



Turks and Caicos Islands
National Maritime Strategy
for the
IMO Instrument Implementation Code
(IIIC)
Prepared by the
Department of Maritime and Shipping

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0. Version Control

Version	Review Date	Review Changes	Status
V0.1 (Oct 20) <i>re-set of a draft version carried over from 2019</i>	Oct 20 <i>review of a draft version carried over from 2019</i>	A Leighton MCA Feedback	Draft
V0.2	01/12/20	A Leighton MCA Feedback	Draft
V0.3	23/07/21	A Leighton MCA Feedback	Draft
V0.4	25/07/21	T Joseph TCIG	
V0.5	11/10/23	T Joseph TCIG	
VO.6	24/4/24	Maritime Oversight Committee	

1. Introduction

1.1. Department of Maritime and Shipping (DMAR)

The Department of Maritime and Shipping (DMAR) is a governmental agency within the Ministry of Immigration and Border Services. The DMAR primary function is to provide guidance and structure to the maritime industry within the Turks and Caicos Islands (TCI). The DMAR advises the TCI Government (TCIG) on all matters pertaining to the development of the maritime industry. The DMAR also acts as the TCI's Ship Registry and it has Flag State, Port State and Coastal State functions and responsibilities for a wide range of maritime related activities within the TCI. The agency is the principle maritime authority within the TCI. The primary legislation is the Merchant Shipping Ordinance 2022, as amended, and other associated legislation.

DMAR as the Flag State party is responsible for the administration of the International Shipping programme, on behalf of the TCIG and has been appointed as the lead Authority for the International Maritime Organization (IMO) Instrument Implementation Code (III Code) implementation process.

1.2. Maritime Oversight Committee

The TCI Maritime Oversight Committee (MOC) has strategic oversight, directing and advising TCIG and on achieving compliance with international obligations in accordance with the III Code. The MOC provides recommendations to the relevant departments and oversees their implementation. The Chair of the MOC is the Director of the Department of Maritime and Shipping and the Terms of Reference (ToRs) set out the membership, the role of the MOC and governance arrangements. The ToRs can be found at Annex A.

1.3. Turks and Caicos Islands Maritime Administration

The TCI Maritime Administration comprises of TCIG departments who have an obligation to carry out statutory maritime functions in accordance with international conventions. A diagram of the overall structure and details of their responsibilities is depicted in Annex B.

1.4. International Maritime Organization (IMO)

The IMO is the United Nations specialised agency and the global standard-setting authority for the safety and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective and universally adopted and implemented. Shipping is very much an international industry and it can only operate effectively if the regulations and standards are themselves agreed, adopted and implemented on an international basis. IMO is the forum at which this process takes place.

2. Background

2.1. IMO Instruments Implementation Code (III Code)

The IMO formally adopted the III Code in 2013, to provide a global standard that enables States to meet their obligations as responsible flag, port and coastal States and to provide criteria to determine how Member States give full and complete effect to the provisions of those international maritime conventions to which they are Contracting Parties. The IMO has since adopted amendments to several IMO instruments to make the use of the III Code mandatory for the purpose of auditing Member States, these amendments entered into force on 1st January 2016. The IMO instruments included in this scope cover:

1. International Convention for the Safety of Life at Sea (SOLAS 1974 and its 1978 and 1988 Protocols, as amended);
2. International Convention for the Prevention of Pollution from Ships (MARPOL 1973 and Protocols 1978 and 1997, as amended);

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3. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 1978, as amended);
4. International Convention on Load Lines (LL 66 and its 1988 Protocol);
5. International Convention on Tonnage Measurement of Ships (Tonnage 1969); and
6. Convention on the International Regulations for Preventing Collisions at Sea (COLREG 1972).

The UK Member States is signatory to international conventions on behalf of the TCI. The following conventions have been extended by the UK to TCI, and therefore the responsibility of the Government:

- a) SOLAS 1974 and its 1988 Protocol;
- b) COLREG 1972; and
- c) LL66 and its 1988 Protocol.

