

Marine Spaces Act 1978

LAWS OF FIJI

CHAPTER 158A

MARINE SPACES

Acts Nos. 18 of 1977, 15 of 1978

AN ACT TO MAKE PROVISION FOR THE DEMARCATION OF THE MARINE SPACES APPERTAINING TO FIJI, DECLARING THE RIGHTS OF FIJI IN RELATION THERETO; TO REGULATE THE EXPLOITATION OF THE RESOURCES THEREOF AND OTHER ACTIVITIES THEREIN AND TO MAKE FURTHER PROVISION FOR THE REGULATION OF FISHING

[21st April, 1978]

PART I-PRELIMINARY

Short title

1. This Act may be cited as the Marine Spaces Act.

Interpretation

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

"archipelagic waters" means the archipelagic water of Fiji, as defined in section **4**;

"baseline" means the line from which the width of the territorial sea is measured;

"conservation and management" includes all rules, regulations, methods and measures which are-

(a) required to rebuild, restore or maintain, or which are useful in rebuilding, restoring or maintaining, any fishery resource or the marine environment; and

(b) designed to assure that-

(i) a supply of food and other products may be taken, and that recreational benefits may be obtained, on a continuing basis;

(ii) irreversible or long-term adverse effects on fishery resources or the marine environment are avoided; and

(iii) there will be a multiplicity of options available with respect to future uses of these resources;

"exclusive economic zone" means the exclusive zone of Fiji as defined in section **6**;

"Fiji archipelago" means all islands forming part of Fiji, other than the Island of Rotuma and its Dependencies and the island of Ceva-i-Ra;

"Fiji fisheries waters" means all waters appertaining to Fiji and includes all internal waters, archipelagic waters, territorial seas and all waters within the exclusive economic zone;

"Fiji fishing vessel" means any fishing vessel which is registered in Fiji or the operations of which are based on a place in Fiji and which is wholly owned by, or is under exclusive charter to, a natural person who is a resident of, or a company incorporated in, Fiji;

"fish" includes all forms of aquatic animal life except sedentary species as described in paragraph (b) of the definition of "natural resources" in section 2 of the Continental Shelf Act;

(Cap. 149.)

"fishery" means any one or more stocks of fish and plant which can be treated as a unit for the purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational and economic characteristics, and includes any fishing for any such stocks;

Amended by 15 of 1978, s. 2)

"fishery resource" means any fishery, any stock of fish, any species of fish and any habitat of fish;

"fishing" means the catching, taking or harvesting of fish, including any, operations at sea in support of, or in preparation for, any such activity;

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

(a) fishing; or

(b) aiding or assisting any other boat, craft, ship or vessel at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, processing, refrigeration, storage, supply or transportation;

"foreign fishing vessel" means any fishing vessel other than a Fiji fishing vessel;

"internal waters" means the internal waters of Fiji, as defined in section 3;

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

"licensee" means the holder of a licence issued under the provisions of section 14;

"low-water line" means the line of low water at mean low-water spring tides as depicted on the largest scale nautical chart of the area produced by any authority and for the time being held and used by the Minister responsible for marine affairs;

"master", in the case of any fishing vessel, means the person for the time being having charge of that vessel;

"mile" means the international nautical mile of one thousand eight hundred and fifty-two metres as depicted on official charts;

(Amended by 15 of 1978, s. 2.)

"Minister" means the Minister responsible for fisheries matters;

"owner", in relation to a fishing vessel, means any person or body of persons whether incorporated or not by whom the vessel is owned and includes any charterer, sub-charterer, lessee or sub-lessee of the vessel;

"Rotuma archipelago" means the island of Rotuma and its dependencies;

"stock of fish" means a species, sub-species, geographical grouping or other category of fish which can be treated as a unit;

"territorial seas" means the territorial seas of Fiji as defined in section 5;

"total allowable catch", with respect to the yield from any fishery, means the amount of fish that will produce from the fishery the maximum sustainable yield, as qualified by any relevant economic or environmental factors and taking into account fishing patterns, the interdependence of stocks of fish, and any generally recommended sub-regional, regional, or global standards.

(2) For the purposes of this Act, permanent harbour works that form an integral part of a harbour system shall be treated as forming part of the coast.

PART II-MARINE SPACES

Internal waters

3.-(1) Except where closing lines are drawn under the provisions of subsection (2) the outer limits of the internal waters of Fiji shall be a line drawn along the low-water line of the coast of each island, provided nevertheless that in the case of islands situated on atolls or islands having fringing reefs the line shall be drawn along the seaward low-water line of the reef.

(2) The Minister responsible for Foreign Affairs may, in accordance with the rules of international law, declare, by reference to physical features marked on official charts or to lists of geographical co-ordinates specifying the geodetic datum, the points between which closing lines are to be drawn for the purpose of determining the outer limits of the internal waters of Fiji in the case of mouths of rivers, bays and permanent harbour works.

(3) Where closing lines are drawn under the provisions of subsection (2) the internal waters of Fiji shall include all waters on the landward side of those closing lines.

Archipelagic waters

4.-(1) The archipelagic waters of Fiji comprise all areas of sea contained within the baselines established under the provisions of this section.

(2) The Minister responsible for Foreign Affairs, in accordance with the rules of international law may by order declare, by reference to physical features marked on official charts or to lists of geographical co-ordinates specifying the geodetic datum, the points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelagic waters of Fiji and the innermost limits of the territorial sea of the Fiji archipelago and the Rotuma archipelago.

(Amended by 15 of 1978, s. 3.)

Territorial seas

5.-(1) The territorial seas of Fiji comprise all areas of sea having as their innermost limits the baselines established under the provisions of this section and as their outermost limits a line measured seaward from those baselines every point of which is at a distance of twelve miles from the nearest point of the baselines.

(2) Where archipelagic baselines are drawn under the provisions of section 4, those baselines shall be the baselines from which the breadth of the territorial sea of the Fiji archipelago and the Rotuma archipelago shall be measured.

(Amended by 15 of 1978, s. 5.)

(3) In all other cases the baseline from which the breadth of the territorial sea is measured is the line determining the outer limits of the internal waters of Fiji drawn under the provisions of section 3.

Exclusive economic zone

6.-(1) Subject to the following provisions of this section, the exclusive economic zone of Fiji comprises all areas of sea having, as their innermost limits the outermost limits of the territorial seas, and, as their outermost limits, a line drawn seaward from the baselines every point of which is at a distance of 200 miles from the nearest point of the appropriate baseline.

(2) The Minister responsible for Foreign Affairs may by order, for the purpose of implementing any international agreement or the award of any international body, or other-wise, declare that the outer limits of the exclusive economic zone of Fiji extend to such line, any point of which may be at a distance of less than 200 miles from the nearest point of the appropriate baseline, as may be specified in such order.

(3) Where the median line, as defined in subsection (4), is less than 200 miles from the nearest baseline, and no other line is for the time being specified under the provisions of subsection (2), the outer limits of the exclusive economic zone of Fiji extend to the median line.

(4) The median line is a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of Fiji and of any opposite or adjacent State or territory are measured.

Continental Shelf Act to apply

7. All areas of seabed and the subsoil thereof contained within the exclusive economic zone of Fiji are deemed to form part of the continental shelf of Fiji for the purposes of the

Continental Shelf Act, and to be subject to the provisions of that Act as if they were areas designated under the provisions of subsection (2) of section 3 of that Act.
(*Cap. 149.*)

Charts and publicity

8.-(1) The Minister responsible for Foreign Affairs shall cause all closing lines, baselines and other lines drawn under the provisions of this Act for the purpose of determining the limits of the internal waters, territorial seas and exclusive economic zone of Fiji to be clearly indicated on charts of a scale or scales adequate for them to be readily determined and shall give due publicity to such charts by notice in the Gazette and shall cause a copy of each such chart to be deposited with the Secretary-General of the United Nations.

(2) In any proceedings in any court, a certificate purporting to be signed by the Director of Marine 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 by the Minister responsible for marine affairs shall be admissible in evidence of the matters stated in the certificate.

Legal character of marine spaces

9.-(1) The sovereignty of Fiji extends beyond its land territory and internal waters over its archipelagic waters and territorial seas and to the airspace thereover as well as to the seabed and subsoil thereunder.

