

# Territorial Sea Act: NGO's bid to amend summons is allowed

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*The originating summons was filed by Sabar's chairman Datuk Dr Johan Arriffin Samad disputing the validity of the TSA which limits the State's maritime boundary to only three nautical miles.*

**KOTA KINABALU:** The High Court on Monday allowed the application by Sabah Action Body Advocating Rights (Sabar) to amend its originating summons, challenging the Territorial Sea Act 2012 (TSA), to add certain articles of the Federal Constitution. Judicial Commissioner Datuk Faridz Gohim Abdullah delivered the ruling via Zoom, Monday. The originating summons was filed by Sabar's chairman Datuk Dr Johan Arriffin Samad disputing the validity of the TSA which limits the State's maritime boundary to only three nautical miles. The action filed by the plaintiff in Sept last year named the Federal Government as the sole defendant. Apart from the amendment application, the plaintiff also requested further direction on the filing of additional affidavit to include about 500 pages of documents obtained from the British archive. Faridz held that he would leave the matter to the new judge. The court fixed mention of the matter on April 22.

The plaintiff is seeking a declaration that the Continental Shelf Act 1966 and Petroleum Mining Act 1966 is inapplicable, unconstitutional, invalid, null and void in the territory of Sabah after June 19, 2012; A declaration that the territory of Sabah, after the annulment of the Proclamation of Emergency of 1969 on June 19, 2012, includes the continental shelf under the North Borneo (Alteration of Boundaries) Order in Council 1954; A declaration that the Mining Ordinance 1960 is valid in Sabah after June 19, 2012; A declaration that Section 3(3) Territorial Seas Act 2012 which limits the territorial waters of Sabah to three nautical miles is inapplicable, unconstitutional, invalid, null and void in Sabah as of June 22, 2012; A declaration that the territorial waters of Sabah, after the annulment of the Proclamation of Emergency of 1969 on June 19, 2012, includes the 12 nautical miles of sea under the Convention on Territorial Seas and Contiguous Zone 1958 and North Borneo (Definition Of Boundaries) Order In Council 1958; cost and any further or other relief deems fit. Counsel Roland Cheng represented the plaintiff while Federal Counsel Fazriel Fardiansyah Abdul Kadir for the defendant.