The UK maintains general superintendence and support to TCIG in fulfilling international obligations under these treaties.

2.2. III Code Strategy Aim

This III Code strategy supports the TCIG in meeting the aims and objectives herein to achieve full compliance with the relevant international maritime conventions in accordance with the III Code.

3. Vision Statement

To successfully contribute to continuous enhancement of global maritime safety and protection of the marine environment

4. Mission Statement

The TCIG will exercise its flag, port and coastal State responsibilities by performing its duties in a way that gives full and complete effect to applicable international maritime rules and regulations to ensure maritime safety and marine environmental protection.

5. III Code Strategy Purpose

5.1. Aims

1. Provide a consistent approach for TCI to meet the requirements of the III Code.
2. Achieve and maintain the ability to implement and enforce relevant international mandatory instruments.
3. Improve overall performance and capability as a flag, port and coastal state by continuous monitoring, review and evaluation.
4. Enhance awareness and co-operation between the respective TCI departments and relevant stakeholders to develop a collaborative approach to demonstrate compliance.

5.2. Objectives

1. Effectively demonstrate how compliance is achieved in accordance with the requirements of the III Code, as applicable.
2. Implement and enforce policies through issuing national legislation, procedures and guidance and ensure they are kept current.

3. Ensure that competent personnel and sufficient resources and processes are in place to give full effect to the requirements of the III Code.
4. Promote the requirements of the III Code and create opportunities to develop and maintain relationships with responsible stakeholders outside of TCI to continue and improve collaborative working.
5. Implement and maintain a monitoring programme across all stakeholders to identify areas of non-compliance, potential non-compliance and/or improvement and continuously check the adequacy of the measures being taken to meet the requirements of the III Code.
6. Continuously review the strategy to achieve, maintain and improve the overall organisational performance and capability as a flag, port and coastal state.

5.3. Activities

The IIIC strategy's aims and objectives are met through the following ongoing activities:

5.3.1. Development and implementation of policies and procedures

1. Explanation and implementation of the III Code and mandatory audit is incorporated into the TORs of the MOC.
2. Implementation and implications of the III Code and mandatory audit are incorporated into the Administration's overall Audit and Non-Compliance Standard Operating Procedures for managing risks.
3. Actions are identified and carried out by responsible stakeholders to demonstrate ongoing adherence to the III Code, where applicable.
4. Policies are developed and amended as necessary, following the required consultation, by the TCI Maritime Administration to implement amendments to international conventions.
5. Policies are effectively communicated and made accessible for giving complete effect to applicable IMO instruments.
6. Sufficient resources and processes capable of administering an effective system of safety and environmental protection are established and maintained.
7. Responsibilities, authorities, qualifications and continuous training of personnel who manage and perform work relating to and affecting safety and pollution prevention are defined and documented.
8. Applicable records for tracking and compliance purposes are stored and maintained effectively, and an up-to-date policy is in place to support achievement of this.

5.3.2. Stakeholder Relationships

1. Liaise with all stakeholders to promote the requirements of the III Code, gather feedback on how international obligations are being achieved and offer guidance for improvement where problem areas are identified.
2. Maintain a collaborative relationship with the UK Maritime Administration and the Red Ensign Group (REG) to receive support in fulfilling obligations through monitoring visits, the REG Conference, Technical Forum and Working Groups.

5.3.3. Monitoring

1. All TCIG departments and external bodies with flag, port or coastal State responsibilities use their own internal systems and processes to effectively meet their international obligations.
2. The UK Maritime Administration monitors compliance every four years.
3. The MOC periodically assesses the performance of stakeholders, taking into account their feedback and that of the UK Maritime Administration and advise on opportunities to improve performance.

5.3.4. Review and Improvement

- 1) The content of this III Code strategy is continuously reviewed by the MOC to maintain and improve performance and capability as a flag, port and coastal State.
- 2) The TCI Maritime Administration continually improves the adequacy of measures to ensure international obligations are being met.
- 3) The TCI Maritime Administration provides opportunities for improvement of performance in maritime safety and environmental related activities through training programmes and continuous updating of knowledge, regular drills and exercises on safety and pollution prevention.

