



## ANALYSIS

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1965, No. 11

**An Act to make provision with respect to the territorial sea and fishing zone of New Zealand** [10 September 1965]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Territorial Sea and Fishing Zone Act 1965.

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-six.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Bay” means an indentation of the coast such that its area is not less than that of the semi-circle whose diameter is a line drawn across the mouth of the indentation. For the purposes of this definition the area of an indentation shall be taken to be the area bounded by low-water mark around the shore of the indentation and the straight line joining the low-water marks of its natural entrance points; and where, because of the presence of islands, an indentation has

more than one mouth the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths; and in calculating the area of an indentation the area of any islands lying within it shall be treated as part of the area of the indentation:

“Island” means a naturally formed area of land which is surrounded by and above water at mean high-water spring tides:

“Low-water mark” has the meaning assigned thereto by section 9 of this Act:

“Low-tide elevation” means a naturally formed area of land which is surrounded by and above water at mean low-water spring tides but is submerged at mean high-water spring tides:

“Nautical mile” means the international nautical mile.

**3. The territorial sea**—The territorial sea of New Zealand comprises those areas of the sea having, as their inner limits, the baseline described in sections 5 and 6 of this Act and, as their outer limits, a line measured seaward from that baseline, every point of which is distant three nautical miles from the nearest point of the baseline.

**4. Internal waters**—The internal waters of New Zealand include any areas of the sea that are on the landward side of the baseline of the territorial sea of New Zealand.

**5. Baseline of the territorial sea**—(1) Except as otherwise provided in section 6 of this Act, the baseline from which the breadth of the territorial sea of New Zealand is measured shall be the low-water mark along the coast of New Zealand, including the coast of all islands.

(2) For the purposes of this section, a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof shall be treated as an island.

**6. Baseline of the territorial sea adjacent to a bay**—In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured shall—

(a) If the bay has only one mouth and the distance between the low-water marks of the natural entrance points

of the bay does not exceed twenty-four nautical miles, be a straight line joining the said low-water marks:

- (b) If, because of the presence of islands, the bay has more than one mouth and the distances between the low-water marks of the natural entrance points of each mouth added together do not exceed twenty-four nautical miles, be a series of straight lines across each of the mouths so as to join the said low-water marks:
- (c) If neither paragraph (a) nor paragraph (b) of this section applies, be a straight line twenty-four nautical miles in length drawn from low-water mark to low-water mark within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

**7. Bed of territorial sea and internal waters vested in the Crown**—Subject to the grant of any estate or interest therein (whether by or pursuant to the provisions of any enactment or otherwise, and whether made before or after the commencement of this Act), the seabed and subsoil of submarine areas bounded on the landward side by the low-water mark along the coast of New Zealand, including the coast of all islands, and on the seaward side by the outer limits of the territorial sea of New Zealand shall be deemed to be and always to have been vested in the Crown.

**8. Fishing zone of New Zealand**—(1) The fishing zone of New Zealand comprises those areas of the sea contiguous to the territorial sea of New Zealand and having, as their inner limits, the outer limits of the territorial sea and, as their outer limits, a line measured seaward from those inner limits every point of which is distant nine nautical miles from the nearest point of the inner limit line.

(2) The provisions of Part I of the Fisheries Act 1908 and of any regulations made pursuant to section 5 of that Act and of the Whaling Industry Act 1935 and of any regulations made under that Act shall apply to the fishing zone of New Zealand in the same way and to the same extent as they apply to the territorial sea of New Zealand.

(3) Nothing in this section shall limit the provisions of any enactment applying to ships while they are outside the fishing zone of New Zealand and to persons on such ships.

**9. Official charts**—(1) For the purposes of this Act, the low-water mark in any specified area shall be the line of low water at mean low-water spring tides as depicted on the largest scale New Zealand Government nautical chart for the time being of that area, or, where no such chart of that area exists, the largest scale British Admiralty chart for the time being of that area.