(2) Within the exclusive economic zone Fiji has sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living of the seabed and subsoil and the superjacent waters.

(3) The exercise by Fiji of its sovereignty and sovereign rights under the provisions of this section is subject to the rules of international law.

Rights of other States in marine spaces

10.-(1) Subject to the provisions of subsections (2), (3), (4) and (5), ships and aircraft of all States shall, in accordance with the rules of international law, have the right of innocent passage through and over the territorial seas and archipelagic waters.

(2) The Minister responsible for Foreign Affairs may, in accordance with the rules of international law, by order, designate sealanes and air routes, suitable for the continuous and expeditious passage of foreign ships and aircraft, through and over the archipelagic waters and the adjacent territorial seas, and may also prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in such

sealanes.

(3) In such sealanes and air routes all ships and aircraft may, in accordance with the rules of international law, enjoy the right of navigation and overflight, in their normal modes, for the purpose of continuous, expeditious and unobstructed transit through and over the archipelagic waters and the adjacent territorial seas, from one part of the exclusive economic zone to another part of the exclusive economic zone.

(4) Until such time as sealanes or air routes are designated under the provisions of subsection (2) the rights of navigation and overflight referred to in subsection (3) may be exercised through and over all routes normally used for international navigation and overflight.

(5) The rights of navigation and overflight referred to in subsection (3) are subject to all laws of Fiji made in accordance with the rules of international law.

(6) Subject to the provisions of this Act and of any other written law made in accordance with the relevant rules of international law, all States and their nationals shall enjoy, in the exclusive economic zone, the high seas freedom 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, compatible with the rules of international law.

General regulations in exclusive economic zone

11. Where no other provision is for the time being made in any other written law for any such purpose, the Minister responsible for Foreign Affairs may make regulations, in accordance with the rules of international law, for all or any of the following purposes:-

- (a) regulating the conduct of scientific research within the exclusive economic zone;
- (b) regulating the exploration and exploitation of the exclusive economic zone for the production of energy from the waters, currents and winds, and for other economic purposes;
- (c) regulating the construction, operation and use of artificial islands, installations and structures within the exclusive economic zone, including, but not confined to, the establishment of safety zones around islands, installations and structures;
- (d) prescribing measures for the protection and preservation of the marine environment of the exclusive economic zone; and
- (e) providing for such other matters as are necessary or expedient to give effect to Fiji's rights and obligations in relation to the exclusive economic zone or are necessary to give full effect to the provisions of this Act, other than matters in respect of which regulations may be made under the provisions of section 22.

PART III-MANAGEMENT AND CONSERVATION OF FISHERIES

Application of Fisheries Act

12.-(1) The archipelagic waters and the waters comprised in the exclusive economic zone shall be part of Fiji fisheries waters as defined in subsection (1) of section 2 of the Fisheries Act and, subject to the provisions of subsection (2), the provisions of that Act shall apply accordingly within the archipelagic waters and the exclusive economic zone. *(Cap. 158.)*

(2) Notwithstanding any other provision in this section or in the Fisheries Act the provisions of that Act relating to the obtaining of licences to take fish or to the registration of fishing vessels shall not apply to the fishing activities of foreign fishing vessels or their crews in the exclusive economic zone. *(Cap. 158)*

Calculation and apportionment of allowable catch by foreign fishing vessels

13.-(1) The Minister shall from time to time determine on the basis of the best available information-

- (a) the total allowable catch in respect of every fishery within the exclusive economic zone; and
- (b) the portion of that catch which Fiji's fishing vessel have the capacity to harvest.

(2) Where the Minister has determined, in respect of the total allowable catch for a fishery within the exclusive economic zone, the portion that Fiji fishing vessels have the capacity to harvest, the remaining portion shall constitute the allowable catch for that fishery for foreign fishing vessels.

(3) The Minister may from time to time apportion, among countries other than Fiji, the allowable catch for foreign fishing vessels in respect of any fishery within the exclusive economic zone, as determined under subsection (2).

(4) In making an apportionment under subsection (3), the Minister may take into account the following considerations:-

- (a) whether the fishing vessels of countries to which the apportionment applies have engaged habitually in fishing within the exclusive economic zone;
- (b) whether such countries have co-operated with Fiji in fisheries research and in the identification of fish stocks within the exclusive economic zone;
- (c) whether such countries have co-operated with Fiji in the conservation and management of fisheries resources within the exclusive economic zone, and in the enforcement of Fiji law relating to such resources;
- (d) the terms of any relevant international agreement;
- (e) such other matters as the Minister determines to be relevant.

Licensing of foreign fishing vessels

14.-(1) Subject to the provisions of subsection (2) the Minister may grant and issue licences authorising foreign fishing vessels to fish in the exclusive economic zone.

(2) In the exercise of his powers under the provisions of this section the Minister shall ensure to the extent of the information available to him that-

(a) the catch that all foreign fishing vessels licensed under this section are for the time being authorised to harvest from any fishery within the exclusive economic zone does not exceed the allowable catch for foreign fishing vessels for that fishery calculated under subsection (2) of section **13**;

(b) the catch that all foreign fishing vessels of a particular country licensed under this section are for the time being authorised to harvest from any fishery within the exclusive economic zone does not exceed the apportionment made under subsection (3) of section **13** for that fishery in respect of that country.

(3) A licence issued under the provisions of this section shall on payment by the applicant of the prescribed fee, be issued to the owner in respect of a specific boat to be identified by name in the licence and may authorise fishing generally or may confer limited authority by reference to all or any of the following limitations and conditions, namely as to-

- (a) the area within which fishing is authorised;
- (b) the periods, times or particular voyages during which fishing is authorised;
- (c) the descriptions and quantities of fish which may be taken;
- (d) the methods by which fish may be taken;
- (e) the type of fishing gear which may be used and the stowage of that gear when not in use;
- (f) the use, transfer, transhipment, landing and processing of fish taken;
- (g) entry by the vessel into Fiji ports;
- (h) the compensation payable in the event of any loss or damage caused by the vessel to other fishing boats, gear or catches or to any fish stocks or to other Fiji interests;
- (i) statistical and other information required to be given relating to the operations of the vessel including catch and effort statistics and vessel position reports;
- (j) the conduct of fisheries research programmes;
- (k) the training of Fiji personnel in the methods of fishing employed by the vessel and the transfer to Fiji of fisheries technology;
- (l) the production of the licence on demand by any fisheries officer;
- (m) the markings and other means of identification of the vessel;
- (n) the placing of Fiji observers on the vessel;
- (o) the carrying on board the vessel of specified nautical charts;
- (p) the installation and maintenance in working order on the vessel of position fixing or other identification equipment;

(q) compliance by the vessel with directions and instructions of Fiji ships or aircraft; and
(r) such other conditions as the Minister considers necessary or expedient for the regulation of fishing or the conservation and management of fisheries.

Suspension and cancellation of licences

15.-(1) Where the Minister is satisfied that-

(a) any foreign fishing vessel in respect of which a licence has been granted under section **14** is being or has been used for fishing within the exclusive economic zone in contravention of any conditions of the licence or any Fiji law relating to fishing; or
(b) the master, licensee or any crew member of a foreign fishing vessel has been convicted of an offence against this Act, or against any regulations made under the provisions of this Act, or against any other Fiji law relating to fishing,

he may suspend the licence for such period as he shall specify, or cancel the licence.

(2) Where the Minister determines that it is necessary or expedient for the proper regulation of fishing within the exclusive economic zone to do so, he may vary the conditions of or suspend any licence or licences for such period as he shall specify, or he may cancel any licence or licences.

(3) No determination, variation, suspension, cancellation, or other action of the Minister under subsection (2) shall be reviewable by any court of law.

(4) While a licence is suspended under this section, it shall have no effect.

Licensing offences

16.-(1) If any foreign fishing vessel that is not licensed under the provisions of section **14** is used for the purpose of fishing within the exclusive economic zone, the owner and the master of the vessel are each guilty of an offence and liable on conviction to a fine not exceeding one hundred thousand dollars each.

(2) If any foreign fishing vessel is used for the purpose of fishing within the exclusive economic zone in contravention of any of the limitations on or conditions of a licence issued under the provisions of section **14**, the master and licensee of the vessel are each guilty of an offence and liable on conviction to a fine not exceeding twenty-five thousand dollars each.

