuted or the person prosecuted is discharged:

Provided that no person shall be subject to any liability on account of his neglect or failure to exercise the powers conferred by this paragraph.

29. If it appears to a fishery officer that a fishing boat of Guyana or a fishing boat belonging to a country which is a party to a convention to which the Government of Guyana is a party is being so navigated or stationed as to interfere or likely to interfere with fishing operations which are being carried on, or about to be carried on, within the fishery zone, he may require the boat to move away or to move in a direction or to a position specified by him.

30. For the purpose of enforcing collision provisions under the Law of Merchant Shipping Act (section 418 of the applied Act Merchant Shipping Act, 1894) so far as they apply to fishing boats, a fishery officer may exercise, in relation to any fishing boat within the fishery zone and in relation to a fishing boat of Guyana anywhere outside the zone, the powers conferred by section 723(1) of the applied Act, whether or not he is mentioned in that subsection, and also the powers conferred by sections 27 and 29 and section 723(2) of the applied Act so far as it relates to the former powers shall apply accordingly.

31. Any person acting in the execution of his office or duty under this Part is entitled to the protection afforded by the Justices Protection Act.

Offences

32. (1) Any person who on any fishing boat within the fishery zone or on a fishing boat of Guyana anywhere outside the zone —

- (a) fails to comply with any requirement imposed, or to answer any question asked, by a fishery officer under this Act;
- (b) prevents, or attempts to prevent, any other person from complying with any such requirement or answering any such question; or
- (c) assaults any fishery officer while exercising any of the functions conferred on him or by virtue of this Act or obstructs any such officer in the exercise of any of those functions,

is guilty of an offence.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine of two thousand dollars.

Warrant of distress

33. Where a fine is imposed by a magistrate's court on the master, owner or charterer or a member of the crew of a fishing boat who is convicted by the court of an offence under this Act the court may —

- (a) issue a warrant of distress against the boat and its gear and catch and any property of the person convicted for the purpose of levying the amount of the fine; and
- (b) if the boat is a foreign fishing boat, order it to be detained for a period of three months from the date of the conviction or until the fine is paid or the amount of the fine is levied in pursuance of any such warrant whichever occurs first.

#### PART V

#### GENERAL

Alteration of seaward limit

34. The President may, whenever he considers it necessary or expedient so to do having regard to International Law and State practice, by order alter the seaward limit of the territorial sea, the continental shelf, the exclusive economic zone and the fishery zone.

Maritime boundaries determined by agreement

35. (1) The maritime boundaries between Guyana and any State whose coast is adjacent to that of Guyana in regard to their respective territorial seas, continental shelves, exclusive economic zones, fishery and other maritime zones shall be determined by agreement between Guyana and such States and pending such agreement shall not extend beyond the line every point of which is equidistant from the nearest

A.D. 1977]

MARITIME BOUNDARIES

[No. 10

point on the baseline from which the breadth of the territorial sea of Guyana and such State is measured.

(2) Every agreement entered into pursuant to subsection (1) shall, as soon as may be after it is entered into, be published in the Gazette.

(3) The provisions of subsection (1) shall have effect notwithstanding anything contained in any other provision of this Act.

36. (1) The Minister responsible for lands and surveys may cause charts to be issued delineating the baseline, referred to in section 7, the territorial sea, the continental shelf, the exclusive economic zone, the fishery zone and the maritime boundaries as settled by agreements under section 35 or any portions thereof as may be delineated consistent with the nature and scale of the charts. Charts.

(2) In any proceedings in any court a certificate purporting to be signed by the Minister responsible for lands and surveys or a person authorised by him that the chart is for the time being an authorised and accurate chart shall be admissible as conclusive evidence of the matter stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorised to sign it.

37. (1) In Part II or Part III, any act or omission which —

- (a) takes place on, under or above an off-shore terminal, installation or structure or upon an artificial island in a designated area or any waters within five hundred yards of such terminal, installation, structure or island; and
- (b) would if taking place in Guyana constitute an offence under the law in force in Guyana.

shall be treated for the purposes of that law as taking place in Guyana. Application of criminal and civil law.

(2) The Minister responsible for justice may by order make provision for the determination, in accordance with the law in force in Guyana 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 the natural resources, and for conferring jurisdiction with respect to such questions on courts in any part of Guyana.

(3) Without prejudice to subsection (2) and notwithstanding anything to the contrary in any law a complaint in

58 THE OFFICIAL GAZETTE LEGAL SUPPLEMENT—A 7TH JULY, 1977

No. 10]

THE LAWS OF GUYANA

[A.D. 1977

respect of any offence committed under this Act may be laid and heard before any court of summary jurisdiction.

