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**Schedule
Acts amended**

An Act to declare the territorial sea, continental shelf, contiguous zone, exclusive economic zone, and to provide for related matters of the Cook Islands as the maritime zones of the Cook Islands, and to provide for related matters

The Parliament of the Cook Islands enacts as follows—

- 1 Title**
This Act is the Maritime Zones Act 2018.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the assent of the Queen's Representative.

**Part 1
Preliminary matters**

- 3 Purpose**
The purpose and expressed maritime zone of this Act is to provide an effective legal framework that declares, defines the rights of the Cook Islands and other States in relation to, the maritime zones of the Cook Islands consistently with international law.
- 4 Interpretation**
In this Act, unless the context otherwise requires,—
 - contiguous zone** means the contiguous zone of the Cook Islands described in section 10
 - continental shelf** means the continental shelf of the Cook Islands described in section 2
 - exclusive economic zone** means the exclusive economic zone of the Cook Islands described in section 11
 - geodetic datum** means World Geodetic System 1984 (WGS84), which is a geocentric datum with a major (equatorial) radius of 6378137 metres and a flattening of 1/29825.7223563
 - laws, where applicable** means the laws, regulations or other laws made under any Act
 - low-water mark** means the line of low water at the lowest astronomical tide
 - maritime zone** means a maritime zone described in Part 2

median line means a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea of the Cook Islands and of any opposite or adjacent State is measured

Minister means the Minister for the time being responsible for the administration of this Act who is duly appointed under article 13 of the Constitution

nautical mile means the international nautical mile of 1,852 metres

territorial sea means the territorial sea of the Cook Islands as described in section 8

UNCLOS means the United Nations Convention on the Law of the Sea, 1982.

5 **Act binds the Crown**
This Act binds the Crown.

Part 2
Maritime zones

Territorial sea

6 **Baseline of territorial sea**
The baseline from which the breadth of the territorial sea is measured is—
(a) the low-water mark along the coast of the Cook Islands
(b) where there is a coral reef along any part of the coast of the Cook Islands, the low-water mark along the outer edge of the reef

Internal waters and territorial sea

7 **Internal waters**
The internal waters comprise any areas of the sea that are landward of the baseline of the territorial sea of the Cook Islands

8 **Territorial sea**
The territorial sea comprises those areas of the sea having—
(a) as their inner limits, the baseline described in section 6
(b) as their outer limits, a line measured seaward from the baseline, every point of which is distant 12 nautical miles from the baseline.

9 **Internal waters and territorial sea vested in Crown**
The seabed and subsoil of the internal waters and territorial sea are, and are taken always to have been, vested in the Crown.

Contiguous zones

10 **Contiguous zone**
The contiguous zone comprises those areas of the sea adjacent to the territorial sea having, as their outer limit, a line measured seaward from the baseline described in section 6, every point of which is distant 24 nautical miles from the nearest point of the baseline

Exclusive economic zone

11 Exclusive economic zone

The exclusive economic zone of the Cook Islands comprises the areas of the seabed and adjacent continental margin which are adjacent to the territory of the Cook Islands and which are not claimed by any other State.

one of the areas of the seabed and adjacent continental margin which are adjacent to the territory of the Cook Islands and which are not claimed by any other State.

ook Islands comprising the areas of the seabed and adjacent continental margin which are adjacent to the territory of the Cook Islands and which are not claimed by any other State.

seas of the territorial sea of the Cook Islands measured seaward from the baseline of the territorial sea of the Cook Islands to a distance of 200 nautical miles from the nearest point of the baseline of the territorial sea of the Cook Islands.

Continental shelf

12 Continental shelf

(1) The continental shelf of the Cook Islands comprises the areas of the seabed and adjacent continental margin which are adjacent to the territory of the Cook Islands and which are not claimed by any other State.

(a) to the outer edge of the continental margin;

(b) where the outer edge of the continental margin does not extend to a distance of 200 nautical miles from the baseline of the territorial sea of the Cook Islands, to a distance of 200 nautical miles from the baseline of the territorial sea of the Cook Islands.

(1) The continental shelf of the Cook Islands comprises the areas of the seabed and adjacent continental margin which are adjacent to the territory of the Cook Islands and which are not claimed by any other State.

(a) to the outer edge of the continental margin;

(b) where the outer edge of the continental margin does not extend to a distance of 200 nautical miles from the baseline of the territorial sea of the Cook Islands, to a distance of 200 nautical miles from the baseline of the territorial sea of the Cook Islands.

the areas of the seabed and adjacent continental margin which are adjacent to the territory of the Cook Islands and which are not claimed by any other State.

continental margin; or

where the outer edge of the continental margin does not extend to a distance of 200 nautical miles from the baseline of the territorial sea of the Cook Islands, to a distance of 200 nautical miles from the baseline of the territorial sea of the Cook Islands.

soil of the territorial sea of the Cook Islands throughout the continental shelf of the Cook Islands up to the baseline of the territorial sea of the Cook Islands.