6. Category of Register

The UK's Statutory Instrument No. 1248 of 2003, the Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003, as amended, provides for TCI to be a Category 2 Registry which permits the registration of commercial ships and yachts of up to 150 gross tons and pleasure vessels; that is, those that are not operated commercially of up to 400 gross tones. A Memorandum of Understanding (MOU) between the UK's Department for Transport and TCI on survey and certification of ships and related standards is in place to provide a framework of objectives in support of the Categorisation Order.

7. Annex A: Maritime Oversight Committee Terms of Reference

Turks & Caicos Islands

TCI Maritime Oversight Committee

Terms of Reference

1. Introduction

- 1.1. The UK is one of the International Maritime Organization's (IMO) member States and a signatory to international conventions on behalf of the Red Ensign Group (REG) shipping registers¹. The Maritime and Coastguard Agency (MCA), on behalf of the UK Secretary of State is responsible for implementing those international conventions to which it is a party and for ensuring that all other REG jurisdictions accomplish the same in accordance with their obligations under the international conventions and with UK policy.
- 1.2. The Government of the UK, on behalf of the Crown, is responsible for the obligations and liabilities in international law which it enters into on behalf of itself and other members of the REG.
- 1.3. The Turks & Caicos Islands (TCI) recognizes the need to comply with its international obligations, including responsibilities under conventions extended to it at its own request.
- 1.4. In recognition of the need to ensure that obligations arising out of international conventions and the IMO Instruments Implementation Code (III Code) are met, and that the responsibility for meeting those obligations lies with a number of Agencies, the Government of TCI has formed a coordinating body, the TCI Maritime Oversight Committee, to act on its behalf in maintaining oversight of the TCI III Code implementation strategy.

2. Purpose, Strategic Aims & Objectives

Purpose

To coordinate an effective multi-stakeholder's group to ensure that a Maritime strategy is developed, implemented and continually reviewed.

- 2.1. The strategic aim of the TCI Maritime Oversight Committee is to support and advise the TCI Government in achieving and maintaining full compliance with relevant maritime international conventions in accordance with the III Code (mandatory from January 2016) and IMO audit scheme by providing recommendations to the relevant Agencies.
- 2.2. The objectives of the TCI Maritime Oversight Committee shall be to effectively demonstrate how compliance is achieved in accordance with the requirements of the III Code by:

¹Comprises the UK, 3 Crown Dependencies (Bailiwick of Guernsey, States of Jersey, and Isle of Man) and 9 Overseas Territories (Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena, Turks & Caicos Islands).

- 2.2.1. Develop and maintain a III Code Strategy for the TCI Government. The Strategy will be reviewed annually as a minimum.
- 2.2.2. Monitor international maritime standards and obligations through liaison with the UK Maritime Administration as the IMO Member State and provide guidance and/or recommendations on their appropriateness to the TCI Government.
- 2.2.3. Recommend methods of implementation and enforcement of policies through issuing of legislation, procedures and guidance, and ensure they are kept current.
- 2.2.4. Ensure maritime compliance requirements and strategies are appropriately communicated within government and to relevant stakeholders providing public access to relevant legislation, policies and procedures.
- 2.2.5. Promote the requirements of the III Code to enhance awareness and cooperation between the TCI Government and respective departments/stakeholders to develop a collaborative approach to demonstrate compliance and routinely collect feedback from them based on the Category 2 Register Quality Objectives on how international conventions are maintained.
- 2.2.6. Assist relevant stakeholders in achieving and maintaining an effective ability to implement and enforce relevant local and international instruments by recommending resources and processes capable of administering a system of safety and environmental protection.
- 2.2.7. Ensure all maritime responsibilities are defined and documented, and authorities, qualifications and continuous training of personnel who manage and perform work relating to and affecting safety and pollution prevention.
- 2.2.8. Ensure that overall performance and capability as a Flag, Port, and Coastal State is achieved, maintained and improve by continuous monitoring, review and evaluation and having oversight of the recommendations made by the UK Maritime Administration and ensuring actions are address within appropriate timelines.
- 2.2.9. Seek to identify and eliminate causes of actual and potential noncompliance by monitoring reports of post incident and exercise reviews and providing recommendations to the relevant Agencies.
- 2.2.10. Create and/or take part in opportunities to maintain and develop relationships with all relevant stakeholders within the REG to continue a collaborative working approach.

