

Territorial Seas Committee Terms of Reference October 2023

1. INTRODUCTION

- 1.1 The seabed surrounding the Isle of Man was purchased from the United Kingdom Crown Estate Commissioners. Initially extending to three miles the Isle of Man's ownership was extended in 1991 to 12 miles, by The Territorial Seas Act 1987 (Isle of Man) Order 1991. As a result of this transfer of ownership, The Territorial Sea (Consequential Provisions) Act 1991, which vested ownership of the sea and seabed in the Department of Transport was approved by Tynwald. Minerals and hydrocarbons (with the exception of coal) were vested in the Department of Trade and Industry (DTI). The coal rights were obtained a few years later and also vested in DTI.
- 1.2 At the instigation of the then Attorney General, T.W. Cain, following consultation with the UK Crown Estates it was recommended that a Management Committee be set up to look after the Territorial Sea which includes the seabed.
- 1.3 In order to co-ordinate the marine resource management within the extended area, the Territorial Sea Committee (TSC) was formed in 1991 and since its formation has been chaired initially by the Director of Harbours (Chief Harbourmaster as he was then known) and more recently by the Chief Officer, Department of Infrastructure. The TSC is an Inter-Governmental Management Committee and it oversees the management and development of the Island's territorial waters and seabed.

2. REMIT AND GOVERNANCE

- 2.1 The TSC co-ordinates all matters, including legislative requirements as well as national and international obligations, regarding the Territorial Sea. It oversees the management of all major activities within the Island's Territorial Sea. It provides an opportunity to bring together representatives of all departments which have a responsibility for matters relating to the Territorial Sea. It also allows free and open discussion between departments so that the Island can be seen to be acting in a co-ordinated fashion when dealing with operational and legislative matters.
- 2.2 The TSC is responsible for strategic oversight, monitoring, review and evaluation to ensure that the relevant Departments have the resources, capability, legislative framework, and infrastructure in place to ensure the Isle of Man meets its international obligations as a Flag, Port and Coastal state. The National Maritime Strategy for the IMO Instruments Implementation Code (III Code) sets out how this is to be achieved. The TSC is responsible for its periodic review.
- 2.3 The Group provides updates to the Council of Ministers and engages with the Minister of Infrastructure on matters related to the determination of consent applications under their responsibility. The Minister of Infrastructure will not determine applications for consent until all interested Departments have been consulted through an officer working group (the Territorial Seas Committee) and the Council of Ministers has been notified of the Minister's proposed course of action.

3. MEMBERSHIP

- 3.1 The Committee's membership is drawn entirely from Government Departments which have an interest in or are responsible for the various activities which occur within the Territorial Seas.

Chairman: Chief Officer, Department of Infrastructure

- 3.2 The following Government bodies are invited to send representatives to the Committee:

Cabinet Office (Optional)
Department of Environment, Food and Agriculture
Department for Enterprise
Department of Infrastructure
HM Attorney General's Chambers (Optional)
Manx Utilities Authority (Optional)
Treasury (Optional)

- 3.3 A minimum of 5 officers including at least one from each of the 3 Departments is required for the meeting to be quorate. On occasions whereby a vote is required by the Committee, only one vote per Department will be recorded. In the absence of the designated Chairman, the meeting will agree a Chair.
- 3.4 The committee may invite other parties as the agenda requires. Sub-groups may be formed for the delivery of specific tasks with the agreement of the Committee.

4. MEETINGS AND MINUTES

- 4.1 The Committee will meet quarterly and at any other times as required at the discretion of the Committee. Minutes will be issued within one month of the meeting.

5. AUTHORITY

- 5.1 The TSC is a non-statutory body and it has no statutory powers. The Territorial Seas are controlled by specific legislation through the appropriate Government Departments which retain all relevant responsibilities.

6. ROLE AND RESPONSIBILITY OF COMMITTEE

- 6.1 The Committee's function is to co-ordinate the exercise of statutory powers and management functions and responsibilities of the various Departments.

- 6.2 The Department of Infrastructure has overall responsibility for the Territorial Sea as "landlord". This includes issuing seabed leases for submarine cables and pipelines, fish farms, aggregate extraction areas etc. It also has specific responsibilities for:

- the safety of navigation under the Harbours Act 2010;
- the licensing for deposits on the seabed under the Water Pollution Act 1993;
- the licensing of submarine cables under the Submarine Cables Act 2003; and,
- the responsibility for dealing with all matters in respect of marine minerals and hydrocarbons under the Petroleum Act 1986 and Territorial Sea (Consequential Provisions) Act 1991.

- 6.4 The Department of Environment, Food and Agriculture has responsibility for all sea fisheries, energy policy and marine biodiversity matters. It also has specific responsibilities for:
- Fisheries protection, under the Fisheries Act 2012; and,
 - Marine nature conservation and protection under the Wildlife Act 1990.
- 6.5 The TSC will recognise in its considerations the Island's international obligations in the marine environment.