(2) In any proceedings in any Court, a certificate purporting to be signed by an officer of the New Zealand Naval Forces authorised by the Secretary of Defence or a Deputy Secretary of Defence that—

(a) Any specified New Zealand Government nautical chart of any area is the largest scale New Zealand Government nautical chart for the time being of that area; or

(b) No New Zealand Government nautical chart for any area exists and that any specified British Admiralty chart of that area is the largest scale British Admiralty chart for the time being of that area—

shall be admissible as evidence of the matters stated in the certificate.

(3) Every person signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorised to sign it.

**10. Permanent harbour works**—For the purposes of this Act, permanent harbour works which form an integral part of a harbour system shall be treated as forming part of the coast.

**11. Amendments**—The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule.

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## Section 11

## SCHEDULE

## ENACTMENTS AMENDED

Enactment Amended	Amendment
<p>1908, No. 65—The Fisheries Act 1908 (1957 Reprint, Vol. 5, p. 261)</p>	<p>By omitting from the definition of the term “fish” in section 2 (1) (which definition was substituted by section 2 (1) of the Fisheries Amendment Act 1959) the words “New Zealand waters”, and substituting the words “New Zealand fisheries waters”.</p> <p>By adding to the definition of the term “fishing boat” or “boat” in section 2 (1) the words “and includes, in relation to vessels in New Zealand fisheries waters, all such vessels whether or not they are New Zealand ships within the meaning of the Shipping and Seamen Act 1952”.</p> <p>By inserting in section 2 (1), after the definition of the term “Minister”, the following definition:</p> <p>“‘New Zealand fisheries waters’ means all waters in the fishing zone of New Zealand (as defined by section 8 of the Territorial Sea and Fishing Zone Act 1965), all waters of the territorial sea of New Zealand (as defined by section 3 of that Act), all internal waters of New Zealand (as defined by section 4 of that Act), and the waters of any lake, river, or stream where fish indigenous to New Zealand are found:”.</p> <p>By omitting from the definition of the term “shellfish” in section 2 (1) (which definition was substituted by section 2 (2) of the Fisheries Amendment Act 1959) the words “New Zealand waters”, and substituting the words “New Zealand fisheries waters”.</p> <p>By repealing the definition of the term “waters” or “New Zealand waters” in section 2 (1).</p> <p>By inserting in section 5 (1), after the words “throughout New Zealand”, the words “and New Zealand fisheries waters”.</p> <p>By adding to paragraph (a) of section 5 (1) the words “and in New Zealand fisheries waters”.</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment Amended	Amendment
1908, No. 65—The Fisheries Act 1908 (1957 Reprint, Vol. 5, p. 261) — <i>continued</i>	<p>By inserting in subparagraph (i) of paragraph (h) of section 5 (1), and also in subparagraph (iii) and in paragraph (q), after the words "New Zealand", the words "and New Zealand fisheries waters".</p> <p>By omitting from section 12 (1) (as amended by section 3 of the Fisheries Amendment Act 1948) the words "New Zealand waters" wherever they occur, and substituting in each case the words "New Zealand fisheries waters".</p> <p>By omitting from section 49 (2) the words "New Zealand waters" wherever they occur, and substituting in each case the words "New Zealand fisheries waters".</p> <p>By omitting from section 50 the words "New Zealand waters", and substituting the words "New Zealand fisheries waters".</p> <p>By omitting from section 58 (1) (a) the words "the jurisdiction of the Government of New Zealand", and substituting the words "New Zealand or New Zealand fisheries waters".</p> <p>By omitting from section 58 (1) (b) the words "such jurisdiction", and substituting the words "New Zealand or New Zealand fisheries waters".</p> <p>By repealing section 67 (1), and substituting the following subsection:            "(1) Any offence against this Part of this Act committed within the fishing zone of New Zealand (as defined by section 8 of the Territorial Sea and Fishing Zone Act 1965) shall be deemed to have been committed in New Zealand."</p>
1924, No. 11—The Acts Interpretation Act 1924 (1957 Reprint, Vol. 1, p. 1)	<p>By inserting in section 4, after the definition of the term "Supreme Court", the following definitions:            "Territorial limits of New Zealand' and 'limits of New Zealand' and analogous expressions mean the outer limits of the territorial sea of New Zealand;            "Territorial sea of New Zealand' has the same meaning as in section 3 of the Territorial Sea and Fishing Zone Act 1965; and in all Acts passed before the commencement</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment Amended	Amendment
1924, No. 11—The Acts Interpretation Act 1924 (1957 Reprint, Vol. 1, p. 1)— <i>continued</i>	of this definition, unless the context otherwise requires, the expressions 'territorial waters of New Zealand', 'New Zealand waters' and analogous expressions have the same meaning as the expression 'territorial sea of New Zealand':".
1935, No. 12—The Whaling Industry Act 1935 (1957 Reprint, Vol. 16, p. 657)	By repealing the definition of the term "coastal waters" in section 2, and substituting the following definition: " 'Coastal waters' means— "(a) In relation to New Zealand, New Zealand fisheries waters as defined in the Fisheries Act 1908: "(b) In relation to any other country or territory, so much of the waters adjoining that country or territory as is within the distance to which the provisions of the laws of that country or territory corresponding to the provisions of this Act extend:".
1926, No. 15—The Mining Act 1926 (1957 Reprint, Vol. 10, p. 1)	By omitting from section 11 (1) the words "territorial limits", and substituting the words "coastal waters".
1926, No. 15—The Mining Act 1926 (1957 Reprint, Vol. 10, p. 1)	By inserting in the definition of the term "Crown lands" in section 4, after the words "operation of law", the words "or by the provisions of section 7 of the Territorial Sea and Fishing Zone Act 1965".
1950, No. 34—The Harbours Act 1950 (1957 Reprint, Vol. 5, p. 813)	By adding to section 2, as subsection (2), the following subsection: "(2) Notwithstanding anything in the definition of the term 'harbour' or 'port' in subsection (1) of this section or in any Warrant or Order in Council issued or made pursuant to section 3 of this Act or the corresponding provisions of any former Act or in any other enactment relating to any specified Harbour Board by or pursuant to which the limits of any harbour or port have been defined, the limits of any harbour or port so defined before the commencement of this subsection shall not extend beyond the internal waters of New Zealand as defined in section 4 of the Territorial Sea and Fishing Zone Act 1965:

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Enactment Amended	Amendment
1950, No. 34—The Harbours Act 1950 (1957 Reprint, Vol. 5, p. 813) — <i>continued</i>	“Provided that this Act and all regulations, orders, Warrants, and bylaws thereunder (whether made or issued before or after the commencement of this subsection) shall have effect in or with respect to the areas in or with respect to which they had effect immediately before the commencement of this subsection or, as the case may be, in or with respect to which they would have had effect if this subsection had not been enacted.”
1959, No. 8—The Fisheries Amendment Act 1959	By repealing subsection (4) of section 2.
1961, No. 43—The Crimes Act 1961	By repealing the definition of the term “New Zealand” in section 2 (1), and substituting the following definition: “‘New Zealand’ includes all waters within the outer limits of the territorial sea of New Zealand (as defined by section 3 of the Territorial Sea and Fishing Zone Act 1965):”
1962, No. 135—The Transport Act 1962	By inserting in the definition of the term “territorial waters” in section 2 (1), after the words “any country”, the words “other than New Zealand”.
1963, No. 70—The Fishing Industry Board Act 1963	By adding to the definition of the term “harbour” in section 2 (1) the words “not being waters outside the inner limits of the territorial sea of New Zealand”.
1964, No. 28—The Continental Shelf Act 1964	By omitting from the definition of the term “fish” in section 2 the words “New Zealand waters”, and substituting the words “New Zealand fisheries waters (as defined in the Fisheries Act 1908)”.
	By omitting from section 6 (1) the words “the territorial waters of New Zealand”, and substituting the words “New Zealand or New Zealand fisheries waters”.
	By omitting from paragraph (a) of section 6 (1) the words “New Zealand waters”, and substituting the words “New Zealand fisheries waters”.
	By repealing paragraph (c) of section 6 (1).