(4) The averment that the offence was committed or that any act was done within the limits of any port, or in the waters of Guyana, or over Guyana, or where the offences are committed in any port or place in Guyana, the naming of such port or place in any information or complaint, shall be deemed sufficient, unless the defendant in any such case shall prove the contrary.

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

Penalties.

38. Any person who contravenes or fails to comply with any provision in Part II or Part III is liable on summary conviction to a fine of five thousand dollars.

Offences by companies.

39. (1) Where an offence under this Act or any law made thereunder has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this subsection shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1) where an offence under this Act or any law made thereunder has been committed by a company and it is proved that the offence has been committed with the consent or the connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Previous sanction of the Director of Public Prosecutions.

40. No prosecution shall be instituted against any person in respect of any offence under this Act without the previous sanction of the Director of Public Prosecutions.

Power to make regulations.

41. (1) The President may make regulations for carrying out the purposes of this Act.



7TH JULY, 1977 THE OFFICIAL GAZETTE LEGAL SUPPLEMENT—A 59

A.D. 1977]

MARITIME BOUNDARIES

[No. 10

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters namely —

- (a) regulation of the conduct of any person in the territorial sea, the continental shelf, the exclusive economic zone or the fishery zone;
- (b) regulation of the exploration and exploitation, conservation and management of the resources of the continental shelf;
- (c) regulation of the exploration, exploitation, conservation and management of the resources of the exclusive economic zone;
- (d) regulation of the construction, maintenance and operation of artificial islands, off-shore terminals, installations and other structures and devices referred to in Part II and Part III;
- (e) preservation and protection of the marine environment and prevention and control of marine pollution for the purposes of this Act;
- (f) authorisation, regulation and control of the conduct of scientific research for the purposes of this Act;
- (g) fees in relation to licences and letters of authority referred to in Part II and Part III or for any other purposes; or
- (h) any matter incidental to any of the matters specified in paragraphs (a) to (g).

(3) In making any regulation under this section, the President may provide that a contravention thereof shall be punishable with a fine of ten thousand dollars and imprisonment for six months.

42. (1) If any difficulty arises in giving effect to the provisions of this Act or of any of the enactments extended under this Act, the President may, by order amend any law as appear to him to be necessary or expedient for removing the difficulty.

Power to amend any law to give effect to this Act.

43. The Fisheries Act is hereby amended as follows —

Amendment of Fisheries Act.  
c. 71:08

(a) section 2 —

- (i) in the definition of "fish" for the words "or fresh water animal" substitute the

JULY

11]

ACT

60 THE OFFICIAL GAZETTE LEGAL SUPPLEMENT—A 7TH JULY, 1977

JULY,

No. 10]

THE LAWS OF GUYANA

[A.D. 1977

1977

words "animal and plant life or from water animal and plant";

(ii) for the definition of "fishing" substitute the following —

"fishing" means —

- (a) the catching, taking or harvesting of fish;
- (b) the attempted catching, taking or harvesting of fish;
- (c) any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish;
- (d) any operations at sea in support of, or in preparation for, any activity described in paragraphs (a), (b) and (c),

but does not include any scientific research activity which is conducted by a scientific research vessel;";

(iii) for the definition of "fishing boat" substitute the following —

"fishing boat" means any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for —

- (a) fishing; or
- (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing ; ;

(b) renumber section 23 as section 23 (1) and insert the following subsection —

44.  
tion  
of

Pa.

311 N

7TH JULY, 1977 THE OFFICIAL GAZETTE LEGAL SUPPLEMENT—A · 61

A.D. 1977]

MARITIME BOUNDARIES

[No. 10

"(2) The following persons shall also be fishery officers for the purposes of this Act, that is to say —

- (a) members of the Guyana Defence Force;
  - (b) members of the Police Force;
  - (c) officers of the Customs and Excise Department; and
  - (d) other persons appointed for the purposes of this Act."
- (c) in section 24(1) delete the words " and any member of the police force".

44. The applied Act, entitled the Territorial Waters Jurisdiction Act 1878 of the United Kingdom, in so far as it forms part of the law of Guyana, shall cease to have effect.

Repeal  
41 & 42  
Vict. c. 72

*Passed by the National Assembly on 3rd June, 1977.*

*F. A. Narain.*  
Clerk of the National Assembly.

(Bill No. 10/1977)