



THE BRITISH INDIAN OCEAN TERRITORY

SPECIAL GAZETTE

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GAZETTE SUPPLEMENT

PART 1

NOTICES

A. The following Notices are published by order of the Commissioner:

None.

B. The following Notices are published by order of the Commissioner's Representative:

None.

PART 2
APPOINTMENTS

A. The Commissioner has made the following appointments:

1. ESTHER YOUD to be Pathologist with effect from 24 June 2025, under section 7 of the British Indian Ocean Territory (Constitution) Order 2004.

B. The Commissioner's Representative has made the following appointments:

None.

LEGAL SUPPLEMENT

A. The following laws have been enacted:

None.

B. The following Proclamations, Directions, Orders and other statutory instruments have been enacted:

1. S.I. No. 6 of 2025: The Restriction of Movement (Relevant Persons) (Amendment) Order 2025

2. S.I. No. 7 of 2025: The Legal Aid (Remuneration) (Amendment) Regulations 2025

LEGAL SUPPLEMENT



THE BRITISH INDIAN OCEAN TERRITORY

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

S.I. No. 6 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY
THE RESTRICTION OF MOVEMENT (RELEVANT PERSONS)
(AMENDMENT) ORDER 2025

S.I. No. 6 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) (Amendment) Order 2025 (the “Order”).

1. This Order is made to amend rule 17 of the Rules attached to the Restriction of Movement (Relevant Persons) Order 2025 (S.I. No. 1 of 2025).
2. Rule 17 is hereby amended to read –
“17. The Migrant Liaison Officer, or a person acting on his or her behalf, 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.”
3. This Order shall come into effect forthwith.

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner
British Indian Ocean Territory

3 July 2025



BRITISH INDIAN OCEAN TERRITORY

THE LEGAL AID (REMUNERATION) (AMENDMENT) REGULATIONS 2025

S.I. No. 7 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY

**THE LEGAL AID (REMUNERATION) (AMENDMENT)
REGULATIONS 2025**

S.I. No. 7 of 2025

ARRANGEMENT OF REGULATIONS

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THE BRITISH INDIAN OCEAN TERRITORY

THE LEGAL AID (REMUNERATION) (AMENDMENT)
REGULATIONS 2025

S.I. No. 7 of 2025

In exercise of the powers conferred on him by section 26 of the Legal Aid Ordinance 2025, the Commissioner hereby makes the following regulations:

Preliminary

Citation and commencement

1. These regulations may be cited as the Legal Aid (Remuneration) (Amendment) Regulations 2025 and shall come into force forthwith.

Definition

2. “The Principal Regulations” means the Legal Aid (Remuneration) Regulations 2025.

Amendment of regulation 1

3. Regulation 1 of the Principal Regulations is amended by deleting “Legal Aid (Remuneration) Regulations 2025” and substituting “Legal Aid Regulations 2025”.

Replacement of the words “of the Act” with “of the Ordinance”

4. The principal Regulations are amended by deleting the words “of the Act” wherever they appear in the following regulations, with the words “of the Ordinance” –

- (a) regulation 3, subregulation (2)(d)(i) and (ii) and subregulation (3);
- (b) regulation 4, subregulation (3)(f) and subregulation (4)(a);
- (c) regulation 6(b);
- (d) regulation 7(2);
- (e) regulation 8(2);
- (f) regulation 13; and
- (g) regulation 14.

Insertion of Schedule

5. The Principal Regulations are amended by inserting the following Schedule after regulation 14 –

“SCHEDULE

(Regulation 14)

BRITISH INDIAN OCEAN TERRITORY

APPLICATION FOR LEGAL AID GRANT

If there is insufficient space in this form for any response, continue the response on a separate sheet, indicating clearly to which item on the form the continuation sheet applies.

