



ANALYSIS

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1996, No. 74

**An Act to amend the Territorial Sea and Exclusive
Economic Zone Act 1977** [26 July 1996]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Territorial Sea and Exclusive Economic Zone Amendment Act 1996, and shall be read together with and deemed part of the Territorial Sea and Exclusive Economic Zone Act 1977 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of August 1996.

2. Straight baselines—The principal Act is hereby amended by inserting, after section 6, the following section:

“6A. (1) Subject to section 6 of this Act, in the following circumstances the method of drawing straight lines joining points may be employed in drawing the baseline from which the breadth of the territorial sea is measured:

“(a) Where a river flows directly into the sea:

“(b) Where the coast is highly unstable because of the presence of a delta or other natural conditions:

“(c) Where the coast is deeply indented:

“(d) Where there is a fringe of islands along the coast in its immediate vicinity.

“(2) For the purposes of subsection (1) of this section, the points between which straight lines may be drawn are,—

“(a) In a case where a river flows directly into the sea, a point at each side of the river’s mouth on the low-water line of the river’s banks:

“(b) In a case where the coast is highly unstable because of the presence of a delta or other natural conditions, points along the furthest seaward extent of the low-water line:

“(c) In any other case, points that are appropriate in the circumstances.

“(3) Where it is necessary to determine the points between which straight lines may be drawn for the purposes of paragraph (b) or paragraph (c) of subsection (2) of this section,—

“(a) The following rules shall be observed:

“(i) Straight baselines shall not depart to any appreciable extent from the general direction of the coast:

“(ii) Sea areas lying within straight baselines shall be sufficiently closely linked to the land of New Zealand to be internal waters of New Zealand:

“(iii) Straight baselines shall be drawn to and from low-tide elevations only where lighthouses or similar installations, which are permanently above sea level, have been built on the low-tide elevations or where the drawing of baselines to and from such elevations has received general international recognition; and

“(b) Economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage, may be taken into account.

“(4) Where, in a case where the coast is highly unstable because of the presence of a delta or other natural conditions, a straight line has been drawn pursuant to this section, that line remains the baseline, notwithstanding any subsequent regression of the low-water line, until it is changed in accordance with this Act.”

Cf. United Nations Convention on the Law of the Sea, articles 7 and 9

3. Consequential amendments—(1) Sections 3, 9 (1), and 29 (1) of the principal Act are hereby consequentially amended by inserting in each case, after the expression “and 6”, the expression “and 6A”.

(2) Section 5 (1) of the principal Act is hereby consequentially amended by inserting, after the expression “section 6”, the expression “or section 6A”.

4. New heading and Part inserted—The principal Act is hereby amended by inserting, after section 8, the following heading and Part:

“PART IA

“THE CONTIGUOUS ZONE OF NEW ZEALAND

“8A. **The contiguous zone**—(1) In this section, the term ‘marker’ means the line that, pursuant to section 3 of this Act, marks the outer limits of the territorial sea of New Zealand.

“(2) The contiguous zone of New Zealand comprises those areas of the sea having, as their inner limits, the marker, and, as their outer limits, a line measured seaward from the marker, every point of which line is distant 12 nautical miles from the nearest point of the marker.”

Cf. United Nations Convention on the Law of the Sea, article 33

5. Altering Title and Short Title of principal Act—

(1) The principal Act may hereafter be cited as the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

(2) The Title of the principal Act is hereby consequentially amended by inserting, after the words “territorial sea” where they first appear, the words “and the contiguous zone”.

(3) The Short Title of the principal Act is hereby consequentially amended by inserting, after the words “Territorial Sea”, the words “, Contiguous Zone,”.

(4) Every reference in any enactment or in any document whatsoever to the Territorial Sea and Exclusive Economic Zone Act 1977 is hereby consequentially amended by inserting, after the words “Territorial Sea”, the words “, Contiguous Zone,”.