

# REPRINT

## CONTINENTAL SHELF ACT (CAP. 94)

**As in force at: 1 October 2009**

<b>STATUS:</b> <b>CURRENT</b>
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For details see Endnotes
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**AN ACT TO MAKE PROVISION FOR THE PROTECTION, EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF OF SOLOMON ISLANDS, THE PREVENTION OF POLLUTION IN CONSEQUENCE OF WORKS IN CONNECTION WITH THE CONTINENTAL SHELF AND FOR MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH**

## **CONTINENTAL SHELF ACT (CAP. 94)**

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# CONTINENTAL SHELF ACT (Cap. 94)

As in force at: 1 October 2009

## 1 Short title

This Act may be cited as the *Continental Shelf Act*.

## 2 Interpretation

In this Act, unless the context otherwise requires:

**“continental shelf”** means the sea bed and subsoil of those submarine areas adjacent to the coasts of the islands of Solomon Islands but beyond the territorial limits of Solomon Islands, to a depth of two hundred metres below the surface of the sea, or, beyond that limit, to where the depth of the superjacent waters admits of exploitation of the natural resources of those areas;

**“designated area”** means an area designated by order made under section 3(3);

**“petroleum”** has the meaning ascribed to that expression in section 3(1) of the *Petroleum (Exploration) Act*.

## 3 Exploration and exploitation of continental shelf

- (1) Any rights exercisable with respect to the continental shelf appertaining to Solomon Islands and its natural resources for the purpose of exploring that shelf and exploiting those resources are hereby vested in the Crown.
- (2) In relation to any petroleum or mineral with respect to which any rights referred to in subsection (1) are exercisable the provisions of the *Petroleum (Exploration) Act* or the *Mines and Minerals Act*, as the case may be, shall apply, subject to the provisions of this Act, as they apply in relation to petroleum or minerals, as the case may be, in Solomon Islands.
- (3) The Minister may from time to time by order designate any area as an area within which the rights referred to in subsection (1) are

exercisable.

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

- (1) The Minister may, for the purpose of protecting any installation in any designated area, by order prohibit ships, subject to any exceptions provided by such order, from entering without the permission of such officer, such area within five hundred metres of the installation, as may be specified in the order.
- (2) If any ship enters an area in contravention of an order made under this section the owner or master of such ship shall be guilty of an offence and liable to a fine of five hundred penalty units or to imprisonment for six months unless he proves that the prohibition was not and would not on reasonable inquiry have become known to the master.

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

- (1) Any act or omission which:
  - (a) takes place on, under or above an installation in a designated area or any waters within five hundred metres of such an installation; and
  - (b) would, if taking place in any part of Solomon Islands, constitute an offence under any law in force in Solomon Islands.

shall be treated for the purpose of that law as taking place in Solomon Islands.

- (2) The Minister may by order make provision for the determination in accordance with the laws of Solomon Islands of any questions arising out of acts or omissions taking place in a designated area, or any part thereof, in connection with the exploration of the continental shelf or the exploitation of its natural resources and for conferring jurisdiction with respect to such questions on courts in Solomon Islands.
- (3) Any jurisdiction conferred upon any court under the provisions of this section shall be without prejudice to any jurisdiction exercisable apart from this section by that court or any other court.

## **6 Safety of navigation**

- (1) No person shall without the consent in writing of the Chief Marine Officer in any designated area:
  - (a) construct, alter or improve any works on, under or over any part of the sea bed; or
  - (b) remove any object or any material from any part of the sea bed, so that any obstruction or danger to navigation is caused or is likely to result.
- (2) Any application made to the Chief Marine Officer for his consent, under the provisions of subsection (1), shall be supported by such plans and particulars as the Chief Marine Officer may consider necessary.
- (3) If the Chief Marine Officer is of the opinion that any operation in respect of which an application is made to him under this section will cause or is likely to result in obstruction or danger to navigation he shall either refuse his consent or give his consent subject to such conditions as he may think fit having regard to the nature and extent of the obstruction or danger which appears to him would otherwise be caused or be likely to result.
- (4) The consent of the Chief Marine Officer under this section, may be given so as to continue in force, unless renewed, only if the operation is begun or completed within such period as is specified in the consent, and any renewal of the consent may be limited in like manner.

## **7 Enforcement**

- (1) Any person who:
  - (a) carries out any operation in contravention of the provisions of section 6(1); or
  - (b) fails to comply with any condition subject to which the consent of the Chief Marine Officer has been given under that section.

shall be guilty of an offence and liable to a fine of five hundred penalty

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units.

