

1988 No. 1838

CARIBBEAN AND NORTH ATLANTIC TERRITORIES

The Bermuda (Territorial Sea) Order in Council 1988

Made - - - - 26th October 1988

Coming into force 28th November 1988

At the Court at Buckingham Palace, the 26th day of October 1988

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the powers conferred upon Her by the Colonial Boundaries Act 1895(a) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Bermuda (Territorial Sea) Order in Council 1988 and shall come into force on 28th November 1988.

2. The boundaries of Bermuda are hereby extended to include, as territorial sea, that part of the sea which is situated within twelve nautical miles measured from the baselines as established by Article 3 of this Order, together with the seabed of the territorial sea and its subsoil.

3.—(1) Except as otherwise provided in paragraphs (2) to (4) of this Article, the baseline from which the breadth of the territorial sea adjacent to Bermuda is measured shall be the low water line along the coast including the coast of all islands comprised in the Colony of Bermuda.

(2) For the purposes of this Article a low-tide elevation which lies wholly or partly within the breadth of sea which would be territorial sea if all low-tide elevations were disregarded for the purpose of the measurement of the breadth thereof and if paragraphs (3) and (4) of this Article were omitted shall be treated as an island.

(3) The baseline from which the breadth of the territorial sea is measured between a point on the coast at 32°15.2'N 64°52.3'W inshore of Hogfish Cut and a point on the coast at 32°22.7'N 64°39.7'W inshore of Town Cut, subject to paragraph 4 of this Article, shall be a line following, in a clockwise direction, the seaward limit of the highest areas, shown as awash on Admiralty Chart 334, of the main reef surrounding the area of deeper water to the west and north of the main group of islands of Bermuda.

(4) Where there is a break or passage through the main reef referred to in paragraph (3) of this Article, a straight line joining the seaward entrance points of that break or passage shall constitute the baseline.

(a) 1895 c.34.

(5) In this Article—

the expression “island” means a naturally formed area of land surrounded by water which is above water at mean high-water spring tides; and

the expression “low-tide elevation” means a naturally formed area of drying land surrounded by water which is below water at mean high-water spring tides.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the boundaries of Bermuda, so as to include, as territorial sea, the sea within twelve nautical miles of the baselines, together with its seabed and subsoil, and makes other provisions in this connection. In particular, it defines the baseline from which the breadth of the territorial sea is measured as generally the low water line, except that, between points at 32°15.2'N 64°52.3'W and 32°22.7'N 64°39.7'W on the coast inshore of Hogfish Cut and Town Cut respectively, the baseline follows the seaward limit of the main reef as shown on Admiralty Chart 334 to the west and north of the main group of the islands of Bermuda. Where there is a break or passage in that reef, the baseline is a straight line joining the seaward entry points of that break or passage.

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