Fisheries officers

17.-(1) The following persons shall be fisheries officers for the purpose of this Act, that is to say-

- (a) any fisheries officer appointed under the provisions of the Fisheries Act; (*Cap. 158.*)
- (b) any customs officer appointed under the provisions of the Customs Act; (*Cap. 196.*)
- (c) any police officer;
- (d) any commissioned officer of the Royal Fiji Military Forces;
- (e) any person in command or charge of any vessel or aircraft operated by or on behalf of the Royal Fiji Military Forces; and
- (f) any other person appointed as a fisheries officer by the Minister responsible for fisheries matters.

(2) For the purpose of enforcing the provisions of this Act a fisheries officer may exercise in relation to any foreign fishing vessel within the limits of Fiji fisheries waters and in relation to any Fiji fishing vessel outside those limits the following powers:-

- (a) he may go on board that vessel, and for that purpose may require the vessel to stop and to do anything else which will facilitate the boarding of the vessel;
- (b) he may require the attendance before him of the master and other persons on board and may make any examination or inquiry which appears to him to be necessary for the purpose of enforcing the provisions of this Act and, in particular-
 - (i) may search the vessel and examine any fish found on board and the equipment of the vessel, including the fishing gear, and require persons on board the vessel to do anything which appears to him to be necessary to facilitate the examination; and
 - (ii) may require any person on board the vessel to produce any documents relating to that vessel or the persons on board which are in his custody or possession and take copies of any such document.

(3) Where any fisheries officer has reasonable cause to believe that an offence against any of the provisions of section **16** or against any other Fiji law relating to fishing in the exclusive economic zone has been committed in respect of any foreign fishing vessel, he may, without warrant-

- (a) arrest any person who he has reason to believe has committed such offence; and
- (b) where he has reason to believe that any such offence has been committed by the master or licensee of the vessel, seize and detain a vessel together with all fish found on board and may take the same and the crew of the vessel to the port which appears to him to be the nearest convenient port.

(4) Any fisheries officer may exercise the powers conferred on him by this section with

the aid of such assistants as he considers necessary for the purpose.

(5) Where any fishing vessel is detained under the provisions of subsection (3), it shall be held in the custody of the Crown until a decision is made not to institute proceedings in respect of the alleged offence or, if such proceedings are commenced the security required by the provisions of section **19** is given in respect of the vessel.

(6) All fish detained under the provisions of this section shall be held in the custody of the Crown in respect of the alleged offences for which it was detained, or, if such proceedings are instituted, until the proceedings are determined:

Provided that if adequate facilities are not available for the preservation of such fish pending the completion of the proceedings the Minister may take all steps necessary for the sale of such fish at its reasonable market value, the net proceeds of such sale to be paid into a fund to be held by the court in which such proceedings are taken pending the making of a final order by the court in respect of the forfeiture or otherwise of that fish.

(7) The decision whether or not to institute proceedings in respect of an alleged offence for which a foreign fishing vessel is detained under subsection (3) shall be made as soon as reasonably practicable after the vessel is detained.

(8) The release of a foreign fishing vessel from detention shall not affect any subsequent forfeiture of the vessel in respect of the conviction of any person for an offence.

(9) Where a fisheries officer arrests any person under the provisions of subsection (3) he shall cause that person to be taken as soon as reasonably practicable before a court to be dealt with in accordance with law.

Forfeiture of vessels, etc.

18. On conviction of the owner, master or licensee of an offence under section **16**, the court may also order the forfeiture to the Crown of the fishing vessel and any fish, fishing gear, apparatus cargo and stores found therein or thereon.

Security for release of foreign fishing vessel

19.-(1) Where any foreign fishing vessel is detained under section **17**, and proceedings are instituted against the master or licensee of the vessel in respect of the offence for which the vessel has been detained, the master or licensee of the vessel or any other person having an interest in the vessel may at any time before the determination of the proceedings apply to the court by which proceedings will be determined for the release of the vessel on the provisions of security in accordance with this section.

(2) On hearing the application the court order the release of foreign fishing vessel on the

execution by any person or persons by the court for the purpose, of a bond in favour of the Crown in the prescribed form and conditioned in accordance with subsection 4, in an amount not less than the aggregate of the value of the vessel and the maximum fine which the defendant will be liable if he is convicted of an offence.

(3) Notwithstanding subsection (2), the court may, where it is satisfied that there are special circumstances to justify it in doing so, order that the bond shall be in specified amount that is less than the amount required by that subsection

(4) The condition of the bond shall be that if-

(a) the defendant is found not guilty of the offence; or

(b) the defendant on being convicted of the offence pays in full within fourteen days after he is convicted the amount of the fine imposed by the court and the foreign fishing vessel is within that time surrendered to the Crown for forfeiture if so ordered by the court,

then the bond shall be of no effect, but that otherwise the bond shall remain in full force and effect.

(5) amount specified in the bond shall be recoverable in full as a debt due to the Crown jointly and severally by the person or persons by whom the bond is given unless the person or persons prove the due performance of the condition on which the bond is defeasible.

(6) In this section. "foreign fishing vessel" includes all equipment on board the vessel.

Obstruction, etc., of fisheries officer

20. (1) Any person who-

(a) obstructs or hinders any fisheries officer or any person assisting him in the exercise of any of his powers under this Act; or

(b) fails to comply with any lawful requirement imposed or to answer any lawful enquiry made by fisheries officer under this Act; or

(c) being on board any fishing vessel being pursued or about to be boarded by a fisheries officer, throws overboard or destroys any fish, fishing gear or any other thing whatsoever,

shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand dollars.

(2) If an offence under subsection (1) takes place on board or alongside a fishing vessel, the master of that fishing vessel shall be guilty of a like offence and liable to a like penalty.

Non-liability of fisheries officers

21. No fisheries officer shall be personally liable in respect of act done or omitted to be done by him in good faith in the execution or purported execution of this powers and duties under this Act.

Regulations

22.-(1) The Minister may make regulations for all or any of the following purposes:-

- (a) prescribing the procedure and forms for application for and granting and renewal of licences under the provisions of this Act;
- (b) prescribing the terms and duration licences;
- (c) prescribing the forms and licence that may be issued;
- (d) prescribing the classes of licences that may be issued which may include different classes of licences, whether by reference to size of vessel, size of catch, method of fishing, species of catch or otherwise;
- (e) prescribing the fees payable for licences which may include different fees for different classes of licences;
- (f) providing for the production of licences for inspection when required by a fisheries inspector or other specified authorities;
- (g) prescribing conditions under which foreign fishing vessels may fish in the exclusive economic zone;
- (h) prescribing measures for the conservation and management of fisheries resource within the exclusive economic zone;
- (i) prescribing measures for ensuring that foreign fishing vessels comply with the limitation and conditions of their licences;
- (j) prescribing the manner in which and times when fishing gear is to be stowed;
- (k) prescribing the form of bonds for the purpose of section **19**;
- (l) prescribing measures, not inconsistent with the provisions of this Act, for the regulation of fishing for highly migratory species within Fiji fisheries waters and in the case of Fiji fishing vessels, beyond the limits of those waters; and
- (m) providing for such other matters as appear to him to be necessary for giving full effect to Fiji's sovereignty or sovereign right over Fiji fisheries waters.

(2) For the purpose of this section the expression "highly migratory species" means species that in the course of their life cycle migrate over great distances of the ocean.

Fishing for research and sporting purposes excluded

23. The provisions of this Part shall not apply to nor prohibit or restrict fishing by foreign fishing vessel for fisheries research or sporting purposes with prior consent in writing of

the Minister and in accordance with such conditions as the Minister may impose in giving his consent.

PART IV-MISCELLANEOUS

Offences deemed committed in Fiji

24. Any offence against the provisions of this Act that is committed within the exclusive economic zone shall be deemed to have been committed in Fiji.

Interim measures

25. Pending the entry into force of other provisions of this Act, the Minister may by order prescribe interim or transitional measures for the conservation and management of fisheries resources beyond the territorial seas of Fiji and for the limitation of foreign fishing within an area of two hundred miles from the baselines.

