



THE BRITISH INDIAN OCEAN TERRITORY

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A. The following laws have been enacted:

Ordinance No. 2 of 2025: The British Indian Ocean Territory (Security) (Unlawful Entry) Ordinance 2025

LEGAL SUPPLEMENT



THE BRITISH INDIAN OCEAN TERRITORY

**BRITISH INDIAN OCEAN TERRITORY
(SECURITY) (UNLAWFUL ENTRY)
ORDINANCE 2025**

Ordinance No. 2 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY
BRITISH INDIAN OCEAN TERRITORY
(SECURITY) (UNLAWFUL ENTRY) ORDINANCE 2025

Ordinance No.2 of 2025

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Enacted by the Commissioner for the British Indian Ocean Territory

13 March 2025

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner

THE BRITISH INDIAN OCEAN TERRITORY

BRITISH INDIAN OCEAN TERRITORY (SECURITY) (UNLAWFUL ENTRY) ORDINANCE 2025

An Ordinance to make provision about threats to the security of the Territory and the United Kingdom from persons entering the Territory without permission; and for connected purposes.

Citation and commencement

1. This Ordinance may be cited as the British Indian Ocean Territory (Security) (Unlawful Entry) Ordinance 2025 and shall come into force forthwith.

Definitions

2. In this Ordinance –

“enactment” includes an enactment comprised in subsidiary legislation (within the meaning of the Interpretation and General Provisions Ordinance 1993);

“information” includes information about tactics, techniques and procedures;

“prohibited place” means the whole of Diego Garcia, together with the four islets at the mouth of the lagoon, and includes the waters of the lagoon;

“Territory” means the British Indian Ocean Territory;

“Unlawful entrant” means a person who has entered the Territory without permission after the date on which this Ordinance comes into force;

“vehicle” means any form of transport.

Entering and inspecting places used for defence etc.

Entering etc., a prohibited place for a purpose prejudicial to the Territory or the UK

3. (1) An Unlawful entrant commits an offence if –

(a) the Unlawful entrant –

(i) accesses, enters, inspects, passes over, approaches or is in the vicinity of a prohibited place, or

(ii) causes an unmanned vehicle or device to access, enter, inspect, pass over, approach or be in the vicinity of a prohibited place, and

(b) that conduct is for a purpose that the Unlawful entrant knows, or having regard to other matters known to them ought reasonably to know, is prejudicial to the safety or interests of the Territory or the United Kingdom.

(2) In subsection (1)(a) a reference to inspecting a prohibited place includes –

(a) taking, or procuring the taking of, photographs, videos or other recordings of the prohibited place;

(b) inspecting photographs, videos or other recordings of the prohibited place.

(3) For the purposes of this section, an Unlawful entrant engages in conduct mentioned in subsection (1)(a) if the Unlawful entrant does so in person or by electronic or remote means.

(4) An Unlawful entrant who commits an offence under this section is liable on conviction to imprisonment for a term not exceeding 14 years or a fine of £500,000.00 (or both).

(5) Proceedings for an offence under this section may be instituted only with the consent of the Principal Legal Adviser.

Unauthorised entry etc., to a prohibited place

4. (1) An Unlawful entrant commits an offence if –

(a) the Unlawful entrant –

(i) accesses, enters, inspects or passes over a prohibited place, or

(ii) causes an unmanned vehicle or device to access, enter, inspect or pass over or under a prohibited place,

(b) that conduct is unauthorised, and

(c) the Unlawful entrant knows, or having regard to other matters known to them ought reasonably to know, that their conduct is unauthorised.

(2) An Unlawful entrant's conduct is unauthorised if the Unlawful entrant –

(a) is not entitled to determine whether they may engage in the conduct, and

(b) does not have consent to engage in the conduct from the Commissioner's Representative or a person acting on his behalf.

(3) In subsection (1)(a) a reference to inspecting a prohibited place includes taking, or procuring the taking of, photographs, videos or other recordings of the prohibited place.

(4) For the purposes of this section, an Unlawful entrant engages in conduct mentioned in subsection (1)(a) if the Unlawful entrant does so in person or by electronic or remote means.

(5) An Unlawful entrant who commits an offence under this section is liable on conviction to imprisonment for a term not exceeding three years or a fine not exceeding £10,000.00 (or both).

