



THE BRITISH INDIAN OCEAN TERRITORY

SPECIAL GAZETTE

No. 8

Vol. LVII

No. 8

Published by Authority

10th day of June 2025

No. 8 of 2025

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:

None.

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

None.

LEGAL SUPPLEMENT

A. The following laws have been enacted:

1. Ordinance No. 5 of 2025: The Criminal Procedure Code 2019 (Amendment) Ordinance 2025
2. Ordinance No. 6 of 2025: The Courts Ordinance 1983 (Amendment) Ordinance 2025

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

1. S.I. No. 5 of 2025: Victims in Criminal Proceedings Regulations 2025

LEGAL SUPPLEMENT



THE BRITISH INDIAN OCEAN TERRITORY

**THE CRIMINAL PROCEDURE CODE 2019
(AMENDMENT) ORDINANCE 2025**

Ordinance No. 5 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY
THE CRIMINAL PROCEDURE CODE 2019
(AMENDMENT) ORDINANCE 2025

Ordinance No. 5 of 2025

ARRANGEMENT OF SECTIONS

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Enacted by the Commissioner for the British Indian Ocean Territory

28 May 2025

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner

**THE CRIMINAL PROCEDURE CODE 2019
(AMENDMENT) ORDINANCE 2025**

Ordinance No. 5 of 2025

An Ordinance to amend the provisions of the Criminal Procedure Code 2019, to broaden the scope of the Regulations that can be issued by the Commissioner under that Code.

Citation and commencement.

1. This Ordinance may be cited as the Criminal Procedure Code 2019 (Amendment) Ordinance 2025 and shall come into force forthwith.

Definition.

2. “The Principal Ordinance” means the Criminal Procedure Code 2019.

Amendment of section 263 of the Principal Ordinance.

3. Section 263 of the Principal Ordinance is hereby amended by revoking that section and replacing it with –

“Regulations.

263. The Commissioner may make regulations generally for carrying out any of the purposes or provisions of this Code or any matters incidental or consequential to those purposes as appear to the Commissioner to be necessary or proper for giving full effect to this Code.”



THE BRITISH INDIAN OCEAN TERRITORY

**THE COURTS ORDINANCE 1983
(AMENDMENT) ORDINANCE 2025**

Ordinance No. 6 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY

**THE COURTS ORDINANCE 1983
(AMENDMENT) ORDINANCE 2025**

Ordinance No. 6 of 2025

ARRANGEMENT OF SECTIONS

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Enacted by the Commissioner for the British Indian Ocean Territory

10 June 2025

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner

**THE COURTS ORDINANCE 1983
(AMENDMENT) ORDINANCE 2025**

Ordinance No. 6 of 2025

An Ordinance to amend the provisions of the Courts Ordinance 1983 to specify the laws of England that may have applicability in the Territory and for connected purposes.

Citation and commencement.

1. This Ordinance may be cited as the Courts Ordinance 1983 (Amendment) Ordinance 2025 and shall come into force forthwith.

Definition.

2. “The Principal Ordinance” means the Courts Ordinance 1983.

Amendment of section 3 of the Principal Ordinance.

3. Section 3 of the Principal Ordinance is hereby amended by revoking that section and replacing it with –

“Law to be applied.

3. (1) Subject to and so far as it is not inconsistent with any specific law for the time being in force in the Territory, and subject to section 4, the law to be applied as part of the law of the Territory shall be:

(a) those laws of England that are set out in subsection (3), and

(b) the rules of equity as from time to time applied in England:

Provided that the said laws and rules shall apply in the Territory only so far as they are applicable and suitable to local circumstances, and shall be construed with such modifications, adaptations, qualifications and exceptions as local circumstances render necessary.

(2) In this section “specific law” means –

(a) any provision made by or under a law (including this Ordinance) made in pursuance of, or retained by, section 10 of the British Indian Ocean Territory (Constitution) Order 2004;

(b) any provision of an Act of Parliament of the United Kingdom which of its own force or by virtue of an Order in Council or other instrument made thereunder applies to or extends to the Territory;

(c) any statutory instrument (as defined in the Statutory Instruments Act 1946) or prerogative Order in Council which applies to or extends to the Territory.

(3) For the purposes of subsection 1(a), the laws are –

(a) The Mental Health Act 1983, but not Parts V and VIII;

(b) The Sexual Offences (Amendment) Act 1992, but only sections 1 to 4 inclusive and section 6;

(c) The Criminal Procedure and Investigations Act 1996, but only Part 1;

(d) The Youth Justice and Criminal Evidence Act 1999, but only Part 2, including Schedules 2, 2A and 3;

(e) The Criminal Justice Act 2003, but only Parts 8 and 11.”