- (2) Without prejudice to any proceedings under subsection (1), where any person has constructed, altered or improved any works in contravention of the provisions of section 6 or has failed to comply with any condition subject to which the consent of the Chief Marine Officer was given under that section, the Chief Marine Officer may serve a notice on such person requiring him within such period, not being less than thirty days, as may be specified in that notice, to remove the works or make such alteration therein as may be specified in the notice, or if it appears to the Chief Marine Officer urgently necessary so to do, the Chief Marine Officer may himself arrange for the works to be removed or altered, as the case may be.
- (3) If within the period specified in any notice under subsection (1) the person upon whom the notice is served fails to comply therewith, the Chief Marine Officer may himself arrange for the works to be removed or altered, as the case may be.
- (4) In any case in which the Chief Marine Officer, in exercise of the powers conferred by either subsection (2) or subsection (3), arranges for the works to be removed or altered he shall be entitled to recover as a civil debt the expenses thereof, as certified by him, from the person by whom the works were constructed, altered or improved.

## **8 Discharge of oil**

- (1) If any oil to which this section applies or any mixture containing not less than one hundred parts of such oil in a million parts of the mixture is discharged or escapes into any part of the sea within a designated area:
  - (a) from a pipeline; or
  - (b) as a result of any operations for the exploration of the continental shelf or the exploitation of the natural resources thereof in a designated area,

the owner of the pipeline or, as the case may be, the person carrying on the operations, shall be guilty of an offence unless he proves, in the case of a discharge from a place in his occupation, that it was due to the act of a person who was there without his permission,

express or implied, or, in the case of an escape, that he took all reasonable care to prevent it and that as soon as practicable after it was discovered all reasonable steps were taken for stopping or reducing it.

- (2) This section applies to crude oil, fuel oil, lubricating oil and heavy diesel oil, as the same may be defined by the Minister by order made under this section, and to any other description of oil which may be so defined by the Minister having regard to the persistent character of that oil and the likelihood that it would cause pollution if discharged or allowed to escape into the sea.
- (3) Any person guilty of an offence under this section shall be liable to a fine of five hundred penalty units.

## **9 Construction, operation and status of structures**

- (1) Where in any designated area a structure of any description is constructed on or above the sea bed for the purpose of, or to be used in connection with, the exploration or the exploitation of the resources of the continental shelf in that area, such structure shall be and become vested in the Crown.
- (2) Any such structure as is referred to in subsection (1) may be occupied and used for the purpose of the exploration of the continental shelf or its exploitation, by the person by whom or on whose behalf such structure was created, without payment of any rent or charge whatever; but, upon the termination of the licence or other agreement under which such person is permitted to carry out such exploration or exploitation as aforesaid, he shall peaceably yield up the same to the Crown without receiving payment of any compensation whatever.

## **10 Agreements and licences**

Subject to the provisions of the *Petroleum (Exploration) Act* and the *Mines and Minerals Act* as applied by section 3(2), the Minister may enter into agreements with or grant licences to any person to explore the continental shelf or to exploit the natural resources thereof upon such terms and conditions not inconsistent with the provisions of this Act as to him may appear proper.

## 11 Prosecution of offences

- (1) Proceedings for any offence under this Act, including an offence under any other law applied by or under this Act and anything which is an offence by virtue of section 5(1), may be taken, and such offence may for all incidental purposes be treated as having been committed, in any place in Solomon Islands.
- (2) Where a body corporate is guilty of such an offence and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

For the purposes of this subsection, “**director**” in relation to any statutory corporation, the affairs of which are managed by its members, means a member of that corporation.

- (3) A police officer and every other public officer shall on any installation in a designated area have all the powers, protection and privileges which he has in Solomon Islands.



## ENDNOTES

### 1

#### KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

#### NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 94 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

### 2

#### LIST OF LEGISLATION

##### ***Continental Shelf Act (Cap. 94)***

*Constituent legislation:* 4 of 1970 (Commenced 7 August 1970)  
LN 46A of 1978  
LN 88 of 1978

##### ***Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)***

Assent date 29 July 2009  
Gazetted 1 October 2009  
Commenced 1 October 2009

### 3

#### LIST OF AMENDMENTS

s 4 amd by Act No. 14 of 2009  
s 7 amd by Act No. 14 of 2009  
s 8 amd by Act No. 14 of 2009