Unauthorised entry into part of a prohibited place

5. (1) For the purposes of this section, where an Unlawful entrant has been authorised to remain temporarily within a specified part of a prohibited place –

(a) “A” represents that specified part of the prohibited place, and

(b) “B” represents those parts of the prohibited place that are not included within A.

(2) An Unlawful entrant commits an offence if –

(a) the Unlawful entrant enters B, and

(b) the Unlawful entrant knows, or having regard to other matters known to them ought reasonably to know, that entry into B is unauthorised.

(3) An Unlawful entrant’s entry into B is unauthorised if the Unlawful entrant –

(a) is not entitled to determine whether they may enter B, and

(b) does not have consent to enter B from the Commissioner’s Representative or a person acting on his behalf.

(4) An Unlawful entrant who commits an offence under this section is liable on conviction to imprisonment for a term not exceeding three years or a fine not exceeding £10,000.00 (or both).

Powers of police officers in relation to a prohibited place

6. (1) A police officer may order –

(a) an Unlawful entrant who has accessed or entered a prohibited place (whether in person or by electronic or remote means) to leave it immediately;

(b) an Unlawful entrant in an area adjacent to a prohibited place to leave the area immediately;

(c) the Unlawful entrant in charge of a device (whether in person or by electronic or remote means) in a prohibited place, or in an area adjacent to a prohibited place, to move the device from the place or area immediately.

(2) A police officer may arrange for –

(a) the removal of a device from a prohibited place or an area adjacent to a prohibited place;

(b) the movement of a device within a prohibited place or an area adjacent to a prohibited place.

(3) A police officer may not exercise a power under subsection (1) or (2) unless the police officer reasonably believes that exercising the power is necessary to protect the safety or interests of the Territory or the United Kingdom.

(4) An Unlawful entrant commits an offence if the Unlawful entrant fails to comply with an order imposed under subsection (1).

(5) An Unlawful entrant who commits an offence under this section is liable on conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding £5,000.00 (or both).

Power to designate additional sites as prohibited places

7. (1) The Commissioner may by regulations designate –

(a) land or a building situated in the Territory, or

(b) a vehicle,

as a prohibited place.

(2) The power in subsection (1) may be exercised only if, having regard to the matters mentioned in subsection (3), the Commissioner reasonably considers it necessary to do so in order to protect the safety or interests of the Territory or the United Kingdom.

(3) Those matters are –

(a) the obligations placed on the Commissioner or the United Kingdom Government under any Exchange of Notes between the United Kingdom and the United States Government;

(b) the purpose for which the land or building or vehicle is used;

(c) the nature of any information held, stored or processed on the land or in the building or vehicle;

(d) the nature of any technology, equipment or material located on the land or in the building or vehicle.

(4) The power in subsection (1) may be exercised in relation to –

(a) a description of land or buildings, or

(b) a description of vehicle,

as well as in relation to particular land or buildings or a particular vehicle.

(5) In this section “building” includes any part of a building.

Use of reasonable force

8. (1) A power conferred on a police officer by virtue of this Ordinance –

(a) is additional to powers which the police officer has at common law or by virtue of any other enactment, and

(b) is not to be taken as affecting those powers.

(2) A police officer may if necessary use reasonable force for the purpose of exercising a power conferred on the police officer by virtue of this Ordinance.

Supplementary provisions

Power to exclude the public from proceedings

9. If it is necessary in the interests of national security, a court may exclude the public from any part of proceedings for an offence under this Ordinance, except for the passing of sentence.

Declaration as to dis-application of law of England

10. In accordance with section 4(1) of the Courts Ordinance 1983, it is hereby declared that the National Security Act 2023, a United Kingdom enactment, does not form part of the law of the Territory.

Regulations

11. A power to make regulations under any provision of this Ordinance includes power to make –

(a) consequential, supplementary, incidental, transitional or saving provision;

(b) different provision for different purposes or different areas.

Crown application

12. (1) This Ordinance binds the Crown, subject as follows.

(2) No contravention by the Crown of a provision of this Ordinance makes the Crown criminally liable.

(3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.

(4) An amendment or repeal made by this Ordinance binds the Crown to the same extent as the provision amended or repealed.
