EXPLANATORY MEMORANDUM TO

THE TERRITORIAL SEA ACT 1987 (GUERNSEY) ORDER 2014

2014 No. 1105

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of this instrument is to extend certain provisions of the Territorial Sea Act 1987 to Guernsey.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The Order is made under the power given in section 4(4) of the Territorial Sea Act 1987, which enable the provisions of the Act to be extended to the Channel Islands and the Isle of Man. The power has already been utilised in the case of the Isle of Man and Jersey.

5. Territorial Extent and Application

5.1 This instrument extends certain statutory provisions to Guernsey.

6. European Convention on Human Rights

As the instrument is not subject to any Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 The Order extends to Guernsey certain provisions of the Territorial Sea Act 1987. The principal reason for this is in order to enable the making of a further Order to bring up to date the current Orders defining the baselines from which the territorial sea is measured. The two current Orders which apply to Guernsey were originally made under the Royal Prerogative, but are now deemed to be made under section 1(4) of the 1987 Act. It is intended to replace these two Orders, but in order that the replacement Order should apply to Guernsey it is first necessary that the relevant provisions of the 1987 Act should be extended.

7.2 The Order does not extend to Guernsey the provisions of the 1987 Act which extend the breadth of the territorial sea to twelve nautical miles. Whilst this is an issue

which is being actively discussed between the Foreign and Commonwealth Office and the Guernsey authorities, it is clear that it will involve a number of practical and legal issues, as well as require consultation with the Government of France. So, it has been decided to go ahead with this, more limited extension of the provisions of the 1987 Act at this stage.

8. Consultation outcome

8.1 The Ministry of Justice and the Guernsey authorities have been consulted.

9. Guidance

9.1 The necessity for guidance is not foreseen.

10. Impact

10.1 No impact on business, charities or voluntary bodies is foreseen.

10.2 No impact on the public sector is foreseen.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 No specific need for monitoring or review is foreseen.

13. Contact

Chris Whomersley at the Foreign and Commonwealth Office (tel: 0207 008 3284 or email: chris.whomersley@fco.gov.uk) can answer any queries regarding the instrument.