



THE BRITISH INDIAN OCEAN TERRITORY

SPECIAL GAZETTE

No. 2

Vol. LVII

No. 2

Published by Authority

24th day of January 2025

No. 2 of 2025

GAZETTE SUPPLEMENT

- A. The Commissioner has made the following appointments:
1. SALLY ANNE ROBINSON to be Coroner in place of COMMANDER COLVIN OSBORN with effect from 17 January 2025, under Section 7 of the British Indian Ocean Territory (Constitution) Order 2004 and Section 3(1) of the Coroners Ordinance 1985.

LEGAL SUPPLEMENT

- A. The following Order has been enacted:
- S.I. No.1 of 2025: The Restriction of Movement (Relevant Persons) Order 2025.

LEGAL SUPPLEMENT



THE BRITISH INDIAN OCEAN TERRITORY

THE RESTRICTION OF MOVEMENT (RELEVANT PERSONS) ORDER 2025

S.I. No. 1 of 2025

© British Indian Ocean Territory Administration

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying or copying in electronic format) without the written permission of the Commissioner of the British Indian Ocean Territory, or otherwise as permitted under the terms of a licence from the British Indian Ocean Territory Administration.

THE BRITISH INDIAN OCEAN TERRITORY

**THE RESTRICTION OF MOVEMENT (RELEVANT PERSONS)
ORDER 2025**

S.I. No. 1 of 2025

The Commissioner, in exercising his powers under section 10 of the British Indian Ocean Territory (Constitution) Order 2004, makes this Restriction of Movement (Relevant Persons) Order 2025 (the “Order”).

1. This Order is made –
 - (a) to preserve the security of the Facility and to ensure the safety and protection of the persons concerned, and
 - (b) to provide restrictions to the movement of Relevant Persons until such persons are removed from the Territory.
2. The attached rules (the “Rules”) apply to Relevant Persons.
3. A Relevant Person disobeys the Rules if, without reasonable excuse, that person –
 - (a) does anything which he is prohibited from doing by the Rules, or
 - (b) fails to do anything which he is required to do by the Rules.
4. A Relevant Person who disobeys the Rules may be prosecuted for disobedience of lawful orders, pursuant to section 113 of the Penal Code 1981.
5. For the purposes of this Order and the Rules, a “Relevant Person” means a person who –
 - (a) has entered the Territory without permission,
 - (b) has sought international protection which is being, or has been, considered under a Statement on Process issued pursuant to the Removal Order (Process of Determination) Regulations 2022, and
 - (c) remains present in the Territory.
6. This Order shall come into effect on 25 January 2025.
7. The Restriction of Movement Order issued on 14 May 2024 (and amended on 10 June 2024), is hereby revoked.

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner
British Indian Ocean Territory

24 January 2025

RESTRICTION OF MOVEMENT (RELEVANT PERSONS) ORDER 2025

RULES

1. For the purposes of these Rules –

“authorised person” means the Migrant Liaison Officer, a member of G4S, an immigration officer, a police officer, or any other person who is requested by those officers to provide assistance;

“Migrant Liaison Officer” means the person appointed by the Commissioner to manage and supervise the Relevant Persons and includes any person temporarily carrying out the functions of that position;

“Facility” means the facility described in paragraph (1)(a) of the Exchange of Notes of 25 February 1976 between the Government of the United Kingdom and the Government of the United States of America concerning a United States Navy Support Facility on Diego Garcia, British Indian Ocean Territory.
2. Subject to the provisions contained within these Rules, all Relevant Persons will remain within and be accommodated at the Short Term Holding Facility.
3. A Relevant Person must not, without reasonable excuse, leave the Short Term Holding Facility.
4. For the purposes of rule 3, “reasonable excuse” includes, but is not limited to –
 - (a) attending medical appointments;
 - (b) carrying out a prearranged activity pursuant to rule 9;
 - (c) departing the Territory, by air or sea.
5. When departing the Short Term Holding Facility, for reasons specified in rule 4(a) or (b), a Relevant Person must not have in his possession:
 - (a) a camera,
 - (b) a mobile telephone or other electronic device that has the capacity to take photographs,
 - (c) a blade,
 - (d) a sharply pointed object, or
 - (e) any item which could be used to cause bodily injury or harm.

