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STATUTORY INSTRUMENTS

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**2019 No. 1108**

**TERRITORIAL SEA**

**The Territorial Sea Act 1987 (Guernsey) Order 2019**

*Made* - - - - *10th July 2019*

*Coming into force* - - *23rd July 2019*

At the Court at Buckingham Palace, the 10th day of July 2019

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 4(4) of the Territorial Sea Act 1987(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation and commencement**

1. This Order may be cited as the Territorial Sea Act 1987 (Guernsey) Order 2019 and comes into force on 23rd July 2019.

**Extension of the Territorial Sea Act 1987**

2. The Territorial Sea Act 1987 extends to the Bailiwick of Guernsey with the exceptions, adaptations and modifications specified in the Schedule to this Order.

**Revocations**

3. The following Orders are revoked—
- (a) the Territorial Sea Act 1987 (Guernsey) Order 2014(2);
  - (b) the Territorial Sea Act 1987 (Guernsey) (Amendment) Order 2015(3).

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(1) 1987 c. 49.  
(2) S.I. 2014/1105 as amended by S.I. 2015/827.  
(3) S.I. 2015/827.

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*Richard Tilbrook*  
Clerk of the Privy Council

## SCHEDULE

Article 2

### Exceptions, adaptations and modifications in the extension of the Territorial Sea Act 1987 to the Bailiwick of Guernsey

1. Any reference to an enactment shall be construed, unless the contrary intention appears, as a reference to it as it has effect in the Bailiwick of Guernsey.

2. In section 1—

- (a) in subsections (1)(a), (2), (5) and (6), for “United Kingdom” substitute “Bailiwick of Guernsey”;
- (b) after subsection (1) insert—

“(1A) The seaward limit of the territorial sea adjacent to the Bailiwick of Guernsey—

- (a) between Point 1 and Point 13 indicated in Schedule 3 to this Act, consists of a series of straight lines joining, in the sequence given, Points 1 to 13 indicated in Schedule 3 to this Act;
- (b) is the median line, where the baselines from which the breadth of the territorial sea adjacent to the Bailiwick of Guernsey is measured are less than 24 nautical miles from the baselines from which the breadth of the territorial sea adjacent to the French Republic is measured;
- (c) is in accordance with the Decision of 30 June 1977 and the Decision of 14 March 1978 in the Case Concerning the Delimitation of the Continental Shelf between the United Kingdom of Great Britain and Northern Ireland and the French Republic<sup>(4)</sup>, where those Decisions result in the territorial sea having a breadth of less than 12 nautical miles.”

- (c) in subsection (3), for “Secretary of State” substitute “Lieutenant Governor”;
- (d) in subsections (4) and (5), for “the coming into force of this section” substitute “19th May 2014”;
- (e) in subsections (5) and (6) after “enactment” insert “contained in an Act of Parliament”;
- (f) for subsection (7) substitute—

“(7) In this section—

“median line” is a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial sea adjacent to the Bailiwick of Guernsey and the French Republic respectively is measured;

“nautical miles” means international nautical miles of 1852 metres;

“straight line” means a loxodromic line; and

all positions given by means of coordinates are defined on the World Geodetic System 1984 Datum.”

3. For section 2 substitute the following section—

“2.—(1) Nothing in section 1 above affects the operation of any enactment contained in an Act of Parliament, or any provision made under such an enactment, which relates to sea fisheries and which is passed or made before 23rd July 2019.

(2) Subject to subsection (3) below, nothing in section 1 above affects the operation of any enactment, or any provision made under such enactment, which relates to sea fisheries and which is passed or made by an insular authority before 23rd July 2019.

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(4) U.N. reports of International Arbitral Awards, Volume XVIII, pp. 3-413 available at [http://legal.un.org/riaa/vol\\_18.shtml](http://legal.un.org/riaa/vol_18.shtml).

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(3) Subsection (2) does not apply to an enactment falling within that subsection or any provision made under such an enactment (“original provision”), where an insular authority passes or makes an enactment described in subsection (4) (“further provision”) from the date on which the further provision comes into force.

(4) For the purposes of subsection (3), an enactment is further provision where—

- (a) it provides, however expressed, that subsection (2) no longer applies in relation to an original provision; and
- (b) it is passed or made on or after 23rd July 2019.

(5) For the purposes of this section—

“an insular authority” means—

- (i) the States of Deliberation, the States of Alderney or the Chief Pleas of Sark; or
- (ii) any committee, council, department, authority, or board or like body thereof, however called,

in relation to their respective jurisdictions;

“enactment”, in subsections (2), (3) and (4), includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation;

“subordinate legislation” means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance.”

4. Omit section 3(1) to (3).

5. Omit section 4(2) to (4).

6. Omit Schedule 1.

7. In Schedule 2 omit the entries relating to the Marine, &c., Broadcasting Offences Act 1967(5), the Wireless Telegraphy Act 1967(6), the Customs and Excise Management Act 1979(7) and the Alcoholic Duties Act 1979(8).

8. After Schedule 2 insert—

“SCHEDULE 3

section 1

List of Points

Point	Position of Point
1	49°13'12"N 02°33'38"W
2	49°14'52"N 02°31'26"W
3	49°16'31"N 02°28'58"W
4	49°18'27"N 02°22'08"W
5	49°18'50"N 02°21'01"W
6	49°20'13"N 02°18'46"W

(5) 1967 c. 41.  
 (6) 1967 c. 72.  
 (7) 1979 c. 2.  
 (8) 1979 c. 4.

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Point	Position of Point	
7	49°21'17"N	02°16'59"W
8	49°22'16"N	02°15'07"W
9	49°22'20"N	02°15'02"W
10	49°22'58"N	02°13'48"W
11	49°24'23"N	02°10'22"W
12	49°25'21"N	02°08'05"W
13	49°27'35"N	02°05'56"W

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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order extends the Territorial Sea Act 1987 (c. 49) with the exceptions, adaptation and modifications specified in the Schedule to this Order.

This Order extends the territorial sea around the Bailiwick of Guernsey to 12 nautical miles, save for three scenarios. First, for the border between the territorial sea surrounding the Bailiwick of Guernsey and Bailiwick of Jersey, in which case the points set out in Schedule 3 form the border. Second, when the territorial sea around the Bailiwick of Guernsey and the territorial sea around the French Republic would overlap, in which case the territorial sea extends to the median line of the Bailiwick of Guernsey and the French Republic's baselines. Third, to comply with the Decision of 30 June 1977 and the Decision of 14 March 1978 in the Case Concerning the Delimitation of the Continental Shelf between the United Kingdom of Great Britain and Northern Ireland and the French Republic where those Decisions result in a breadth of less than 12 nautical miles.

The Territorial Sea Act 1987 (Guernsey) Order 2014 (S.I. 2014/1105) and the Territorial Sea Act 1987 (Guernsey) (Amendment) Order 2015 (S.I. 2015/827) are revoked by this Order.