**EXPLANATORY MEMORANDUM TO**

**THE TERRITORIAL SEA (BASELINES) ORDER 2014**

**2014 No. 1353**

**1.** This explanatory memorandum has been prepared by the Foreign and Commonwealth Office.

## 2. Purpose of the instrument

2.1 The purpose of this instrument is to establish the baselines from which the territorial sea of the United Kingdom, the Channel Islands and the Isle of Man is measured.

## 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 1(1)(b) of the Territorial Sea Act 1987, which provides for the baselines from which the territorial sea is measured to be established by Order in Council.

## 5. Territorial Extent and Application

5.1 This instrument applies to the United Kingdom, the Channel Islands and the Isle of Man.

## 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 establishes the baselines from which the territorial sea is measured. It replaces an Order dating from 1964 which is now out of date and which in particular does not reflect the provisions of the United Nations Convention on the Law of the Sea ("the Convention"). The Order will give the force of law to the relevant provisions of the Convention. Generally the baseline will follow the low-water line, except that a straight line can be drawn across bays.

7.2 In addition, the Order maintains the straight baseline system to the West of Scotland. In that area, it is permissible, in accordance with the Convention, to draw baselines around the coast, rather than along the low-water line, because of the

presence of offshore islands. The opportunity has been taken to express the coordinates defining the straight baselines in the most up-to-date datum system.

7.3 The Order will, like the 1964 Order, apply to the Channel Islands and the Isle of Man. The relevant powers in the Territorial Sea Act 1987 have been extended to the Isle of Man, to Jersey and most recently to Guernsey.

## 8. Consultation outcome

8.1 The Ministry of Justice, the Department for Environment, Food and Rural Affairs, the Scottish Government and the authorities in the Channel Islands and the Isle of Man have been consulted, as have the UK Hydrographic Office.

## 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.