STATUTORY INSTRUMENTS

1990 No. 2503

TELEGRAPHS

The Marine, &c, Broadcasting (Offences) (Prescribed Areas of the High Seas) Order 1990

Made - - - -	*8th December 1990*
Laid before Parliament	*11th December 1990*
Coming into force -	*1st January 1991*

The Secretary of State, in exercise of the powers conferred on him by section 2A(1) and (5) of the Marine, &c, Broadcasting (Offences) Act 1967(a) and of all other powers enabling him in that behalf, hereby makes the following Order:–

Citation and Commencement

1. This Order may be cited as the Marine, &c, Broadcasting (Offences) (Prescribed Areas of the High Seas) Order 1990 and shall come into force on 1st January 1991.

Interpretation

2. In this Order–

"co-ordinates" means co-ordinates of latitude and longitude on European Datum (First Adjustment 1950); and

"nautical mile" means a nautical mile of 1,852 metres.

The prescribed areas of the high seas

3. The areas of the high seas prescribed for the purposes of section 2A of the Marine, &c, Broadcasting (Offences) Act 1967 shall be the areas described in the Schedule hereto.

John Redwood
Minister of State,
Department of Trade and Industry

8th December 1990

(a) 1967 c.41; section 2A was inserted by section 171 of, and paragraph 2 of Schedule 16 to, the Broadcasting Act 1990 (c.42).

SCHEDULE

Article 3

PRESCRIBED AREAS OF THE HIGH SEAS

The following are the areas to which article 3 of this Order applies:–

(A) the area bounded by loxodromes and arcs joining the following co-ordinates:–

(1) 50° 49′ 31″ N 01° 15′ 53″ E
south westward and westward following the seaward limit of the territorial sea adjacent to France to:

(2) 49° 55′ 23″ N 02° 03′ 12″ W
thence following the seaward limit of arcs drawn 12 nautical miles around the Bailiwick of Guernsey measured from the territorial sea baseline to:

(3) 49° 18′ 18″ N 02° 56′ 09″ W
thence westward following the seaward limit of the territorial sea adjacent to France to:

(4) 49° 00′ 00″ N 03° 53′ 45″ W
thence westward to:

(5) 49° 00′ 00″ N 07° 00′ 00″ W
thence northward to:

(6) 51° 53′ 58″ N 07° 00′ 00″ W
thence eastward and northward following the seaward limit of the territorial sea adjacent to the Republic of Ireland and Northern Ireland to:

(7) 54° 27′ 54″ N 05° 04′ 35″ W
thence eastward following the seaward limit of the territorial sea adjacent to Great Britain to:

(8) 54° 26′ 05″ N 04° 52′ 01″ W
thence following the seaward limit of arcs drawn 12 nautical miles around the Isle of Man measured from the territorial sea baseline to:

(9) 54° 27′ 18″ N 04° 01′ 22″ W
thence southward and eastward following the seaward limit of the territorial sea adjacent to Great Britain to the co-ordinates referred to at paragraph (1) above; and

(B) the area bounded by loxodromes and arcs joining the following co-ordinates:–

(10) 55° 26′ 39″ N 06° 34′ 38″ W
thence westward following the seaward limit of the territorial sea adjacent to Northern Ireland and the Republic of Ireland to:

(11) 55° 25′ 45″ N 08° 00′ 00″ W
thence northward to:

(12) 56° 40′ 00″ N 08° 00′ 00″ W
thence westward to:

(13) 56° 40′ 00″ N 09° 00′ 00″ W
thence northward to:

(14) 57° 45′ 35″ N 09° 00′ 00″ W
thence northward following the seaward limit of the territorial sea adjacent to Great Britain to:

(15) 57° 54′ 02″ N 09° 00′ 00″ W
thence northward to:

(16) 59° 00′ 00″ N 09° 00′ 00″ W
thence north eastward to:

(17) 61° 05′ 00″ N 02° 00′ 00″ W
thence eastward to:

(18) 61° 05′ 00″ N 01° 00′ 00″ E
thence southward to:

(19) 56° 00′ 00″ N 01° 00′ 00″ E
thence eastward to:

(20) 56° 00′ 00″ N 05° 00′ 00″ E
thence southward to:

(21) 53° 33′ 43″ N 05° 00′ 00″ E
thence southward and westward following the seaward limit of the territorial sea adjacent to the Netherlands, Belgium and France to:

(22) 51° 12′ 01″ N 01° 53′ 20″ E
thence northward, westward and southward following the seaward limit of the territorial sea adjacent to Great Britain to the co-ordinates referred to at paragraph (10) above.

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 2A of the Marine, &c, Broadcasting (Offences) Act 1967 (inserted by paragraph 2 of Schedule 16 to the Broadcasting Act 1990), it is an offence to make a broadcast from a ship (other than one registered in the United Kingdom, the Isle of Man or any of the Channel Islands) while the ship is within any area of the high seas prescribed for the purposes of that section. This Order (Article 3 and the Schedule) prescribes the areas of the high seas in which it is an offence to make such a broadcast.

The owner or master of the ship, and any person who operates, or participates in the operation of, the apparatus by means of which such a broadcast is made, may be convicted (section 2A(2)). An offence under section 2A may, pursuant to section 6(3) of the 1967 Act, be taken to have been committed in any place in the United Kingdom. The enforcement powers provided for in section 7A of the 1967 Act (inserted by paragraph 8 of Schedule 16 to the 1990 Act) apply to the offence under section 2A.

The penalties for contravention of section 2A are, on summary conviction, a term of imprisonment not exceeding six months, or a fine not exceeding the statutory maximum (£2,000), or both; and on conviction on indictment, a term of imprisonment not exceeding two years, or a fine, or both. Section 14 of the Wireless Telegraphy Act 1949 (c.54) (as amended by section 172 of the 1990 Act) provides powers for the court to forfeit the broadcasting apparatus, recordings and ship to the Secretary of State.

A broadcast made from a ship in one of the areas prescribed by this Order does not contravene section 2A of the 1967 Act if it is authorised under the law of a country or territory outside the United Kingdom (subsection (4)).

The areas prescribed by this Order cover areas of the high seas, that is to say, areas outside the territorial waters of the United Kingdom (which presently extend to a distance of 12 nautical miles pursuant to the Territorial Sea Act 1987 (c.49)). It remains an offence to broadcast from a ship or structure within the territorial sea (sections 1 and 2 of the 1967 Act respectively), or from a ship registered in the United Kingdom, Isle of Man or any of the Channel Islands wherever it may be (section 1), or for a British subject to make a broadcast from a place on the high seas outside the areas prescribed in this Order (section 3).