3. Participants

3.1. Membership of the TCI Maritime Oversight Committee shall comprise of the following:

No.	Committee Members	Position
	<i>Governor's Office (GO)</i>	<i>Representative</i>
1.	<i>Ministry of Immigration and Border Services</i>	<i>Permanent Secretary or Deputy Permanent Secretary</i>
2.	<i>Attorney General Chambers (AGC)</i>	<i>Senior Personnel</i>

3.	<i>* Department of Maritime and Shipping (DMS)</i>	<i>Director and Deputy Director</i>
4.	<i>*Department of Environment and Coastal Resources (DECR)</i>	<i>Director</i>
5.	<i>*Telecommunication Commission</i>	<i>Director</i>
6.	<i>*Survey and Mapping Department (SMD)</i>	<i>Director</i>
7.	<i>*Royal Turks and Caicos Islands Police Force (RTCIPF)</i>	<i>Commissioner/Deputy Commissioner</i>
8.	<i>*TCI Port Authority (TCIPA)</i>	<i>Director</i>
9.	<i>TCI Airport Authority (TCIAA)</i>	<i>Chief Executive Officer</i>

3.2. On occasion, representatives from other governmental and non-governmental organizations may participate as required.

4. Working arrangements of the Maritime TCI Oversight Committee

- 4.1. The *TCI Maritime Oversight Committee* shall meet every 4 months, or more frequently if required.
- 4.2. The *TCI Maritime Oversight Committee* shall be chaired by the Director of Maritime and Shipping, and the vice chair will be elected by the group members.
- 4.3. Prior to a meeting of the *TCI Maritime Oversight Committee*, members will be invited by the Secretariat. Ministry of Immigration and Border Services (MIBS) will be assigned the function of secretariat for this high-profile committee to highlight items they would like to be included within the agenda.
- 4.4. Papers for the *TCI Maritime Oversight Committee* will be circulated 2 weeks prior to the meeting. This is so that members have sufficient time to bring their comments/policy line to the meeting.
- 4.5. Before the close of the meeting, actions, responsibilities and completion dates will be agreed by the members and compiled in an action matrix. Where the members agree that one or more members complete an action, it should, as far as possible, be completed within the time specified.
- 4.6. The Secretariat will produce a set of draft minutes within 2 weeks from the end of the meeting and all members will be provided with an opportunity to comment on the contents before agreeing a final version, typically within an additional 2 weeks of the draft being produced.
- 4.7. Where recommendations/actions are required to be escalated to the relevant Agencies to obtain approval or a decision, the Secretariat will coordinate appropriate briefing papers and supporting documentation.
- 4.8. A Meeting quorum will consist of two thirds of the nine members (6).

5. Working arrangements for ad hoc Groups

- 5.1. The TCI Maritime Oversight Committee may be supported by ad hoc groups established by the group to discuss specific issues.
- 5.2. TCI Maritime Oversight Committee members may participate in any such group relevant to their area of interest. The Chair of each group will be determined by its members.
- 5.3. The progress and/or outcome(s) of discussions of a group will be fed back by the Chair of the group for information / agreement at the TCI Maritime Oversight Committee.
- 5.4. Specific outcomes or targets will be provided to the group by the meeting of TCI Maritime Oversight Committee that establishes the group.

