

1989 No. 2397
CARIBBEAN AND NORTH ATLANTIC
TERRITORIES

THE CAYMAN ISLANDS
(TERRITORIAL SEA) ORDER 1989

Made 19th December 1989
Coming into force 1st January 1990

At the Court at Buckingham Palace, the 19th day of December 1989
Present,
The Queen's Most Excellent Majesty in Council

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

2. The boundaries of the Colony of the Cayman Islands are hereby extended to include, as territorial sea, that part of the sea which is situated within 12 nautical miles of the Cayman Islands, measured from the baselines as established by article 3 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 articles 4 and 5 below, the baseline from which the breadth of the territorial sea adjacent to the Cayman Islands is measured shall be the low-water line along the coast, including the coast of all islands comprised in the territory.

(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. (1) In the case of the sea adjacent to a coast off which there are fringing reefs, the baseline from which the breadth of the territorial sea is measured shall be the seaward limit of the low-water line of the fringing reefs.

(2) Where there is a break or passage through the fringing reefs referred to in paragraph (1) of this article, the baseline from which the breadth of the territorial sea is measured shall be a straight line joining the seaward entrance points of that break or passage.

5. 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.

6. 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) "fringing reefs" means reefs attached directly to, or located in the immediate vicinity of, the coast or any coastal lagoon;

(c) "island" means a naturally formed area of land surrounded by water which is above water at mean high-water spring tides;

(d) "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

(e) "nautical miles" means international nautical miles of 1,852 metres.

G.I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE
(This note is not part of the Order)

This Order extends the boundaries of the Colony of the Cayman Islands so as to include, as territorial sea, the sea within twelve nautical miles of the baselines of the Cayman Islands, together with its seabed and subsoil, and makes other provisions in this connection. In particular, it defines the baseline from which the breadth of the territorial sea is measured as generally the low-water line, except where there are fringing reefs or bays.