1.	Name of Applicant (including title)	
2.	Former names (if applicable)	
3.	Nationality	
4.	Address	
5.	Correspondence address (if different) E-mail address (if any) Telephone number (if any)	
6.	Date of birth (dd/mm/yyyy)	
7.	Document evidencing identity: 7.1 Document type (e.g. passport, national identity card)	

	7.2 Document number 7.3 Date of issue 7.4 Country of issue	
8.	Marital status	
9.	Is application submitted on behalf of minor?	Y/N
10.	Is application submitted on behalf of person not having mental capacity?	Y/N
11.	If application submitted on behalf of minor or person not having mental capacity: 11.1 Name, nationality and address of person submitting application	
	11.2 Relationship to Applicant	Guardian/Other person authorised to act?
	11.3 List and attach documents evidencing right to submit application on Applicant's behalf	
12.	<i>Proposed provider:</i>	
	12.1 Name	
	12.2 Address	
	12.3 Phone number	
	12.4 Email address	
	12.5 Reference number for correspondence (if any)	

	12.6 Principal contact (if firm)											
13.	Previous applications by, or grants of legal aid to, the Applicant (if any)											
14.	<p>Type of Proceedings</p> <p>Is the application for:</p> <p>14.1 Criminal legal aid grant (complete questions 15-22)</p> <p>14.2 Civil legal aid grant (complete questions 23 to 35)</p>	<p>Y/N</p> <p>Y/N</p>										
Criminal Proceedings												
15.	Specify which of the paragraphs (a) to (d) in section 4 of the Ordinance apply and in the case of an appeal [paragraph (b)], the applicable subparagraph											
16.	<p>Section 4(a)</p> <p>What charges (for imprisonable offences) have been brought against the Applicant?</p>	<table border="0"> <thead> <tr> <th style="text-align: left;">Charge</th> <th style="text-align: left;">Date of offence</th> </tr> </thead> <tbody> <tr><td>1.</td><td></td></tr> <tr><td>2.</td><td></td></tr> <tr><td>3.</td><td></td></tr> <tr><td>4.</td><td></td></tr> </tbody> </table>	Charge	Date of offence	1.		2.		3.		4.	
Charge	Date of offence											
1.												
2.												
3.												
4.												
17.	Are the proceedings being tried in the Magistrate's Court or the Supreme Court?											
18.	<p>Section 4(b)</p> <p>State whether the appeals are against conviction or sentence and provide full details, including:</p> <ul style="list-style-type: none"> • Relevant offence or offences • Date of conviction • Details of sentence • Grounds for the appeal 											

19.	<i>Section 4(c)</i> Details of the proceedings incidental to the applicable proceedings under section 4(a) and (b)	
20.	<i>Section 4 (d)</i> Details of the advice and assistance for which a legal aid grant is sought	
21.	<i>Qualifying for criminal legal aid</i> Which subparagraph of section 5(1)(a) applies to the Applicant? Provide details	
	<i>Interests of Justice</i>	
22.	Does the Applicant have any previous convictions? If yes, provide full details of each previous conviction?	
	<i>Relevant criteria</i> Specify which of the following criteria the Applicant relies on, and for each criterion relied on, explain why the Applicant relies upon it and its relevance to the interests of justice test and refer to the evidence that supports the Applicant's application.	
	22.1 There is a significant risk that the applicant will be sentenced to a term of imprisonment	
	22.2 There is a significant risk that the applicant will suffer serious reputational damage	
	22.3 There is a significant risk that the applicant will suffer lose his or her livelihood	
	22.4 The proceedings involve a substantial question of law	

	22.5 There are complex factual, legal or evidential matters involved	
	22.6 The Applicant will not be able to understand the proceedings	
	22.7 Witnesses may need to be traced or interviewed	
	22.8 The proceedings may involve expert cross examination of a witness or witnesses	
	22.9 It is in the interests of another person that the Applicant is represented	
Civil Proceedings		
23.	Is the Applicant seeking an exceptional case determination under section 7(2) of the Ordinance?	Y/N
24.	Specify which of the paragraphs (a) to (d) in section 7(1) of the Ordinance apply and in the case of paragraphs (b), (c) and (d), the applicable subparagraph	
25.	If the Applicant seeks an exceptional case determination [section 7(1)(e)], specify in detail the type of civil proceedings for which a legal aid grant is sought	
26.	Specify whether the Applicant is a party to the applicable civil proceedings or is likely to become a party to the applicable civil proceedings	
27.	Is the applicant bringing civil proceedings, defending civil	

