

THE TERRITORIAL SEA ACT 1970

Act 4/1970

Repealed by [Act No. 2 of 2005]

Date in force: 16th April 1970

ARRANGEMENT OF SECTIONS

Section

1. [Short title](#)
2. [Interpretation](#)
3. [Territorial sea](#)
4. [Internal waters](#)
5. [Baseline of territorial sea](#)
6. [The coast and the bed and subsoil of territorial sea vested in the Crown](#)
7. [Official charts](#)
8. [Permanent harbour works](#)
9. [Removal of jetties and other structures](#)

**An Act to make provision with respect of the territorial
sea of Mauritius**

[16th April 1970]

ENACTED by the Parliament of Mauritius, as follows-

1. Short Title

This Act may be cited as the Territorial Sea Act, 1970.

2. Interpretation

In this Act, unless the context otherwise requires-

" baseline " has the meaning assigned to it by section 5 of this Act;

" bay " means an indentation of the coast the area of which is not less than that of a semi"-circle the diameter of which is a line drawn across the mouth of the indentation. For the purpose of this definition, the area of an indentation shall be taken to be the area bounded below water mark around the shore of the indentation and the straight line joining the low water marks at its natural entrance points;

"Chief Surveyor" means the Chief Surveyor of the Ministry of Housing, Lands and Town and Country Planning;

"low tide elevation " means a naturally formed area of land which is surrounded by, and above, water at low tide but submerged at high tide and on which a lighthouse or other structure has been so constructed as to be permanently above sea level;

"Mauritius " includes all the islands under the jurisdiction of the State of Mauritius;

"nautical mile " means the international nautical mile.

3. Territorial Sea

The territorial sea of Mauritius, hereinafter referred to as the territorial sea, shall comprise those areas of sea having-

- (a) as their inner limits, the baseline; and
- (b) as their outer limits, a line measured seaward every point of which is twelve nautical miles distant from the nearest point in the baseline.

4. Internal Waters

The internal waters of Mauritius shall include any area of sea that lies on the landward side of the baseline.

5. Baseline of territorial sea

The baseline shall be the line of low water mark along the coast:

Provided that: -

- (a) (i) where the coast is so indented as to form a bay which does not exceed twenty four nautical miles in breadth; or
(ii) where the coast is deeply indented and cut into,
the baseline shall be a straight line joining the furthest points seaward in the line of low water mark at the natural entrance points of the bay or of the indentation, as the case may be;
- (b) where islands are so situated in relation to one another as to form an archipelago, the baseline shall be straight lines joining points in the line of low water mark of the outermost islands and those points shall be so chosen as to enclose, when joined together by straight lines, the maximum area of sea;
- (c) where a low tide elevation or an island is, either in whole or in part, within twelve miles of the line of low watermark along the coast or of the baseline as described in paragraph (a) or (b) of this proviso, the baseline shall be straight lines joining points in the line of low watermark of the coast and of the island or of the low tide elevation, as the case may be, and those points

shall be so chosen as to enclose, when joined together by straight lines, the maximum area of the sea.

6. The coast and the bed and subsoil of territorial sea vested in the Crown

Notwithstanding the provisions of any enactment to the contrary, the seabed and the subsoil of the areas bounded on the landward side, by the high water mark along the coast of territorial of Mauritius and, on the seaward side, by the outer limits of the territorial sea are hereby vested in the State.

Amended by [Act No. 48 of 1991]

7. Official charts

- (1) For the purposes of this Act, the low water mark Official or the high water mark in any area shall be the line of low water mark or the line of high water mark, as the case maybe, shown on the largest scale chart compiled for the time being of that area, by or on behalf of the Ministry of Housing, Lands and Town and Country Planning.
- (2) In any proceedings, a certificate purporting to be signed by the Chief Surveyor or any other officer deputed by the Minister of Housing, Lands and Town and Country Planning to the effect that a chart compiled under this section is the largest scale chart for the time being of the area shown on the chart shall be admissible evidence of the matters stated in the certificate.

8. Permanent harbour works

For the purposes of this Act, permanent harbour works which form part of the harbour system shall be deemed to be to be part of the coast.

9. Deleted by [Act No. 19 of 2002]