Controlled by the Office of the Prime Minister

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SECTION 20-MARINE SPACES (FOREIGN FISHING VESSELS) REGULATIONS

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Legal Notice No. 137 of 1979

PART I-PRELIMINARY

Short title

1. These Regulations may be cited as the Marine Spaces (Foreign Fishing Vessels) Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires-

"approved fishing plan" means a fishing plan for the time being approved by the Minister under regulation 5;

"call sign" means International Radio Call Sign;

"country of registration" means the state in which a vessel is recognised in international law as being registered;

"equipment" includes instruments and fishing gear;

"Fisheries Officer" means any officer specified in section 17 of the Act;

"fishing log" means a fishing log required to be maintained on a licensed vessel under regulation 25;

"inspection port", in relation to any particular foreign fishing vessel, means any Fiji port that the Minister has, by notification to the owner, licensee, or master of the craft, or the National Fisheries Representative of the vessel, designated as an inspection port for the purposes of these Regulations;

"licensed vessel" means a licensed foreign fishing vessel;

"National Fisheries Representative", in relation to any foreign fishing vessel, means the National Fisheries Representative approved for that vessel under regulation 3;

"Permanent Secretary" means the Permanent Secretary for Primary Industries;

"ship's log" means a ship's log required to be maintained on a licensed vessel under regulation 25;

"vessel" includes all equipment on board or used by a vessel.

PART II-ADMINISTRATION

Approval of National Fisheries Representative

3. Where, under section **13(3)** of the Act, the Minister has for the time being made an apportionment of the allowable catch for foreign fishing vessels in respect of a fishery in the exclusive economic zone-

(a) the Government of any country to which the apportionment applies shall nominate for the approval of the Minister responsible for Foreign Affairs a specified individual to be the National Fisheries Representative, for the purpose of these Regulations, for the fishing vessels of that country; and

(b) the Minister responsible for Foreign Affairs may approve accordingly the individual so nominated.

Communications to be made through National Fisheries Representative

4. Unless in any particular case the Minister or Permanent Secretary otherwise authorises, every notice, other document, or communication that is to be served on or given to the Minister or Permanent Secretary in respect of any foreign fishing vessel or of any licensee, owner, master, or crew member of any foreign fishing vessel, shall be served, or given, through the National Fisheries Representative to the Permanent Secretary at Suva.

Fishing plan

5.-(1) For the purposes of these Regulations, the National Fisheries Representative of any country in respect of which the Minister has made an apportionment of the allowable catch for foreign fishing vessels under section **13(3)** of the Act in respect of any fishery in the exclusive economic zone may from time to time submit to the Minister a fishing plan which complies with this regulation.

(2) Every fishing plan shall be in the English language in the form of a memorandum and shall outline the proposals for taking from the fishery apportionment that has been made in respect of that country, including the following information:-

(a) the areas in the exclusive economic zone within which fishing will be carried out by fishing vessels of that country;

(b) the number of fishing vessels which will be engaged in fishing;

(c) the estimated times of arrival in and departure from the exclusive economic zone of each fishing vessel;

(d) the proposed duration of the fishing plan;

(e) an outline of the likely calls into Fiji ports to be made by the fishing vessels of that country during the duration of the fishing plan;

(f) an outline of all proposed trans-shipment of fish from the fishing vessels to other vessels of that country in the exclusive economic zone during the period of the fishing plan;

(g) an outline of all proposed landings of fish in Fiji from the fishing vessels of that country during the duration of the fishing plan;

(h) an outline of all other proposed operations in support of the fishing vessels of that country in the exclusive economic zone during the duration of the fishing plan.

(3) The Minister may from time to time approve any fishing plan submitted to him under this regulation, or any proposal to vary that plan.

(4) In approving a fishing plan, or proposal to vary a fishing plan, the Minister may specify the time for which the approval shall remain in force.

(5) The Minister may from time to time vary or suspend any approved fishing plan, or cancel his approval of any fishing plan.

(6) The approval of a fishing plan shall not be construed to limit any power of the Minister relating to the licensing of any foreign fishing vessel.

PART III-LICENSING OF FOREIGN FISHING VESSELS

Application for licence. Form 1

6. Every application for a licence in respect of a foreign fishing vessel shall be made to the Minister in the form specified in Form 1 in the Schedule or in such other form as the Minister may in any particular case or class of cases authorise.

Additional information

7. Before determining any application for a licence, the Minister may require to be submitted to him in respect of the application such further information as is reasonably necessary or expedient in order to exercise his powers under section 14 of the Act.

Minister may require application to be in pursuance of fishing plan

8. Without limiting the powers of the Minister under the Act, he may refuse to consider or grant an application for a licence-

(a) if there is no approved fishing plan for the country of the foreign fishing vessel in respect of which the application is made; or

(b) if the application is made otherwise than in pursuance of the fishing plan for that country.

Issue of licence. Form 2

9. On granting a licence, the Minister may issue a licence in the form specified in Form 2 in the Schedule to the owner of the foreign fishing vessel in respect of which the licence is granted.

Licence fees for foreign fishing vessels

10.-(1) Every person to whom a licence has been granted under section **14** of the Act shall pay a fee of \$50 plus 5% of the landed market value of the catch taken in the exclusive economic zone by the vessel to which the licence refers.

(2) The Minister may require a proportion of the catch taken by the vessel to which the licence refers, to be landed for processing at a port in Fiji.

(3) The Minister may, in such circumstances, and subject to such conditions, as he may consider appropriate, exempt any person from all or any of the provisions of this regulation.

Place of payment

11. All fees payable under these Regulations shall be paid to the Permanent Secretary at Suva.

Endorsement of variation of licence

12.-(1) Where, under section **15**(2) of the Act, the Minister has varied the licence of any foreign fishing vessel, and the Permanent Secretary has required the licensee or the master of the vessel to deliver the licence to the Permanent Secretary at Suva for endorsement accordingly, that owner or master shall do so within 72 hours after the vessel enters a Fiji port.

(2) After a licence has been endorsed under this regulation, it shall be returned to the licensee or master of the licensed vessel.

Suspension of licence

13.-(1) Where, under section **15** of the Act, the Minister suspends any licence, every

licensee to whom the suspension applies shall, within 72 hours after receiving notice of the suspension, surrender his licence to the Permanent Secretary.

(2) On the expiry of the period of any suspension of a licence, it shall be returned to the licensee.

Cancellation of licence

14. Where, under section **15** of the Act, the Minister cancels any licence, every licensee to whom the cancellation applies shall, within 72 hours after receiving notice of the cancellation, surrender his licence to Me Permanent Secretary.

Production of licence

15. Every master of a licensed vessel in Fiji fisheries waters shall on the demand of a Fisheries Officer, produce to that Officer for inspection the licence issued in respect of the vessel.

Licence to be kept on the vessel

16. Except as provided in regulations 12, 13, 14 or 15, every licence shall be maintained in good condition on the foreign fishing vessel in respect of which it is issued in a place where it can be readily inspected by a Fisheries Officer and is safe from the elements.

Duplicate licence

17. The Minister may from time to time, where-

(a) he is satisfied that a licence has been accidentally lost., destroyed or so damaged as to be illegible; or

(b) for any other reason he considers it desirable to do so,

issue a duplicate licence to the licensee.

PART IV-CONTROL OF LICENSED VESSELS IN THE EXCLUSIVE ECONOMIC ZONE

Notice of intention to enter zone

18.-(1) No foreign fishing vessel to which this re regulation applies lies shall enter the

exclusive economic zone from the high seas unless, not less than 24 hours before its entry, the Permanent Secretary has been notified of the following:-

- (a) the name, call sign and country of registration of the vessel;
- (b) the latitude and longitude of the point at which the vessel will enter exclusive economic zone;
- (c) the port to which the craft will proceed for inspection under regulation 19;
- (d) the quantity of each species of fish on board the vessel.

(2) This regulation applies to-

- [sic] any foreign fishing vessel entering the exclusive economic zone in furtherance of or for the purpose of making an application for a licence;
- (b) any licensed vessel.

Compulsory port inspection on entry and before leaving the zone

19.-(1) Every vessel to which regulation 18 applies shall, on entering or prior to leaving the exclusive economic zone from and to the high seas respectively, proceed directly and immediately to an inspection port.