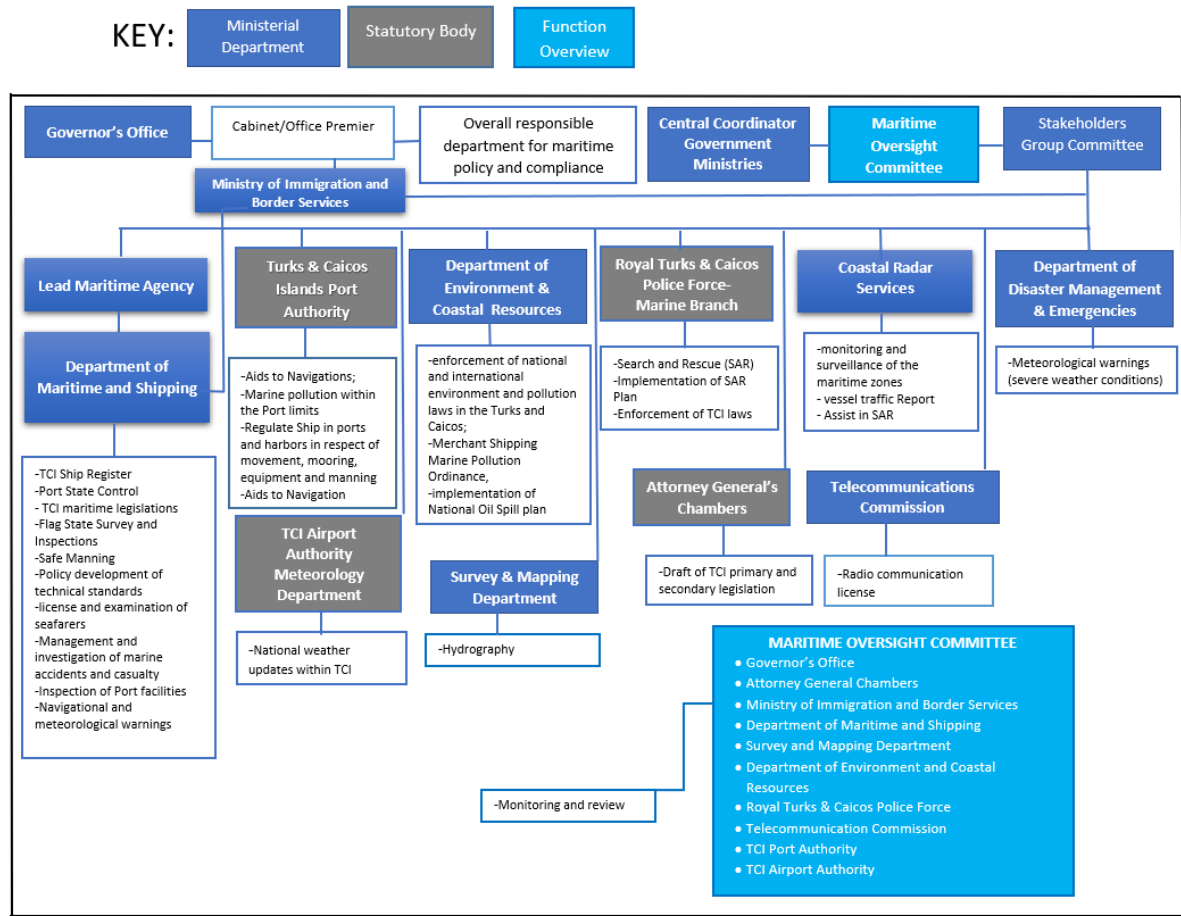
6. Relationship of the TCI Maritime Oversight Committee with the TCI Government

- 6.1. The work of the TCI Maritime Oversight Committee is carried out on behalf of the TCI Government and the Chair of the TCI Maritime Oversight Committee is responsible for ensuring that the HMG & The TCI Government is kept informed of the TCI compliance with its international obligations.

6.2. BUDGET

ACTIVITY	AMOUNT
12 Meetings (Tickets, office supplies)	\$6720.00
Catering	\$4200
International Travel (Fact finding missions, Study Tours)	\$10000
Total (US\$)	\$20,920

8. Annex B: TCI Maritime Administration Organogram



There are multiple agencies involved in most maritime functions. Coordination of activities are undertaken via the Maritime Oversight Committee.