



LAWS OF MALAYSIA

Act 750

TERRITORIAL SEA ACT 2012

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LAWS OF MALAYSIA

Act 750

TERRITORIAL SEA ACT 2012

ARRANGEMENT OF SECTIONS

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LAWS OF MALAYSIA

Act 750

TERRITORIAL SEA ACT 2012

An Act to provide for the territorial sea of Malaysia and for connected matters.

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WHEREAS the Proclamation of Emergency issued by the Yang di-Pertuan Agong on 15 May 1969 under Article 150 of the Federal Constitution had been annulled by both the Dewan Rakyat and Senate on 24 November 2011 and 20 December 2011 respectively and had ceased to have effect pursuant to Clause (3) of Article 150 of the Federal Constitution;

AND WHEREAS the Emergency (Essential Powers) Ordinance, No. 7 1969 [*P.U. (A) 307A/1969*] was enacted and promulgated by the Yang di-Pertuan Agong on 2 August 1969 for the delimitation of the territorial waters of Malaysia pursuant to Clause (2) of Article 150 of the Federal Constitution and which came into force on 10 August 1969;

AND WHEREAS by virtue of Clause (7) of Article 150 of the Federal Constitution, the Emergency (Essential Powers) Ordinance, No. 7 1969 will cease to have effect at the expiration of a period of six months beginning with the date on which the Proclamation of Emergency ceases to be in force except as to things done or omitted to be done before the expiration of that period;

AND WHEREAS the United Nations Convention on the Law of the Sea was done at Montego Bay on 10 December 1982;

AND WHEREAS Malaysia deposited her instrument of ratification on 14 October 1996 and therefore in accordance with Article 308 of the Convention, the said Convention entered into force as far as Malaysia is concerned on 14 November 1996;

NOW, THEREFORE, IT IS ENACTED by the Parliament of Malaysia as follows:

Short title, commencement and application

1. (1) This Act may be cited as the Territorial Sea Act 2012.

(2) This Act comes into operation on 22 June 2012 and shall apply throughout Malaysia.

Interpretation

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

“chart” means a nautical chart specifically designed to meet the needs of marine navigation, showing the depth of water, nature of the seabed, configuration and nature of the coast, dangers and aids to navigation, in a standardized format and such chart is also referred to as marine chart or hydrographic chart;

“baselines” means the baselines as defined under section 2 of the Baseline of Maritime Zones Act 2006 [*Act 660*].

Limits of territorial sea

3. (1) Subject to the provisions of this Act, the breadth of the territorial sea of Malaysia shall for all purposes be 12 nautical miles.

(2) The baselines from which the breadth of that territorial sea is to be measured shall for all purposes be those established in accordance with section 5 of the Baseline of Maritime Zones Act 2006.

(3) For the purposes of the Continental Shelf Act 1966 [Act 83], the Petroleum Mining Act 1966 [Act 95], the National Land Code [Act 56/65] and any written law relating to land in force in Sabah and Sarawak, any reference to territorial sea therein shall in relation to any territory be construed as a reference to such part of the sea adjacent to the coast thereof not exceeding 3 nautical miles measured from the low-water line.

Sovereignty in respect of the territorial sea

4. The sovereignty in respect of the territorial sea, and in respect of its bed and subsoil, is vested in and exercisable by the Yang di-Pertuan Agong in right of Malaysia.

Maps and charts of limits of territorial sea

5. (1) The Yang di-Pertuan Agong may, on the recommendation of the Prime Minister—

(a) cause to be prepared and issued any map, as he thinks fit, relating to the limits of the territorial sea; or

(b) cause to be prepared and issued a large-scale chart or appropriate scale chart for ascertaining position, as he thinks fit, showing the low-water line along the coast and may cause to be shown on such chart any other matter referred to in paragraph (a).

(2) Any map or chart prepared and issued under paragraph (1)(a) or (b) shall be published in the *Gazette* and, if necessary, in such other form as the Yang di-Pertuan Agong, on the recommendation of the Prime Minister, may determine.

References to territorial waters in any other written law, etc.

6. Any reference made in any other written law, arrangement or instruments to “territorial waters” shall in so far as such reference affects federal law means “territorial sea” and shall be construed subject to the provisions of this Act.

Power to make regulations

7. The Prime Minister may make regulations as may be necessary or expedient for giving full effect to the provisions of this Act.