(2) No licensed vessel shall be used for fishing in the exclusive economic zone unless a clearance to fish in the zone is given by a Fisheries Officer.

(3) Every licensed vessel in respect of which clearance to leave the exclusive economic zone has been given by a fisheries officer shall, on leaving the inspection port proceed expeditiously to the high seas.

Exemption from port inspection

20. The Permanent Secretary may exempt a licensed vessel from compliance with any provision of regulation 19 on such conditions as he may specify.

Port calls following clearance to

21. Where a licensed vessel wishes to enter a Fiji port after it has been given clearance under regulation 19 to fish in the exclusive economic zone but before it has had clearance to leave that zone, the Permanent Secretary shall be notified not less than 24 hours before its intended entry of the following:-

- (a) the name, call sign, and country of registration of the vessel;
- (b) the intended port of entry;

(c) the purpose of the intended entry.

Flags

22. Every licensed vessel shall, at all time while it is in Fiji fisheries waters, fly the flag of its country of registration.

Markings

23. Every licensed vessel shall, at all times when it is in Fiji fisheries water, display its call sign in block Roman alphabet letters not less than one metre in height, in white markings on a black background or in black markings on a white background, on the port and the starboard side of the hull in such a manner that the markings are clearly visible and legible from the air and at sea level.

Lighting

24. Every licensed vessel shall use for fishing in the exclusive economic zone display lights and shapes in compliance with the requirements of the International Regulations for Preventing Collisions at Sea for the vessel and the activity in which it is engaged.

Records

25.-(1) Every master of a licensed vessel shall maintain in the English language on board the vessel, at all times while the vessel is in Fiji fisheries waters, a ship's log and shall enter in that log a record of the date, time, and nature of every instruction, direction, or requirement communicated to the master by the Minister, the Permanent Secretary or a Fisheries Officer while the vessel is in Fiji fisheries waters.

(2) Every master of a licensed vessel shall maintain in the English language on board the craft, at all times while the vessel is in Fiji fisheries waters, a separate fishing log in which he shall enter daily, whenever the vessel is in the exclusive economic zone, the following information relating to the activities of the vessel during the day:-

- (a) the fishing effort of the vessel;
- (b) the method of fishing used;
- (c) the areas in which fishing was undertaken;
- (d) the quantity of each species of fish taken; and
- (e) such other information as the Permanent Secretary may reasonably require in order to ascertain the fishing activities of that vessel in the exclusive economic zone.

(3) Every fishing log shall be maintained in a form supplied or approved by the Permanent Secretary.

(4) Every master of a licensed vessel shall, within 72 hours after each occasion on which the vessel enters a Fiji port, forward the completed log to the Permanent Secretary.

Interpreters

26.-(1) Every licensed vessel shall, at all times while it is in Fiji fisheries waters have on board a person who is able to converse effectively in English and to act as an interpreter from English into the language of the master of the vessel and from that other language into English.

(2) The Permanent Secretary may in any particular case exempt a licensed vessel from compliance with paragraph (1) on such conditions as he may specify.

Methods of communication

27.-(1) Every licensed vessel in Fiji fisheries waters shall carry the latest edition of the "International Code of Signals" published by the Inter-Governmental Maritime Consultative Organisation Marine Safety Committee.

(2) Every person who is a master or officer of a licensed vessel, shall have a working knowledge of that code.

(3) In every communication by radio, flag or light between any licensed vessel in Fiji fisheries waters and any Fiji authority, the signals specified in the said code shall be used.

Reporting

28.-(1) Every licensed vessel shall, so long as it is in Fiji fisheries waters, report to the Permanent Secretary daily the following information:-

- (a) the name, call sign, and country of registration of the craft;
- (b) its position at that specified time.

(2) Every licensed vessel shall, so long as it is in Fiji fisheries waters, report weekly the quantity of each species of fish taken by the vessel in the exclusive economic zone during the previous seven day period and the areas in which such fish were taken.

Notification of completion of quota

29. Every National Fisheries Representative shall notify the Permanent Secretary forthwith of the completion of the taking of so much of the allowable catch in the exclusive economic zone as has been apportioned to the fishing vessels of his country.

Stowage of gear

30.-(1) All fishing equipment on board a foreign fishing vessel in Fiji fisheries waters shall be stowed in such a manner as not to be readily available for use for fishing.

(2) Paragraph (1) shall not apply to a licensed vessel that is in the exclusive economic zone in area in which it may be used for fishing pursuant to its licence.

Trans-shipment of catch

31. No fish shall be trans-shipped from a foreign fishing vessel in Fiji fisheries waters to any other vessel, except at a place and time authorised for the purpose by the Permanent Secretary, and in accordance with such conditions as he may

Interference with fisheries

32. No living organism, article or substance, other than fishing equipment or bait, that is likely-

- (a) to cause harm to any fish or marine mammal; or
- (b) to obstruct fishing equipment, or
- (c) to become a hazard to navigation,

shall be put or released into the sea of the exclusive economic zone from a foreign fishing vessel.

PART V-ENFORCEMENT

General powers of Fisheries Officers

33. Any Fisheries Officer may at any time in Fiji fisheries waters, with such aid as he considers to be necessary for the purpose-

- (a) require the master or any other crew member of any licensed vessel to inform him of the name, call sign, and country of registration of the vessel, and the name of the master or any other crew member; and

- (b) require the master of the vessel to produce the ship's log or fishing log to him for inspection and for the making of a copy or transcript for retention by the Fisheries Officer; and
- (c) make an entry, being an entry dated and signed by him. in the ship's log; and
- (d) subject to any other applicable Fiji law, give to the master such directions as he thinks fit as to the stowing and sealing, or the landing on the shore, of any equipment on board the vessel that contravenes or is being used in contravention of any conditions of licence issued in respect of the vessel or any Fiji law that is applicable to the vessel; and
- (e) give such directions as are necessary or reasonably expedient to the master or any other crew member of the vessel for any purpose specified in these Regulations or to provide for the compliance by the vessel or the master or any other crew member with the conditions of the licence or any Fiji law applicable to the vessel.

Facilities for observers and Fisheries Officers

34.-(1) Every master of a licensed vessel in Fiji fisheries waters-

- (a) whenever required so to do by the Permanent Secretary, shall allow any person authorised by the Permanent Secretary for the purpose to board and remain on the vessel as an observer while it is in Fiji fisheries waters; and
- (b) whenever required so to do by the Permanent Secretary or a Fisheries Officer, shall allow any Fisheries Officer to board and remain on the vessel while it is in Fiji fisheries waters.

(2) Every master of a licensed vessel in Fiji fisheries waters shall, whenever required so to do by the Permanent Secretary or a Fisheries Officer, proceed to any Fiji port or to any other place in Fiji fisheries waters for the purpose of embarking or disembarking any observer or Fisheries Officer.

(3) At all times while any observer or Fisheries Officer is on board a licensed vessel pursuant to this regulation, the master-

- (a) shall allow the observer or Fisheries Officer full access to all equipment and records, and documents, and to all fish on board the vessel; and
- (b) shall permit the observer or Fisheries Officer to make such tests. observations, and records, and take and remove such samples as he may require in order to determine the nature and extent of the activities of the vessel in Fiji fisheries waters;
- (c) shall provide for the observer or Fisheries Officer all reasonable assistance to enable him to do any act specified in sub-paragraphs (a) and (b); and
- (d) shall provide food and accommodation, at least equivalent to the standard of that provided for the officers of the vessel, for the observer or Fisheries Officer.

(4) No compensation shall be payable by the Crown to the licensee or master of a foreign fishing vessel for the costs of complying with this regulation.

Safety of Fiji officials

35. Every person who is the master or a crew member of a foreign fishing vessel shall take all reasonable precautions for the safety of every Fisheries Officer or observer who is boarding, on board, or leaving the vessel in Fiji fisheries waters.

Compliance with instructions

36. Every person who is the master or a crew member of a foreign fishing vessel in Fiji fisheries waters shall immediately comply with every instruction, direction, or requirement that is given or made to him by a Fisheries Officer pursuant to these Regulations.

