

CAYMAN ISLANDS



CONTINENTAL SHELF LAW

(1998 Revision)

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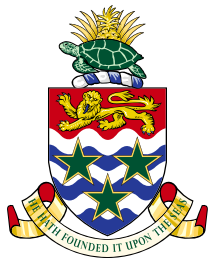
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Arrangement of Sections

Section	Page
1. Short title	5
2. Definitions.....	5
3. Exploration and exploitation of continental shelf.....	5
4. Protection of installations in designated areas	6
5. Application of criminal and civil law	6
6. Safety of navigation	6
7. Enforcement	7
8. Discharge of oil.....	8
9. Agreements and licences.....	8
10. Prosecution of offences	8



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(1998 Revision)

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the *Continental Shelf Law (1998 Revision)*.

Definitions

2. In this Law —

“**continental shelf**” means the sea bed and sub-soil of the submarine areas adjacent to the coasts of the Islands but outside the territorial waters to a depth of two hundred metres or such greater depth as admits of the exploitation of natural resources;

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

“**petroleum**” has the meaning assigned to it in the *Petroleum Law (1998 Revision)*.

Exploration and exploitation of continental shelf

3. (1) Any rights exercisable with respect to the continental shelf over the continental shelf of the Islands and their natural resources for the purpose of exploring that shelf and exploiting such resources are vested in Her Majesty in right of Her Government of the Islands.

- (2) In relation to any petroleum with respect of which rights referred to in subsection (1) are exercisable, the *Petroleum Law (1998 Revision)* applies subject to this Law.
- (3) The Governor may, from time to time by order, designate any area as an area within which the rights referred to in subsection (1) are exercisable.

Protection of installations in designated areas

- 4. (1) The Governor may, by order, for the purpose of protecting any installation in a designated area, prohibit or restrict ships from entering, without the permission of the Governor, such part of the zone extending to a distance of five hundred metres around such installation as may be specified in such order.
- (2) If any ship enters any part of such a zone in contravention of an order made under subsection (1), the owner or master thereof is guilty of an offence and liable on summary conviction to a fine of one thousand, five hundred dollars and to imprisonment for six months unless he proves that the prohibition was not known, and would not, on reasonable inquiry, have become known to such owner or master.

Application of criminal and civil law

- 5. (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 the Islands, constitute an offence against any law of the Islands,shall be treated for the purpose of that law as taking place in the Islands.
- (2) The Governor may, by order, make provision for the determination in accordance with the laws of the Islands 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 sea bed or sub-soil thereof or the exploitation of their natural resources and for conferring upon the courts of the Islands jurisdiction thereover.
- (3) Jurisdiction conferred upon a court under this section is without prejudice to the jurisdiction exercisable apart from this section by that or any other court.

Safety of navigation

- 6. (1) Whoever in a designated area without the written consent of the Governor —
 - (a) constructs, alters or improves any works on, under or over any part of the sea bed; or
 - (b) removes any object or any material from any part of the sea bed,



so that obstruction or danger to navigation is caused or is likely to result, is guilty of an offence.

- (2) Applications made to the Governor for his consent under subsection (1) shall be supported by such plans and particulars as the Governor requires.
- (3) If the Governor is of the opinion that any operation in respect of which such application is made to him 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 Governor under this section has validity during such period as is specified in such consent and any renewal of such consent.

Enforcement

7. (1) Whoever —

- (a) carries out any operation in contravention of section 6(1); or
- (b) fails to comply with any condition subject to which the consent of the Governor is given under that section,

is guilty of an offence and liable on summary conviction to a fine of three thousand dollars.

- (2) Without prejudice to subsection (1), whoever constructs, alters or improves any works in contravention of section 6 or fails to comply with any condition subject to which the consent of the Governor is given, may be served with a notice issued by the Governor requiring him within such period, not being less than thirty days, as may be specified in such notice, to remove the works or make such alteration thereto as may be specified therein and, if it appears to the Governor urgently necessary so to do, the Governor may himself cause the works to be removed or otherwise dealt with.
- (3) If, within the period specified in the notice under subsection (1), the person served therewith fails to comply with it, the Governor may himself arrange for the works to be removed or altered.
- (4) In any case in which the Governor, exercising the powers conferred by subsection (2) or (3), arranges for the works to be removed or otherwise dealt with, 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, removed or improved.

Discharge of oil

8. (1) If any oil to which this section applies or any mixture containing not less than one part of such oil in fifteen thousand parts of the mixture is discharged or escapes into any part of the sea —
- (a) from a pipeline; or
 - (b) as a result of any operations for the exploration of the sea bed and subsoil 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, is 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) Subsection (1) applies to crude oil, fuel oil, lubricating oil and heavy diesel oil, as the same may be defined by the Governor by order made under subsection (1), and to any other description of oil which may be so defined by the Governor 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.

Agreements and licences

9. (1) The Governor may enter into agreements or grant licences to explore the sea bed or sub-soil or to exploit the resources thereof in any area to which this Law applies upon such terms and conditions consistent therewith as to him may appear proper.
- (2) Nothing in the *Petroleum Handling and Storage Law (1996 Revision)* shall apply to anything lawfully done or omitted to be done under an agreement or licence under this Law.

Prosecution of offences

10. (1) Proceedings for any offence under this Law (including an offence under any other law as applied by or under this Law) and anything which is an offence under section 5(1) may be taken, and such offence may, for all incidental purposes, be treated as having been committed in the 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, is guilty of the offence and liable to be proceeded against and punished accordingly.



- (3) In subsection (2) —
“**director**” in relation to any statutory corporation, the affairs of which are managed by its members, means a member of that corporation.

Publication in revised form authorised by the Governor in Council this 16th day of June, 1998.

Carmena H. Parsons
Clerk of Executive Council

