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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF PORTS, SHIPPING AND INLAND WATER TRANSPORT
NOTIFICATION

Dacca, the 8th February, 1978.

No. S.R.O.26-L/78.—In exercise of the powers conferred by section 9 of the Territorial Waters and Maritime Zones Act, 1974 (XXVI of 1974), the Government is pleased to make the following rules, namely :—

THE TERRITORIAL WATERS AND MARITIME ZONES RULES, 1977.

1. **Short title.**—These rules may be called the Territorial Waters and Maritime Zones Rules, 1977.

2. **Definition.**—In these rules, unless there is anything repugnant in the subject or context, “competent authority” means the Government or any person or authority authorised by the Government in this behalf.

3. **Regulation of conduct of foreign ships in the Territorial Waters.**—
(1) Passage of foreign ships through the territorial waters shall be considered prejudicial to the security or interest of Bangladesh if it engages in any of the following activities, namely :—

- (a) any threat or use of force against Sovereignty, territorial integrity or political independence of Bangladesh or violation of principles of international law;
- (b) launching, landing or taking on board any aircraft or military device, or any exercise or practice of weapons of any kind;

- (c) any act of propaganda affecting the defence or security of Bangladesh,
- (d) collection of information which is prejudicial to the defence, security or interest of Bangladesh;
- (e) any act interferring with any system of communications or any other facilities or installations of Bangladesh;
- (f) embarking or disembarking any person or loading or unloading of any commodity or currency in violation of any laws or rules in force in Bangladesh relating to customs, fiscal matters, immigration, health or sanitation;
- (g) any act of wilful and serious marine pollution;
- (h) fishing;
- (i) carry out any search or survey activities; and
- (j) any other activity not having a direct bearing on passage.

(2) Foreign nuclear powered ships and ships carrying nuclear or other inherently dangerous noxious nuclear substances shall, when having innocent passage through the territorial waters, carry documents and observe special precautionary measures established for such ships by international agreements.

4. Construction of installations, etc., by the Government in the economic zone.—The Government may construct, maintain or operate within the economic zone installations, artificial islands and other structures for carrying on any scientific research, conservation of marine environment, including pollution control, and any other activities for the economic exploitation and exploration of the zone, such as, the production of energy from the tide, wind, current and sun, and shall exercise such other rights as it is entitled under the international law.

5. Regulation of conduct of persons in the economic zone.—(1) No person shall, except under, and in accordance with the terms of, any agreement with the Government or a licence granted by the competent authority, explore or exploit fishing, mineral oil and any other natural resources, both living and non-living, of the economic zone or carry out any search or excavation or conduct any research within the economic zone or drill therein or construct, maintain or operate therein for any purpose whatsoever any artificial island, off-shore terminal, installation or other structure or device.

(2) Every application for a licence under sub-rule (1) shall be made to the competent authority and the competent authority may, after such enquiry as it may deem fit to make, either grant subject to such conditions limitations and restrictions, if any, as may be specified therein, or refuse to grant, a licence.

(3) Any person whose application for a licence has been refused under sub-rule (2) may, within sixty days of the receipt of such refusal, prefer an appeal to the Government, and, in case where the competent authority was the Government, make an application for review to the Government.

(4) On receipt of the appeal or application for review under sub-rule (3), the Government may, after giving the aggrieved person an opportunity of being heard, dispose of the appeal or, as the case may be, the application, and the decision of the Government shall be final.

6. **Reservation of certain areas within the economic zone, etc.**—(1) The Government may, by notification in the official Gazette, declare any area within the economic zone to be a reserved area in the national interest of Bangladesh for the purpose of exploration, exploitation and economic development and for the production of energy from the tide, wind, current and sun.

(2) No person, including a licensee, shall explore or exploit fishing, mineral oil and any other natural resources of the reserved area or carry out any search or excavation or conduct any research within the reserved area or drill therein or construct, maintain or operate therein for any purpose whatsoever any artificial island, off-shore terminal, installation or other structure or device.

7. **Exemption.**—(1) Notwithstanding anything contained in rule 5 and 6, ships and aircrafts of all States shall, subject to the exercise by Bangladesh of its rights within the economic zone, including the reserved area, and the air space over the zone, enjoy freedom of navigation and overflight subject to the observation of the laws and rules in force in Bangladesh.