PART VI-MISCELLANEOUS

Regulations to be read subject to conditions of licence

37. In relation to a licensed vessel, the provisions of these Regulations shall be read subject to any conditions of a licence issued in respect of that vessel.

Offences

38. Any person who contravenes or fails to comply with any of the provisions of these Regulations shall be guilty of an offence and, where no other penalty has been prescribed, shall be liable on conviction to a fine not exceeding \$400.

Service of Communication

39.-(1) Without limiting any other method of service, delivery or communication any notice or other document or communication that is to be or may be served or given by the Minister or by the Permanent Secretary or by a Fisheries Officer to any person under the Act or under these Regulations in respect of any foreign fishing craft may be served or given by being delivered or communicated, as the case requires, to the National Fisheries Representative for that vessel and in such a case it shall be deemed to have been served or given at the time when it is so delivered or communicated to the National Fisheries Representative.

(2) Any notice or other document or communication referred to in paragraph (1) may be served or given by being sent in a registered letter addressed to a National Fisheries Representative or (in the case of any other method of delivery, or communication, to any other person on or to whom it is to be served, delivered or communicated) in which case it shall be deemed to have been duly received at the time when it would have been received in the ordinary course of post.

SCHEDULE
(Regulations 6 and 9)

FORM 1

**APPLICATION FOR A LICENCE TO FISH IN THE EXCLUSIVE ECONOMIC
ZONE IN FIJI**

This application refers only to pole and line, purse seine and longline fishing of highly migratory species, as defined in Appendix I, within those described in section 6 of the Fiji Marine Spaces Act, 1997 (Appendix II) for the period from19.....to 31 December 19.....The Licence may authorise fishing generally or may confer limited authority to fish as specified in section 12(3)(a-r) of the above Act (Appendix III).

1. NAME OF VESSEL:

2. IDENTIFICATION MARKS:

3. PORT OF REGISTRATION:

4. OWNER(S):

5. OWNER'S REGISTERED OFFICE AND ADDRESS:

6. VESSEL SIZE:

LENGTH:

BREADTH:

DRAFT:

7. GROSS TONNAGE: tonnes

8. FISH HOLD TONNAGE: tonnes

9. NUMBER AND NATIONALITY OF CREW

10. PREVIOUS FISHING HISTORY IN THE AREA WHICH IS NOW INCLUDED IN THE FIJI EXCLUSIVE ECONOMIC ZONE:

YEAR							
TOTAL CATCH							

11. AREA WITHIN WHICH FISHING IS REQUESTED:

12. SPECIFIC PERIOD FOR WHICH FISHING IS REQUESTED:

13. SPECIFIC FISHING METHODS TO BE USED:

**POLE AND LINE
LONGLINING
PURSE SEINING**

NUMBER OF POLES

NUMBER OF HOOKS

LENGTH AND DEPTH OF NET (m)

14. INTENDED DISPOSAL OF CATCH:

a. AT A PORT WITHIN FIJI

i. FOR PROCESSING

ii. FOR LOCAL SALES

**iii. FOR TRANS-SHIPMENT AND EXPORT
(UNPROCESSED)**

**b. TRANS-SHIPMENT AT SEA FOR EXPORT FROM FIJI EXCLUSIVE
ECONOMIC ZONE ULTIMATE DESTINATION:**

**c. TRANSPORTATION ONBOARD LICENSED VESSEL OUT OF FIJI
EXCLUSIVE ECONOMIC ZONE ULTIMATE DESTINATION:**

d. COMBINATION OF a-c PLEASE SPECIFY:

15. INTENDED USE OF PORTS AND RELATED FACILITIES WITHIN FIJI

a. FOR DISPOSAL OF CATCH STATE PORT.

b. OBTAINING ICE, FUEL, FISHING GEAR PROVISIONS OR RECREATION STATE PORT: I

c. REPAIRS, OUTFITTING OR MAINTENANCE STATE PORT:

16. DO YOU INTEND OR WOULD YOU BE WILLING TO TRAIN FIJI CITIZENS IN THE METHODS OF FISHING EMPLOYED BY THE ABOVE VESSEL

Yes/No

I/We, owner/s (or owner's certified legal representative) of the above vessel, certify that the above information is true and accurate:

Signed

Dated

Note: Licenses will be issued annually and cost F\$50 plus 5% of the landed market value of the catch.

Enc.

Appendix 1. List of highly migratory species

Appendix 11. Section 6 of Marine Spaces Act, 1977

Appendix 111. Section 12(3) (a-r) of the Marine Spaces Act, 1977

APPENDIX 1.

HIGHLY MIGRATORY SPECIES

1. Skipjack (**Katsuwonus pelamis**)
2. Yellowfin tuna (**thunnus albacares**)
3. Bigeye tuna (**Thunnus obesus**)
4. Albacore tuna (**Thunnus alalunga**)
5. Southern bluefin tuna (**Thunnus maccoyii**)
6. Little tuna (**Euthynnus alletteratus**)
7. Frigate tuna (**Auxis spp.**)
8. Butterfly mackerel (**Gasterochisma melampus**)

- 9. Wahoo (**Acanthocybium solandri**)
- 10. Lancetfish (**Alepisaurus**)
- 11. Marlins (**Tetrapturus, Makaira**)
- 12. Sailfish (**Istiophorus**)
- 13. Swordfish (**Xiphias gladius**)
- 14. Pomfrets (**Bramidae**)
- 15. Dolphin fish (**mahl mahl**) (**Coryphaena**)
- 16. Oceanic sharks (Hexanchidae, Alopiidae, Carcharhinidae Sphyrnidae, Isuridae, **Cetorhinus Maximus, Rhinocedon typus**)

Appendix II - (Section 6 of the Marine Spaces Act, 1977 to be set out in full).

Appendix III - (Section 12(3) of the Marine Spaces Act, 1977 to be set out in full).

FORM 2.
LICENCE No.:
FEE PAID \$50

MINISTRY OF PRIMARY INDUSTRIES

LICENCE TO FISH IN THE EXCLUSIVE ECONOMIC ZONE OF FIJI

VESSEL.....L.O.A.....
PORT OF REGISTRATION.....

This is to certify that.....of.....being the owner/s, or certified legal representative of the owner(s) of the above fishing vessel, may permit the use of the said vessel for the purpose of fishing within the exclusive economic zone of Fiji from.....19.....to 31 December 19.....according to the following stipulations.

- 1. Type of fishing:
- 2. Area to be fished:
- 3. Period limitation:
- 4. Allowable catch:
- 5. Stowage of gear when not in use:
- 6. Transfer, trans-shipment, landing and processing restriction:
- 7. Restrictions on entry to Fiji ports:
- 8. Vessel markings:
- 9. Entry, exit and reporting procedure:
- 10. Compliance with the general regulations of the Marine Spaces Act. 1977 of Fiji as detailed overleaf:
- 11. Special conditions:

Issuing Officer
for the Minister of Primary Industries

Date:

GENERAL REGULATIONS OF THE MARINE SPACES ACT, 1977 OF FIJI I

1. Statistical and other information relating to the operations of the vessel including catch and effort statistics and vessel position will be supplied as requested.
2. The licence must be produced on demand by any Fisheries Officer.
3. The vessel may be required to:
 - (a) assist in fisheries research programmes;
 - (b) train Fiji personnel in the methods of fishing employed by the vessel; and the transfer to Fiji of fisheries technology;
 - (c) permit the placing of Fiji observers on the vessel;
 - (d) carry specified nautical charts;
 - (e) install and maintain in working order on the vessel of position: fixing or other identification equipment;
 - (f) comply with directions and instructions of Fiji ships or aircrafts [sic];
 - (g) any other conditions as the Minister considers necessary or expedient for the regulation of fishing or the conservation and management of fisheries.
4. The operations of the vessel must comply with all additional requirements of the Marine Spaces Act, 1977 with specific reference to section 15 of the suspension and cancellation of licences, section 16 on licensing offices, section 17 on the definition of Fisheries Officers, section 18 on the forfeiture of vessels, section 19 on security for release of foreign fishing vessels and section 20 on obstruction of a Fisheries Officer.