(2) However, if an agreement or arrangement is made between the Cook Islands and another State for the delimitation of the continental shelf boundary, the relevant boundary must be delimited in accordance with that agreement.

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between the Cook Islands and another State for the delimitation of the continental shelf boundary, the relevant boundary must be delimited in accordance with that agreement.

in opposite directions from the baseline of the territorial sea of the Cook Islands.

3

General provisions

13 Official charts

(1) The Cabinet may, in relation to the baseline of the territorial sea of the Cook Islands, the continental shelf of the Cook Islands, or the exclusive economic zone of the Cook Islands, issue a certificate stating the following:

(2) A certificate under subsection (1) is admissible as evidence in any proceedings in relation to the continental shelf of the Cook Islands or the exclusive economic zone of the Cook Islands.

(1) The Cabinet may, in relation to the baseline of the territorial sea of the Cook Islands, the continental shelf of the Cook Islands, or the exclusive economic zone of the Cook Islands, issue a certificate stating the following:

(2) A certificate under subsection (1) is admissible as evidence in any proceedings in relation to the continental shelf of the Cook Islands or the exclusive economic zone of the Cook Islands.

that it considers final and binding for the purposes of the Act.

in a court, the Minister may, if satisfied that the certificate is true and correct, receive the certificate as evidence in any proceedings in relation to the continental shelf of the Cook Islands or the exclusive economic zone of the Cook Islands.

any matter relating to the continental shelf of the Cook Islands or the exclusive economic zone of the Cook Islands.

provide evidence in any proceedings in relation to the continental shelf of the Cook Islands or the exclusive economic zone of the Cook Islands.

Limits of the continental shelf and exclusive economic zone

14 Declaration of limits

(1) The limits of the continental shelf of the Cook Islands or the exclusive economic zone of the Cook Islands may be declared by the Cabinet.

(2) Any regulations made under subsection (1) must—

(a) be consistent with the provisions of the Act and any other relevant rule of international law;

(b) either—

(1) The limits of the continental shelf of the Cook Islands or the exclusive economic zone of the Cook Islands may be declared by the Cabinet.

(2) Any regulations made under subsection (1) must—

(a) be consistent with the provisions of the Act and any other relevant rule of international law;

(b) either—

for this Act may be declared by the Cabinet.

amending the limits of the continental shelf of the Cook Islands or the exclusive economic zone of the Cook Islands.

and any other relevant rule of international law.

regulation made under subsection (1) must—

time zone of the Cook Islands.

international law.

Maritime Zones

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- (i) be referred to by reference to lists of geographical names of the geodetic datum; or
- (ii) be shown on charts of a scale or scale of detail, and their position; and
- (c) be deposited with the Secretary-General of the United Nations.

Harbour works

15 Permanent harbour works

- (1) For the purposes of this Act, permanent harbour works of a harbour system are taken to form part of the coast.
- (2) The outermost permanent harbour works which form part of a harbour system are taken to form part of the coast. This section applies to off-shore installations or artificial islands.

Sovereignty and control

16 Sovereignty over internal waters, territorial sea, and airspace

The sovereignty of the Cook Islands extends to its internal waters, the territorial sea over them, the seabed and subsoil and the resources contained therein.

17 Control that may be exercised in the contiguous zone,—

- (1) Within the contiguous zone,—
 - (a) any authorised officer of the Government may exercise the control necessary to prevent infringement of fiscal, immigration, or sanitary laws within the territorial sea; and
 - (b) any court or other judicial authority may punish offences against customs, fiscal, immigration, or sanitary laws of the Cook Islands or the territorial sea.
- (2) All relevant laws of the Cook Islands extend to the contiguous zone.

Rights of Cook Islands and other States

18 Rights in the exclusive economic zone and continental shelf

- (1) Within the exclusive economic zone, the Cook Islands has—
 - (a) for the purposes of exploring, exploiting, conserving, and managing the natural resources, whether living or non-living:
 - (i) the seabed; and
 - (ii) the subsoil under the seabed; and
 - (iii) the superjacent waters over the seabed; and
 - (b) in relation to other activities for the economic exploitation of the zone, such as the production of energy from winds.
- (2) Within the continental shelf, the Cook Islands has—

- (a) sovereign rights for the purposes of exploring it and exploiting its natural resources; and
- (b) exclusive rights to authorise and regulate drilling on it for all purposes.
- (3) Within the exclusive economic zone and the continental shelf, the Cook Islands has the exclusive right to construct, authorise and regulate the construction, operation, and use of—
- (a) artificial islands; and
- (b) installations and structures for the purposes provided in section 15, marine scientific research, the protection and preservation of the marine environment, and other economic purposes; and
- (c) installations and structures which may interfere with the Cook Islands exercise of its rights in the exclusive economic zone or continental shelf.
- (4) Within the exclusive economic zone and continental shelf, the Cook Islands has exclusive jurisdiction over the artificial islands, installations and structures referred to in subsection (3), including jurisdiction in relation to the customs, fiscal, health, safety, and immigration laws.
- (5) Within the exclusive economic zone and continental shelf, the Cook Islands—
- (a) has jurisdiction with in relation to protection and preservation of the marine environment; and
- (b) has the right to regulate, authorise, and conduct marine scientific research.
- (6) Within the contiguous zone, the exclusive economic zone, and the continental shelf, the Cook Islands has such other rights as are conferred or recognised by international law.

