

ST HELENA, ASCENSION AND TRISTAN DA CUNHA

REVISED EDITION OF THE LAWS, 2017

BASIC LAWS

(Annexed to the General Introduction)

THE ST HELENA AND DEPENDENCIES (TERRITORIAL SEA) ORDER 1989

(S.I. 1989 NO. 1994)

Note: This Order is printed as it appears on the UK Government website. It should be amended to refer to 'St Helena, Ascension and Tristan da Cunha' in view of the Constitutional change effected in 2009.

Her Majesty, in pursuance of the powers conferred upon Her by the Colonial Boundaries Act 1895 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 St Helena and Dependencies (Territorial Sea) Order 1989 and shall come into force on 1st January 1990.

2. The boundaries of the Colony of St Helena and its Dependencies are hereby extended to include, as territorial sea, that part of the sea which is situated within 12 nautical miles of St Helena and its Dependencies, 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.

3. **(1)** Except as otherwise provided in paragraph (2) of this article and in article 4 of this Order, the baseline from which the breadth of the territorial sea adjacent to St Helena and its Dependencies is measured shall be the low-water line along the coast of all islands comprised in the Colony of St Helena and its Dependencies.

(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.

4. 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 a manner as to enclose the maximum area of water that is possible with a line of that length.

5. 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) **“island”** means a naturally formed area of land surrounded by water which is above water at mean high-water spring tides;
- (c) **“low-tide elevation”** means a naturally formed area of drying land surrounded by water which is below water at mean high-water spring tides; and
- (d) **“nautical miles”** means international nautical miles of 1,852 metres.
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