Controlled by the Office of the Prime Minister

Subsidiary Legislation
Cap 158A Rev, 1985

CHAPTER 158A
MARINE SPACES

SECTION 4-MARINE SPACES (TERRITORIAL SEAS) (ROTUMA AND ITS DEPENDENCIES) ORDER*

*This Order declares the straight baselines constituting the innermost limits of the territorial seas of the island of Rotuma and its dependencies. Information on the availability of charts illustrating the limits of the territorial seas of the Rotuma group of islands is given Legal Notice No. 119 of 1981 (*see* Notice under section 8 of the Act, *infra*).

TABLE OF PROVISIONS

PARAGRAPH

1. Short title
2. Territorial seas baselines
Schedule - Geographical Co-ordinates

Legal Notice No. 118 of 1981

Short title

1. This Order may be cited as the Marine Spaces (Territorial Seas) (Rotuma and Its Dependencies) Order.

Territorial seas baselines

2. The points between which straight baselines are to be drawn for the purpose of determining the innermost limits of the territorial seas of Rotuma and its dependencies are declared to be the geographical co-ordinates, based on the World Geodetic System 1972 (WGS72) datum, specified in the Schedule, plus 3 seconds of latitude and plus 2 seconds of longitude in each case.

SCHEDULE
(Paragraph 2)
GEOGRAPHICAL CO-ORDINATES
[WGS 72 Geodetic Datum]

<i>No.</i>	<i>Latitude</i>	<i>Longitude</i>
1	12°28'41"S.	177°07'29"E
2	12°29'42"S.	177°08'21"E.
3	12°29'54"S.	177°08'30"E.
4	12°30'18"S.	177°08'39"E.
5	12°31'19"S.	177°08'51"E
6	12°33'39"S.	177°08'50"E.
7.	12°31'45"S.	177°08'48"E
8.	12°31'54"S.	177°08'30"E.
9	12°31'40"S.	177°06'54"E.
10	12°31'43"S.	177°05'21"E.
11	12°31'21"S.	177°01'54"E.
12	12°29'58"S	176°56'04"E.
13	12°29'53"S.	176°55'59"E.
14	12°29'50"S.	176°56'02"E.
15	12°28'33"S.	176°57'41"E.
16	12°28'10"S.	176°58'15"E.
17	12°27'47"S.	176°59'11"E.
18	12°27'44"S.	176°59'20"E.
19	12°27'46"S.	176°59'35"E.

SECTIONS 4 and 6-MARINE SPACES (ARCHIPELAGIC BASELINES AND EXCLUSIVE ECONOMIC ZONE) ORDER*

*This Order constitutes the formal declaration by Fiji of its archipelagic waters and of its 200 miles exclusive economic zone.

Information on the availability of charts illustrating the limits of the internal waters, archipelagic waters the territorial seas and the exclusive economic zone of Fiji is given in Legal Notice No. 119 of 1981 (*see* Notice under section 8 of the Act, *infra*). This Order also renders superfluous the Marine Spaces (Declaration Order) (Legal Notice No. 56 of 1978) which is revoked by Legal Notice 120 of 1981.

TABLE OF PROVISIONS

PARAGRAPH

1. Short title
2. Baselines for the Fiji Archipelago
3. Outer limits of the Exclusive Economic Zone of Fiji
4. Baseline for the Exclusive Economic Zone

First Schedule - Archipelagic Waters

Second Schedule - Exclusive Economic Zone

Legal Notice No. 117 of 1981

Short title

1. This Order may be cited as the Marine Spaces (Archipelagic Baselines and Exclusive Economic Zone) Order.

Baselines for the Fiji Archipelago

2. The points between which straight baselines are to be drawn for the purpose of determining the outermost limits of the archipelago waters of Fiji and the innermost limits of the territorial sea of the Fiji archipelago are declared to be the geographical co-ordinates, based on the World Geodetic System 1972 (WGS72) datum, specified in the First Schedule, minus 7 seconds of latitude and 14 seconds of longitude in each case.

Outer limits of the Exclusive Economic Zone of Fiji

3. The outer limits of the exclusive economic zone of Fiji are declared to extend to a line drawn between, and joining in numerical sequence, the geographical co-ordinates, based on the World Geodetic System 1972 (WGS72) datum, specified in the Second Schedule.

Baselines for the Exclusive Economic Zone

4. For the purposes of paragraph 3, the baselines for which the exclusive economic zone of Fiji has been determined are-

(a) in the case of the Fiji archipelago, the straight baselines established in terms of paragraph 2;

(b) in the case of the Island of Rotuma and its dependencies the straight baselines established by the Marine Spaces (Territorial Seas) (Rotuma and its Dependencies) Order; and

(c) in the case of Ceva-i-Ra Island, a line drawn along the seaward low-water line of the reef.

FIRST SCHEDULE
(Paragraph 2)

ARCHIPELAGIC WATERS

Geographical Co-ordinates
[WGS 72 Geodetic Datum]

<i>No.</i>	<i>Latitude</i>	<i>Longitude</i>
1.	16°-05'-30"S.	179°-08'-36"W.
2.	16°-44'-48"S.	178°-55'-54"W.
3.	17°-05'-06"S.	178°-40'-24"W.
4.	17°-10'-00"S.	178°-37'-06"W.
5.	17°-55'-30"S.	178°-14'-00"W.
6.	18°-18'-30"S.	178°-12'-48"W.
7.	18°-53'-00"S	178°-21'-00"W.
8.	18°-57'-30"S.	178°-19'-45"W.
9.	19°-14'-00"S.	178°-18'-36"W.
10.	19°-48'-00"S.	178°-13'-24"W.
11.	19°-53'-30"S.	178°-16'-18"W.
12.	20°-39'-48"S.	178°-41'-24"W.
13.	20°-59'-54"S.	178°-44'-30"W.
14.	21°-01'-42"S.	178°-50'-48"W.
15.	20°-44'-00"S.	178°-53'-30"W.
16.	19°-12'-18"S.	179°-44'-48"E.
17.	19°-11'-30"S	178°-06'-00"E.
18.	19°-10'-42"S.	178°-00'-00"E.
19.	19°-08'-42"S.	177°-57'-18"E.
20.	19°-07'-48"S.	177°-56'-54"E.
21.	18°-36'-24"S.	177°-39'-36"E.

22.	18°-07'-00"S.	177°-19'-00"E.
23.	17°-56'-36"S.	177°-12'-24"E.
24.	17°-38'-54"S.	176°-59'-48"E.
25.	17°-11'-54"S.	176°-52'-42"E.
26.	17°-09'-24"S.	176°-53'-30"E.
27.	17°-06'-54"S.	176°-54'-36"E.
28.	16°-47'-00"S.	177°-17'-00"E.
29.	16°-39'-06"S.	177°-34'-24"E.
30.	16°-26'-24"S.	177°-05'-48"E.
31.	16°-19'-24"S.	178°-27'-12"E.
32.	16°-10'-30"S.	178°-04'-00"E.
33.	15°-42'-30"S.	179°-58'-30"W.
34.	15°-56'-54"S.	179°-23'-30"W.

SECOND SCHEDULE
(Paragraph 3)

OUTER LIMITS OF THE EXCLUSIVE ECONOMIC ZONE

Consecutive No.	Latitude	Longitude
1.	25°-04'-23"S.	174°-16'-32"E.
2.	20°-01'-21"S.	172°-45'-53"E.
3.	18°-32'-36"S.	173°-33'-36"E.

Thence along an arc of 200 miles (370,400 metres) radius centred on 17°-11'-47"S, 176°-52'-28"E, passing through the following positions.

4.	18°-18'-49"S.	173°-34'-55"E.
5.	18°-02'-02"S.	173°-29'-43"E.
6.	17°-44'-52"S.	173°-26'-05"E.
7.	17°-27'-29"S.	173°-24'-02"E.
8.	17°-09'-59"S.	173°-23'-34"E.
9.	16°-52'-30"S.	173°-24'-41"E.
10.	16°-35'-11"S.	173°-27'-22"E.

11.	16°-18'-10"S.	173°-31'-36"E.
12.	16°-01'-33"S.	173°-37'-20"E.
13.	15°-45'-29"S.	173°-44'-31"E.
14.	15°-30'-04"S.	173°-53'-06"E.
15.	15°-15'-26"S.	174°-03'-01"E.
16.	15°-01'-41"S.	174°-14'-11"E.
17.	14-48'-28"S.	174°-27'-14"E.

