



Foreign, Commonwealth
& Development Office

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The Rt Hon Emily Thornberry
Chair of the Foreign Affairs Committee
House of Commons
London
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11 October 2024

Dear Emily,

The Foreign, Commonwealth and Development Office (FCDO) has committed to sharing draft Orders in Council that amend the constitutions of the Overseas Territories with the Foreign Affairs Committee for information. I therefore enclose a draft Order relating to the Turks and Caicos Islands (TCI) Constitution together with the draft Explanatory Memorandum for the TCI Order. We are hoping to make this amendment order at the November Privy Council.

Proposals for constitutional reform were first tabled by the Turks and Caicos Islands Government in the Spring of 2023. Since then, the FCDO have undertaken a series of negotiations, including a visit by the FCDO negotiating team to TCI in October last year. The negotiations formally concluded in June 2024, but the UK General Election delayed progress and the final package was agreed in October 2024, when the Premier communicated cross-party consent to the draft order. Public consultations in the TCI are now being conducted, including a debate in the TCI House of Assembly.

The TCI are keen to move ahead as quickly as possible with enacting the reforms, as the delay in implementing the constitutional changes is impacting on their ability to call general elections. We had originally hoped to submit the package to the July Privy Council, but the UK General Election combined with parliamentary timetables made this impossible. To assist TCI in their request, the FCDO plan to finalise the draft Order in parallel to TCI's public consultation process – incorporating any final minor amendments submitted – with the intention of submitting to the Privy Council on 23 October for their 6 November sitting.

I am aware that as part of this finalisation process, convention also dictates that the Committee should have 28 sitting days in which to consider the proposals. However, to move forward to the planned timetable sought by TCI, I would be grateful if the Committee would instead consider the TCI constitutional amendments in a shorter timeframe, ideally by 18 October. I understand that Members may not be appointed until the week of 21 October but that, on the advice of the Clerk to the Committee, it may be possible to instead seek views on the Constitutional amendments by depositing the proposals in the House Library and seeking comments. I would be grateful for your assistance in facilitating this alternative solution, to allow us to submit in time for the November Privy Council so that TCI can move forward with their reforms.

The draft Explanatory Memorandum attached sets out the context and key factors to consider in the proposed changes. In summary, the purpose of the Order is to make a number of amendments to the Constitution to update the processes of Government. These include:

- The TCI House of Assembly will move to a 5-year maximum term (from 4) and will become known as “Parliament”;
- The current four appointed members of the Parliament will be replaced by elected members so that the entire Parliament (19 members) is elected. Additional powers granted to the Boundary Commission to recommend whether additional elected members are to be elected on a constituency or all island basis (this will require an extra Order in Council);
- Provision for appointment of an extra Minister;
- A provision for the TCI Cabinet to gain autonomous and exclusive capacity in domestic affairs not within the Governor’s special responsibilities / discretion;
- New section providing that the Governor shall not agree/approve international agreements/treaties/instruments that affect internal policy or require implementation by legislation in the TCI without Cabinet agreement;
- Post of Cabinet Secretary established, appointed by the Governor following Premier consultation;
- Recognition of the National Security Council in the Constitution;
- Establishment of a Police and Defence Services Commission to advise the Governor on appointments and disciplinary matters within the Police & TCI Regiment;
- The creation of a Constitutional Commission and an Arbitration and Dispute Resolution Centre;
- A new power enabling for a law to make provision for non-binding referenda on matters of national importance
- Removal of the Governor’s power to regulate international financial services and creation of an independent body to regulate financial services (formalising the current approach already taken, and with the regulator remaining independent of TCIG).

I am copying this letter to the Speaker of the House of Commons and H.E. the Governor of the Turks and Caicos Islands.

A copy of this letter, the draft order and draft explanatory memorandum has been deposited in the Libraries of the House.

Yours sincerely,

A handwritten signature in blue ink that reads "Stephen Doughty". The signature is written in a cursive, flowing style.

Stephen Doughty MP
Minister of State for Europe, North America and UK Overseas Territories