6. When arriving back to the Short Term Holding Facility, after having departed for reasons set out in rule 4(a) or (b), a Relevant Person must not have in his possession an item specified in rule 5(c), (d) or (e).
7. For the purposes of rules 5 and 6, an authorised person may conduct such checks as are reasonably necessary in the circumstances to ensure that a Relevant Person is acting in compliance with those rules.
8. A Relevant Person must comply with all reasonable requests made to him by an authorised officer.
9. The Migrant Liaison Officer, or a person acting on his or her behalf, will make arrangements for a Relevant Person to undertake activities outside the Short Term Holding Facility each day between 08.00hrs and 20.00hrs for an agreed duration.
10. In making the arrangements described in rule 9, the following procedures will be adopted –
 - (a) The Relevant Person will be given a copy of the form shown in the Schedule,
 - (b) The Relevant Person will be asked, in a language that he understands, to indicate –
 - (i) which activity he would wish to participate in during each applicable day of the week, or
 - (ii) whether there is a type of activity, not listed in the Schedule, he would wish to participate in,
 - (c) Subject to these rules, the Migrant Liaison Officer, or a person acting on his or her behalf, will ensure that the Relevant Person is given the opportunity to carry out the activities that the Relevant Person has chosen.
11. The procedures described in rule 10 should ordinarily be conducted 24 hours or more in advance of the time when the activities are to be carried out, but the Migrant Liaison Officer, or a person acting on his or her behalf, may, at his or her discretion, permit a change in those activities at any time, if the Relevant Person so requests.
12. For the purposes of rule 9, “agreed duration” means a duration of time agreed between the Relevant Person and the Migrant Liaison Officer, or a person acting on his or her behalf, having regard to the factors in rule 15.
13. For reasons set out in rule 15, the Migrant Liaison Officer, or a person acting on his or her behalf, may, at any time:
 - (a) decline to facilitate an activity chosen by a Relevant Person under rule 9;
 - (b) amend or cancel the activities chosen by a Relevant Person under rule 9, or
 - (c) adjust the agreed duration of time described in rule 12.

14. If, pursuant to rule 13(a) or (b), the Migrant Liaison Officer, or a person acting on his or her behalf, declines to facilitate, or decides to cancel, an activity chosen by a Relevant Person under rule 9, he must consult with the Relevant Person to try to provide him with the opportunity to indicate a different activity which can be facilitated, having regard to the factors in rule 15.
15. The Migrant Liaison Officer, or a person acting on his or her behalf, may act in accordance with rule 13 if he or she is of the opinion that –
 - (a) weather conditions are not conducive to the carrying out of the chosen activity;
 - (b) operational requirements of the Facility may render the activity unsafe;
 - (c) operation requirements of the Facility may, in any way, be compromised or adversely affected by the activity being performed;
 - (d) the safety or security of the Facility may otherwise be jeopardised by –
 - (i) the carrying out of the activity, or
 - (ii) the presence of the Relevant Person in the location chosen by him to perform the activity;
 - (e) the safety or security of the Relevant Person, or any person escorting him, may otherwise be jeopardised;
 - (f) due to unexpected and unavoidable circumstances, including but not limited to the unavailability of suitable transport or equipment or suitable staff to escort the Relevant Person while outside the Short Term Holding Facility, it is not practically possible to facilitate the activity.
16. Where a Relevant Person is dissatisfied by a decision made by the Migrant Liaison Officer, or a person acting on his or her behalf, under rules 11, 12 or 13, the Relevant Person may ask for that decision to be reviewed by the Administrator. The decision of the Administrator will be final.
17. The Migrant Liaison Officer will –
 - (a) use best endeavours to facilitate access to adequate toilet facilities to meet the needs of a Relevant Person who is participating in an activity, and
 - (b) ensure that adequate drinking water and food is provided to a Relevant Person who is participating in an activity, or is otherwise outside the Short Term Holding Facility.
18. Nothing in these Rules shall prevent an authorised officer from –
 - (a) maintaining observations upon a Relevant Person whilst that person is in the Short Term Holding Facility, if the authorised officer reasonably considers that

such observations are necessary to ensure the safety of the Relevant Person or any other person in the Short Term Holding Facility, and

(b) escorting a Relevant Person at such times as that person is outside the Short Term Holding Facility.

19. A Relevant Person will not be subject to these rules during any such time as he is remanded into the custody of a court, or serving a sentence of imprisonment.

SCHEDULE

Rule 9(a)

Name:							
Week commencing:							
Activity	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Walk the nature trail and spend time on the beach and barachois at that location							
Walk at some place not described above, following discussion and agreement with the MLO as to the location *							
Visit the beach between Jake's Place and the Marina							
Visit a beach not described above, following discussion and agreement with the MLO as to the location *							
Swim at one of the designated swimming areas, following discussion and agreement with the MLO as to the location **							
Fishing at one of the designated fishing areas, following discussion and agreement with the MLO as to the location **							
Visit Turtle Cove (Note that no swimming or fishing will be permitted and additional restrictions may be imposed to preserve the environment)							
Visit the Plantation (Note that this may only take place on a Sunday and that a permit will be required)							
Engage in unpaid volunteer work							
Other, following discussion and agreement with the MLO (Specify) *							

* Not to include residential areas (including Downtown), restricted areas or within 100m of fixed installations.

** "designated swimming area" and "designated fishing area" are references to those areas as shown on the relevant map, as may from time-to-time be amended, as displayed on the noticeboard at BIOT HQ and within the STHF.