Thence along an arc of 200 miles (370,400 metres) radius centred on 12°-29'-56"S, 176°-56'-01"E, passing through the following positions.

18.	14°-40'-56"S.	174°-20'-20"E.
19.	14°-27'-07"S.	174°-09'-17"E.
20.	14°-12'-24"S.	173°-59'-33"E.
21.	13°-56'-54"S.	173°-51'-11"E.
22.	13°-40'-45"S.	173°-44'-14"E.
23.	13°-24'-05"S.	173°-38'-47"E.
24.	13°-07'-00"S.	173°-34'-50"E.
25.	12°-49'-38"S.	173°-32'-25"E.
26.	12°-32'-09"S.	173°-31'-33"E.

Thence a line joining 26 and 27. Thence a continued arc of 200 miles (370,400 metres) radius centred on 12°-29'-56"S 176°-56'-01"E passing through the following positions.

27.	11°-57'-16"S.	173°-34'-29"E.
28.	11°-40'-09"S.	173°-38'-15"E.
29.	11°-23'-25"S.	173°-43'-30"E.
30.	11°-07'-11"S.	173°-50'-11"E.
31.	10°-51'-36"S.	173°-58'-16"E.
32.	10°-36'-45"S.	174°-07'-40"E.
33.	10°-22'-46"S.	174°-18'-20"E.
34.	10°-09'-45"S.	174°-30'-10"E.
35.	09°-57'-47"S.	174°-43'-05"E.
36.	09°-46'-59"S.	174°-57'-00"E.

Thence a line joining

37.	09°-49'-09"S.	175°-51'-52"E.
38.	09°-49'-19"S.	175°-56'-40"E.
39.	09°-49'-36"S.	176°-05'-12"E.
40.	09°-49'-52"S.	176°-13'-48"E.
41.	10°-05'-17"S.	177°-06'-03"E.
42.	10°-06'-53"S.	177°-11'-10"E.
43.	10°-16'-05"S.	177°-17'-30"E.
44.	10°-18'-18"S.	177°-19'-01"E.
45.	11°-33'-50"S.	178°-14'-47"E.
46.	11°-38'-45"S.	178°-18'-29"E.
47.	11°-58'-58"S.	178°-33'-48"E.
48.	12°-07'-15"S.	178°-40'-08"E.
49.	12°-12'-25"S.	178°-44'-04"E.
50.	12°-36'-34"S.	179°-02'-40"E.
51.	13°-14'-05"S.	179°-31'-48"E.
52.	13°-19'-41"S.	179°-29'-39"E.
53.	14°-48'-18"S.	179°-14'-23"W.
54.	15°-17'-47"S.	178°-31'-00"W.
55.	15°-56'-12"S.	177°-22'-35"W.
56.	15°-59'-08"S.	177°-22'-31"W.
57.	16°-49'-39"S.	176°-53'-48"W.
58.	16°-50'-06"S.	176°-53'-23"W.
59.	17°-28'-28"S.	176°-16'-24"W.
60.	17°-40'-49"S.	176°-16'-40"W.
61.	17°-59'-05"S.	176°-21'-27"W.
62.	18°-35'-17"S.	176°-27'-02"W.
63.	18°-51'-23"S.	176°-34'-46"W.
64.	18°-54'-51"S.	176°-36'-05"W.
65.	19°-00'-45"S.	176°-37'-40"W.
66.	19°-15'-09"S.	176°-40'-10"W.
67.	19°-20'-31"S.	176°-40'-01"W.
68.	20°-26'-07"S.	176°-53'-00"W.
69.	20°-54'-36"S.	177°-01'-27"W.

70.	20°-57'-42"S.	177°-01'-55"W.
71.	21°-05'-34"S.	177°-07'-57"W.
72.	21°-22'-21"S.	177°-18'-03"W.
73.	22°-21'-27"S.	177°-54'-12"W.
74.	24°-22'-08"S.	179°-04'-16"W.

Thence along an arc of 200 miles (370,400 metres) radius centred on 21°-01'-35"S, 178°-50'-34"W passing through the following positions.

75.	24°-21'-29"S.	179°-09'-39"W.
76.	24°-19'-08"S.	179°-28'-35"W.
77.	24°-15'-16"S.	179°-47'-11"W.
78.	24°-09'-53"S.	179°-54'-12"E.
79.	24°03'-02"S.	179°-36'-39"E.
80.	23°-54'-47"S.	179°-19'-52"E.
81.	23°-45'-12"S.	179°-03'-58"E.
82.	23°-34'-20"S.	178°-49'-04"E.
83.	23°22'-19"S.	178°35'-17"E.
84.	23°-09'-12"S.	178°-22'-44"E.
85.	22°-55'-08"S.	178°-11'-31"E.
86.	22°-43'-23"S.	178°-03'-46"E.

Thence along an arc of 200 miles (370,400 metres) radius centred on CEVA-I-RA Island (21°-44'-18"S, 174°-38'-24"E) passing through the following positions.

<i>Consecutive No.</i>	<i>Latitude</i>	<i>Longitude</i>
87.	22°-50'-50"S.	178°01'-52"E.
88.	23°-07'-09"S.	177°-55'-01"E.
89.	23°-22'-50"S.	177°-46'-39"E.
90.	23°-37'-47"S.	177°-36'-47"E.
91.	24°-04'58"S.	177°-12'-54"E.
92.	24°-17'-01"S.	176°-59'-04"E.
93.	24°-27'-52"S.	176°-44'-05"E.
94.	24°-37'-28"S.	176°-28'-06"E.
95.	24°-45'-44"S.	176°-11'-13"E.

96.	24°-52'-35"S.	175°-53'-35"E.
97.	24°-57'-58"S.	175°-35'-20"E.
98.	25°-01'-51"S.	175°-16'-37"E.
99.	25°-04'-11"S.	174°-57'-35"E.
100.	25°-04'-58"S.	174°-38'-24"E.
101.	25°-04'-11"S.	174°-19'-13"E.

Thence a line to join position 1.

These positions have been based on, or approximated to the best WGS72 data currently available.

SECTION 8-CHARTS

Legal Notice No. 119 of 1981

The charts* specified in the Schedule, illustrating all baselines and other lines drawn under the provisions of the said Act for the purpose of determining the limits of the internal waters, archipelagic waters, the territorial seas and the exclusive economic zone of Fiji are available for inspection during normal business hours at the offices of-

*The consent of the United Kingdom Hydrographer has been given for the reproduction of these charts for the purposes of Fiji's Marine Spaces Act. However all baselines and other lines shown on the charts are the sole responsibility of the Government of Fiji.

- (a) the Secretary for Foreign Affairs; and
- (b) the Permanent Secretary for Home Affairs.

Copies of the lists of co-ordinates specified on the charts may be purchased from the office of the Hydrographic Unit of the Royal Fiji Military Forces.

Copies of the said charts have been deposited with the Secretary-General of the United Nations.

SCHEDULE

<i>Chart</i>	<i>Illustrating</i>
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<p>1. Fiji Marine Spaces Chart 81/1 which is British Admiralty Chart No. 2992 (overprinted by the Government of Fiji with red hatching and with the inset showing Foviung Emua Anchorage deleted and bearing on its face in red letters the words; "Charts Showing Basepoints and Straight Baselines Enclosing the Internal Waters of Rotuma".)</p>	<p>The innermost limits of the territorial seas of Rotuma and its dependencies.</p>
<p>2. Fiji Marine Spaces Chart 81/2 which is British Admiralty Chart No. 2691 (overprinted by the Government of Fiji with red hatching and showing Ceva-i-ra Island-spelled Theva-I-Ra Island-as an inset).</p>	<p>The internal waters, archipelagic waters and territorial seas of the Fiji archipelago, and in the case of Ceva-i-ra Island, the baseline from which the exclusive economic zone is determined.</p>
<p>3. Fiji Marine Spaces Chart 81/3 which is British Admiralty Chart No. 780 (overprinted by the Government of Fiji).</p>	<p>The exclusive economic zone of Fiji. The archipelagic baselines for the Fiji Archipelago. The territorial seas of Rotuma and its dependencies and of Ceva-ira Island.</p>