19 Rights of other States in maritime zones

- (1) The Minister may, by public notice, prescribe sea lanes and traffic separation schemes for foreign ships exercising the right of innocent passage through the territorial sea.
- (2) Ships of all States have, in accordance with international law, the right of innocent passage through the territorial sea of the Cook Islands, but this right is subject to compliance with any notice given under subsection (1).
- (3) All States enjoy in the exclusive economic zone the high seas freedoms of navigation and overflight and of the laying of submarine cables and pipelines, and all other internationally lawful uses of the sea related to those freedoms, but this right is subject to this Act, the other laws of the Cook Islands, and international law.
- (4) All States may lay submarine cables and pipelines on the continental shelf in accordance with international law, but this right is subject to this Act and the other laws of the Cook Islands.

Regulations

20 Regulation

The Queen's Representative may, by Order in Executive Council, make regulations providing for the following purposes—

- (a) declaring or amending the limits of any maritime zone, in accordance with section 14;

- (b) providing for any other matters contemplated by this Act, necessary for its full administration, or necessary for giving it full effect.

Repeals and savings

21 Repeals and amendments

(1) The following Acts are repealed—

- (a) the Continental Shelf Act 1964;
- (b) the Territorial Sea and Exclusive Economic Zone Act 1977.

(2) The Acts referred to in the Schedule are amended as indicated in the Schedule.

22 Transitional provisions

Any proceedings commenced under any Act repealed by this Act, but not completed before the commencement of this Act, must be completed under the former Act as if this Act had not been enacted.

Environment Act			
	Maritime Zones		
	2003	Section 2, definition of Exclusive Economic Zone omit "section 4 of the Territorial Sea and Exclusive Economic Zone Act 1977" and substitute "the Exclusive Economic Zone as defined by section 2 of the Maritime Zones Act 2018".	Islands waters: Territorial Sea and Exclusive Economic Zone Act 1977" and Act 2018".
Cook Islands Nat Trust Act 1999		Section 2, definition of Economic Zone Maritime Zones Act 2001 and "section 3 of the Economic Zone Maritime Zones Act 2001".	Islands waters: Territorial Sea and Exclusive Economic Zone Act 1977" and Act 2018".
	Cultural Heritage	Section 2, definition of Economic Zone Maritime Zones Act 2001 and "section 3 of the Economic Zone Maritime Zones Act 2001".	Islands waters: Territorial Sea and Exclusive Economic Zone Act 1977" and Act 2018".
Prevention of Marine Pollution Act 1998		Section 2, definition of Exclusive Economic Zone Maritime Zones Act 2001 and "section 3 of the Economic Zone Maritime Zones Act 2001".	Islands waters: Exclusive Economic Zone Act 1977" and Act 2018".
	Marine	Section 2, definition of Exclusive Economic Zone Maritime Zones Act 2001 and "section 3 of the Economic Zone Maritime Zones Act 2001".	Economic Zone Maritime Zones
Shipping Act 1998		Section 2, definition of Exclusive Economic Zone Maritime Zones Act 2001 and "section 3 of the Economic Zone Maritime Zones Act 2001".	Islands waters: Territorial Sea and Exclusive Economic Zone Act 1977" and Act 2018".
	18	Section 2, definition of Territorial Sea Act 1977 and "territorial sea and Exclusive Economic Zone as defined by section 2 of the Maritime Zones Act 2018".	Islands waters: Territorial Sea and Exclusive Economic Zone Act 1977" and Act 2018".
Income Tax Act		Section 2, definition of Territorial Sea Act 1977 and "territorial sea and Exclusive Economic Zone as defined by section 2 of the Maritime Zones Act 2018".	Territorial Sea and Exclusive Economic Zone Act 1977" and Act 2018".
Ministry of Marine Resources Act 1984	1997	Section 2, paragraph (b) of the definition of Islands: omit "section 2 of the Territorial Sea and Exclusive Economic Zone Act 1977" and substitute "the Maritime Zones Act 2018".	Territorial Sea and Exclusive Economic Zone Act 1977" and Act 2018".
	Marine Resources	Schedule 1, omit section 4 and substitute "section 2 of the Maritime Zones Act 2018" and "section 2 of the Maritime Zones Act 2005".	Territorial Sea and Exclusive Economic Zone Act 1977" and Act 2018".

C	Conservation Act 1986-
C	Conservation (Internationally Protected persons and Fisheries) Act 1982

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