

THE CONTINENTAL SHELF ACT, 1975

No. 3 of 1975

Date of Assent: 25th March, 1975

Date of Commencement: 4th April, 1975

An Act of Parliament to vest rights in the Government in respect of the natural resources of the continental shelf, and to provide for matters incidental thereto and connected therewith

ENACTED by the Parliament of Kenya, as follows:—

1. This Act may be cited as the Continental Shelf Act, 1975.

Short title.

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

Interpretation.

“installation” includes any moored vessel, and any structure whether permanent or temporary, within the area of the continental shelf, which is being or is intended to be used for or in connexion with the exploration or exploitation of natural resources;

“natural resources” means the mineral and other non-living resources of the sea-bed and subsoil, and all living organisms belonging to sedentary species which, at the harvestable stage, either are immobile on or under the sea-bed or are unable to move except in constant physical contact with the sea-bed or the subsoil.

(2) Subsection (1) of section 3 of the Interpretation and General Provisions Act is hereby amended by the insertion after the definition of “consular officer” of the following new definition—

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“continental shelf” means the sea-bed and subsoil of the submarine areas adjacent to the coast of Kenya, but outside territorial waters, to a depth of two hundred metres or, beyond that limit, to where the depth of the superjacent waters admits of the exploration and exploitation of the natural resources of the said areas;

3. All existing rights in respect of the continental shelf and the natural resources thereon, therein and thereunder, and all such rights as may from time to time hereafter by right, treaty, grant, usage, sufferance or other lawful means become exercisable by the Government or appertain to Kenya, shall be vested in the Government.

all rights.
Vesting of

Application of
criminal law.

4. (1) Every act or omission which occurs within the area of the continental shelf on, under or above an installation or any waters within five hundred metres of an installation which would, if it occurred in Kenya, constitute an offence under any written law, shall be treated as an offence for the purposes of that law and may be dealt with accordingly by any court of competent jurisdiction.

(2) The jurisdiction conferred on any court by subsection (1) of this section shall be in addition and without prejudice to, and not in derogation of, any jurisdiction exercisable apart from this section by that or any other court and any power afforded by any other written law.

Application of
civil law.

5. (1) All questions and disputes of a civil nature concerning or arising out of acts or omissions which occur within the area of the continental shelf, whether in connexion with the exploration of the sea-bed or subsoil or the exploitation of natural resources or otherwise, shall be subject to the jurisdiction of the courts of Kenya as if such questions and disputes had occurred in Kenya and may be determined accordingly by any court of competent jurisdiction.

(2) The jurisdiction conferred on any court by subsection (1) of this section shall be in addition and without prejudice to, and not in derogation of, any jurisdiction exercisable apart from this section by that or any other court and any power afforded by any other written law.

Evidence.

6. If in any proceedings, whether civil or criminal, a question arises as to whether an act or omission occurred within or outside the area of the continental shelf, or on, under or above an installation or any waters within five hundred metres of an installation, a certificate to that effect signed by or on behalf of the Minister for the time being responsible for natural resources shall be received in evidence and be deemed to be so signed without further proof, and any such certificate shall constitute prima facie proof of the facts certified therein.

7. (1) The Attorney-General may, from time to time, review the operation of this Act in relation to the institution and conduct of proceedings whether civil or criminal and, by order, modify or exclude any of the provisions of any other

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written law (whether passed before or after the date of commencement of this Act) to such extent as appears to him to be necessary for the purpose of giving effect to the provisions and purposes of sections 4 and 5 of this Act:

Provided that no order shall be made under this section unless a draft of such order has been laid before, and has been approved by resolution of, the National Assembly.