
STATUTORY INSTRUMENTS

2007 No. 2141

**CARIBBEAN AND NORTH
ATLANTIC TERRITORIES**

The Virgin Islands (Territorial Sea) Order 2007

Made - - - - *25th July 2007*

Coming into force - - *15th August 2007*

At the Court at Buckingham Palace, the 25th day of July 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers vested in Her by the Colonial Boundaries Act 1895⁽¹⁾ and of all other powers enabling Her to do so, is pleased, by and with the advice of Her Privy Council, to order as follows:

1. This Order may be cited as the Virgin Islands (Territorial Sea) Order 2007 and shall come into force on 15th August 2007.

2.—(1) Except as otherwise provided in paragraph (2) of this article, the boundaries of the Virgin Islands are hereby extended to include, as territorial sea, that part of the sea which is situated within 12 nautical miles measured from the baselines as established by articles 3 and 4 of this Order, together with the seabed of the territorial sea and its subsoil.

(2) The seaward limit of the territorial sea adjacent to the Virgin Islands between Point A and Point FF indicated in the Schedule to this Order shall consist of a series of geodesic lines joining, in the sequence given, Points A to FF indicated in the Schedule to this Order.

3.—(1) Except as otherwise provided in paragraph (2) of this article and in articles 4 and 5 below, the baseline from which the breadth of the territorial sea adjacent to the Virgin Islands is measured shall be the low-water line along the coast, including the coast of all islands comprised in the territory.

(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 shall be treated as an island.

(1) 1895 c.34.

4.—(1) In the case of the sea adjacent to a coast off which there are fringing reefs, the baseline from which the breadth of the territorial sea is measured shall be the seaward limit of the low-water line of the fringing reefs.

(2) Where there is a break or passage through the fringing reefs referred to in paragraph (1) of this article, the baseline from which the breadth of the territorial sea is measured shall be a straight line joining the seaward entrance points of that break or passage.

5. In the case of the sea adjacent to a bay, the baseline from which the breadth of the territorial sea is measured shall—

- (a) if the bay has only one mouth and the distance between the low-water lines of the natural entrance points of the bay does not exceed 24 nautical miles, be a straight line joining the said low-water lines;
- (b) if, because of the presence of islands, the bay has more than one mouth and the distances between the low-water lines of the natural entrance points of each mouth added together do not exceed 24 nautical miles, be a series of straight lines across each of the mouths drawn so as to join the said low-water lines;
- (c) if neither paragraph (a) nor (b) of this article applies, be a straight line 24 nautical miles in length drawn from low-water line to low-water line within the bay in such manner as to enclose the maximum area of water that is possible with a line of that length.

6. In this Order—

- (a) “bay” means an indentation of the coast such that its area is not less than that of the semi-circle whose diameter is a line drawn across the mouth of the indentation, and for the purposes of this definition the area of an indentation shall be taken to be the area bounded by the low-water line around the shore of the indentation and the straight line joining the low-water lines of its natural entrance points, and where, because of the presence of islands, an indentation has more than one mouth the length of the diameter of the semi-circle referred to shall be the sum of the lengths of the straight lines drawn across each of the mouths, and in calculating the area of an indentation the area of any islands lying within it shall be treated as part of the area of the indentation;
- (b) “fringing reefs” means reefs attached directly to, or located in the immediate vicinity of, the coast or any coastal lagoon;
- (c) “island” means a naturally formed area of land surrounded by water which is above water at mean high-water spring tides;
- (d) “low-tide elevation” means a naturally formed area of drying land surrounded by water which is below water at mean high-water spring tides;
- (e) “straight line” means a geodesic; and
- (f) “nautical miles” means international nautical miles of 1,852 metres.

Judith Simpson
Clerk of the Privy Council

SCHEDULE

Article 2(2)

LIST OF POINTS

| <i>Point</i> | <i>Treaty</i> | <i>Position of Point</i> |
|--------------|---------------|--------------------------------|
| A | | 12 nautical mile arc intersect |
| B | 10 | 18°29'22"N 64°53'50"W |
| C | 11 | 18°27'36"N 64°53'22"W |
| D | 12 | 18°25'22"N 64°52'39"W |
| E | 13 | 18°24'31"N 64°52'19"W |
| F | 14 | 18°23'51"N 64°51'50"W |
| G | 15 | 18°23'43"N 64°51'23"W |
| H | 16 | 18°23'37"N 64°50'18"W |
| I | 17 | 18°23'48"N 64°49'42"W |
| J | 18 | 18°24'11"N 64°49'01"W |
| K | 19 | 18°24'29"N 64°47'57"W |
| L | 20 | 18°24'18"N 64°47'00"W |
| M | 21 | 18°23'14"N 64°46'37"W |
| N | 22 | 18°22'38"N 64°45'21"W |
| O | 23 | 18°22'40"N 64°44'42"W |
| P | 24 | 18°22'42"N 64°44'36"W |
| Q | 25 | 18°22'37"N 64°44'24"W |
| R | 26 | 18°22'40"N 64°43'42"W |
| S | 27 | 18°22'30"N 64°43'36"W |
| T | 28 | 18°22'25"N 64°42'58"W |
| U | 29 | 18°22'27"N 64°42'28"W |
| V | 30 | 18°22'16"N 64°42'03"W |
| W | 31 | 18°22'23"N 64°40'59"W |
| X | 32 | 18°21'58"N 64°40'15"W |
| Y | 33 | 18°21'51"N 64°38'22"W |
| Z | 34 | 18°21'22"N 64°38'16"W |

Points A and FF are 12 nautical mile intersects on the aforementioned boundary and are liable to change if the territorial sea baseline, as defined in article 3 of this Order, changes.

Points B to EE correspond to Points 10 to 39 respectively of the points defined by the Treaty of 5 November 1993 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America(2) on the Delimitation in the Caribbean of a Maritime Boundary Relating to Puerto Rico/U.S. Virgin Islands and the British Virgin Islands.

All geographical co-ordinates given in this Schedule are on the North American Datum ("NAD83").

(2) 1995 Cm 2978.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <i>Point</i> | <i>Treaty</i> | <i>Position of Point</i> |
|--------------|---------------|--------------------------------|
| AA | 35 | 18°20'39"N 64°38'32"W |
| BB | 36 | 18°19'16"N 64°38'13"W |
| CC | 37 | 18°19'07"N 64°38'16"W |
| DD | 38 | 18°17'24"N 64°39'37"W |
| EE | 39 | 18°16'43"N 64°39'41"W |
| FF | | 12 nautical mile arc intersect |

Points A and FF are 12 nautical mile intersects on the aforementioned boundary and are liable to change if the territorial sea baseline, as defined in article 3 of this Order, changes.

Points B to EE correspond to Points 10 to 39 respectively of the points defined by the Treaty of 5 November 1993 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America(2) on the Delimitation in the Caribbean of a Maritime Boundary Relating to Puerto Rico/U.S. Virgin Islands and the British Virgin Islands.

All geographical co-ordinates given in this Schedule are on the North American Datum ("NAD83").

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the boundaries of the British Overseas Territory of the Virgin Islands so as to include, as territorial sea, the sea within twelve nautical miles of the baselines of the Virgin Islands, 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 where there are fringing reefs or bays.

The limit adjacent to the US Virgin Islands is constituted by geodesic lines joining the points in the Schedule and follows the line defined by the Treaty of 5 November 1993 between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America on the Delimitation in the Caribbean of a Maritime Boundary Relating to Puerto Rico/U.S. Virgin Islands and the British Virgin Islands.

(2) 1995 Cm 2978.