	proceedings or otherwise a party to the proceedings?	
28.	Specify the type and extent of legal services to which the application relates	
	<p><i>Justification for the granting of Civil Legal Aid</i></p> <p><i>Relevant Grounds</i></p> <p>Specify which of the grounds set out in section 8(2) of the Ordinance that the Applicant relies on and, for each ground relied on, explain why the Applicant relies upon it and its relevance.</p> <p>Refer to the evidence (if any) that supports the Applicant's reliance on the relevant ground.</p>	
29.	Does the Applicant have reasonable grounds for taking, defending or being a party to the proceedings?	
30.	<p>What is the best estimate for the prospects of the Applicant succeeding in the proceedings:</p> <p>30.1 Very good</p> <p>30.2 Good</p> <p>30.3 Moderately better than 50%</p> <p>30.4 Marginal – a little less than 50%</p> <p>30.5 Poor – significantly less than 50%</p>	
31.	<p>Do the proceedings raise a matter of significant public interest?</p> <p>If so, explain why, providing details of any other persons who are likely to benefit, stating the nature and extent of the benefit that will accrue to the other persons or the wider public</p>	
32.	Are the proceedings likely to have a significant impact on the Applicant?	

	If so, describe the impact and indicate how it is significant.	
33.	<p>Do the likely benefits of the proceedings to the Applicant and other persons justify the likely costs?</p> <p>If so:</p> <p>33.1 Provide an estimate of the likely costs of arising from a legal aid grant</p> <p>33.2 If the claim is quantifiable, estimate the likely value of the claim</p> <p>33.3 If the claim is not quantifiable, specify the likely benefits to the Applicant</p>	
34.	<p>Are there complex factual, legal or evidential matters involved in the proceedings?</p> <p>If so, provided a detailed explanation of these matters</p>	
35.	<p>Provide details of any other persons who are, or are likely to be, parties to the civil proceedings or are, or are likely to be indirectly involved in the proceedings</p> <p>State the nature of each person's involvement, or likely involvement, whether as a party to the proceedings or as a person likely to be indirectly involved in the proceedings</p>	
All Applications for a Legal Aid Grant		
36.	<p><i>Declaration to be signed by Applicant</i></p> <p>I apply for a legal aid grant as set out in this Application</p> <p>I have instructed (name of proposed provider) to act for me with respect to this Application and any proceedings funded by the legal aid grant</p>	

	<p>I have read the answers to the questions on the form, or they have been read to me, and I understand the answers and information that has been provided, or explanations have been provided to me</p> <p>To the best of my knowledge and belief the information provided in this Application form that has been provided by me is accurate and correct and I have not withheld any information that may be relevant</p> <p>I undertake to advise my provider if I subsequently become aware that any information on this form is incorrect or if there are any changes in the information provided</p> <p>I understand that the legal aid grant may be revoked if</p> <ul style="list-style-type: none"> (a) I fail, without good reason, to comply with a requirement to provide information or documents to the Legal Aid Administrator or I fail to cooperate with the Legal Aid Administrator (b) I make, or have made, a statement or representation, whether for the purposes of this form or subsequently, knowing or believing it to be false <p>I understand that knowingly making a false statement or knowingly supplying false information in making an application for a legal aid grant is an offence that, on conviction, is punishable by a term of imprisonment for up to two years or to a fine of up to £25,000 (section 25 of the Ordinance)</p> <p>Signed:</p> <p>Date:</p>
<p>37.</p>	<p><i>Declaration to be signed by Proposed Provider</i></p> <p>I confirm that:</p> <ul style="list-style-type: none"> (a) I have been instructed by the Applicant to represent him/her (b) I have explained to the Applicant their obligations and the meaning of the declaration (c) I have provided as accurately as possible all the information requested on this form (d) I am a licensed legal practitioner within the meaning of the Ordinance <p>or</p> <ul style="list-style-type: none"> (e) I am authorised to represent the Public Defender Service with respect to this application

	<p>Signed:</p> <p>Name:</p> <p>Position with Public Defender Service (if applicable):</p> <p>Date:</p>
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[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner
British Indian Ocean Territory

4 July 2025