(2) Nothing in these rules shall apply to a citizen of Bangladesh who, for the purpose of fishing, uses vessels which are not mechanically propelled.

8. **Ships to be subject to navigational regulations, etc.**—(1) Every ship used in fishing in the economic zone shall be subject to any law relating to navigation for the time being in force.

(2) The location of nets and traps set by such a ship shall be prominently displayed by such means as may be specified by the competent authority.

(3) Every such ship shall be clear of the navigation channel and specified routes of commercial vessels.

9. **Dynamiting and poisoning prohibited.**—No person shall use dynamite or any other explosive substance or poison, lime or noxious material for fishing or destroying fish in the economic zone.

10. **Closed season, etc.**—Notwithstanding any thing contained in these rules, the Government may, by notification in the official Gazette, declare any period to be a period during which, and any area to be an area within which, fishing of all or any specified description of fish shall be prohibited in the economic zone.

11. **Power to stop, search, etc., of ship.**—(1) Where the competent authority has reason to believe that within the economic zone any ship has been, is being, or is about to be, in the process of contravening any of the provisions of these rules, it may, at any time, stop any such ship, and

- (a) rummage and search or cause to be rummaged and searched any part of the ship;
- (b) examine and search or cause to be examined and searched any goods including fish thereon;
- (c) break open or cause to be broken open the lock of any door, fixture or package for making search or cause to be searched.

(2) Where in the circumstances referred to in sub-rule (1), it becomes necessary to stop any ship, it shall be lawful for any vessel or aircraft in the service of the Government while flying her proper flag or bearing flag marks and the competent authority to summon such ship to stop, by means of an international signal, code or other recognised means, and thereupon such ship shall forthwith stop, and if it fails to do so, chase may be given thereto by any vessel or aircraft as aforesaid and if after a gun is fired as a signal the ship fails to stop, it may be fired upon.

12. Laying of submarine cables and pipelines.—(1) Any State may lay and maintain submarine cables and pipelines on the continental shelf in accordance with the laws, rules and regulations in force in Bangladesh:

Provided that the delineation of the course for the laying of such submarine cables or pipelines shall be subject to the previous consent of the Government.

(2) The Government may determine the terms and conditions subject to which the cables or pipelines laid under sub-rule (1) may be allowed to enter into its territory, including the territorial waters.

13. Unauthorised broadcasting.—Any person or ship engaged in unauthorised broadcasting from the economic zone may be arrested or seized and be prosecuted before the court, if the Government is of opinion that such broadcasting is prejudicial to the security or interest of Bangladesh.

14. Seizure and disposal.—(1) Where the owner, master or the in-charge of a ship contravenes any of the provisions of these rules, the ship, including all its appliances and equipments, used for such contravention and also any natural resources, including fish, found in such ship may be seized by the competent authority and for such seizure such force may be used as may be necessary.

(2) Any ship seized under sub-rule (1) shall be handed over to the Principal Officer of the Mercantile Marine Department who shall be its custodian.

(3) Any natural resources, including fish, exploited in the economic zone and found in the ship seized under sub-rule (1) shall be disposed in such manner as the competent authority may think fit.

(4) Under special circumstances, the Government may, subject to such conditions as it may deem fit to impose, deliver the ship seized under sub-rule (1) to the owner, master or the person-in-charge of the ship.

15. Application of customs and fiscal laws to economic zone.—All laws, rules and regulations in force in Bangladesh relating to customs and other fiscal matters shall apply in relation to all natural resources, including fish, within the economic zone, both living and non-living, on or under the seabed and sub-soil or on the water surface or within the water column.

16. Punishment for contravention of rules.—(1) Whoever contravenes any of the provisions of these rules shall be punishable with imprisonment which may extend to one year or with fine which may extend to *Taka five thousand*.

(2) Where the person contravening any of the provisions of these rules is a company, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this sub-rule,

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

(3) Where an offence punishable under sub-rule (1) has been committed by a ship, the owner, master or the person-in-charge of the ship shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

By order of the President
ABDUR RAB
Deputy Secretary (Shipping).