Amendment of section 5 of the Principal Ordinance.

4. Section 5 of the Principal Ordinance is hereby amended by revoking that section and replacing it with –

“Law of evidence.

5. (1) In all proceedings before the courts of the Territory the same law and rules of evidence shall be applied as are from time to time applied by the courts in England.

(2) Without prejudice to the generality of subsection (1), whenever any question shall arise in any criminal or civil proceedings in or before any court, touching –

(a) the admissibility or sufficiency of any evidence;

(b) the competency or obligation of a witness to give evidence;

(c) the swearing of a witness;

(d) the admissibility of any question put to a witness; or

(e) the admissibility or sufficiency of a document, writing, matter or thing tendered in evidence,

such question shall, unless provided in this Ordinance or any other law in force in the Territory, be decided according to the law and practice administered in England at the time such question arises, construed with such modifications, adaptations, qualifications and exceptions as local circumstances render necessary.”



THE BRITISH INDIAN OCEAN TERRITORY

VICTIMS IN CRIMINAL PROCEEDINGS REGULATIONS 2025

SI No. 5 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY
VICTIMS IN CRIMINAL PROCEEDINGS REGULATIONS 2025

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THE BRITISH INDIAN OCEAN TERRITORY

VICTIMS IN CRIMINAL PROCEEDINGS REGULATIONS 2025

In exercise of the powers conferred on him by section 263 of the Criminal Procedure Code 2019, the Commissioner hereby makes the following regulations:

Citation and commencement.

1. These Regulations may be cited as the Victims in Criminal Proceedings Regulations 2025 and shall come into force forthwith.

Definitions.

2. In these Regulations –

“a person with responsibility for victims” means, where the context so admits, all or any of the following –

- (a) the Commissioner;
- (b) The Administrator;
- (c) The Chief of Police;

in so far as it relates to matters within their competence;

“competent authority” means a body established by law whose officers are empowered to arrest and keep a person in custody against that person’s will;

“criminal proceedings” means proceedings for an offence consisting of a trial or other hearing at which evidence falls to be given;

“proceedings” shall be construed broadly to include, in addition to criminal proceedings, all contacts of victims as such with any authority or public service in connection with their case, before, during, or after criminal proceedings;

“victim” means a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence, and

“Victims’ Charter” means the document set out in the Schedule.

General Provisions

Objectives with regards to victims.

3. During investigations or prosecutions of criminal offences a person with responsibility for victims shall have regard to the following objectives –

- (a) that victims receive appropriate information, support and protection and are able to participate in criminal proceedings;
- (b) that victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner, in all contacts with a competent authority, operating within the context of criminal proceedings;
- (c) that the rights in these Regulations apply to all victims in a non-discriminatory manner.

Provision of Information and Support

Right to understand and to be understood.

4. (1) It shall be the duty of a person with responsibility for victims, to ensure that a victim is assisted to understand and be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings, including where information is provided by that authority.

(2) It shall be the duty of a person with responsibility for victims to ensure that communications with a victim, whether orally or in writing, are given in simple and accessible language and take into account the personal characteristics of the victim including any disability which may affect their ability to understand or to be understood.

(3) Subject to sub-regulation (4) a victim may be accompanied by a person of their choice in the first contact with a competent authority where, the victim requires assistance to understand or be understood.

(4) A victim may not be accompanied by a person of their choice as provided for under sub-regulation (3) whereby to be accompanied would be contrary to the interests of the victim or would prejudice the course of criminal proceedings.

Right to receive information from first contact.

5. (1) Where a victim first comes into contact with a competent authority, the victim shall be offered, without unnecessary delay, the information in sub-regulation (2).

(2) The information referred to in sub-regulation (1) must be at least –

- (a) a copy of the Victims' Charter (as set out in the Schedule);
- (b) the type of support they can obtain and from whom, including, where relevant, basic information about access to medical support, any specialist support, including psychological support, and alternative accommodation;
- (c) the procedures for making complaints and disclosure with regard to a criminal offence and their role in connection with such procedures;
- (d) how and under what conditions they can obtain protection, including protection measures;

(e) how and under what conditions they can access legal advice, legal aid and any other sort of advice;

(f) how and under what conditions they are entitled to facilitation of interpretation and translation;

(g) the process for making complaints where their rights are not respected by the authority operating within the context of criminal proceedings;

(h) the contact details for communications about their case, including a point of contact they can speak to –

(i) for the purposes of regulation 7, and

(ii) if they have concerns about intimidation or retaliation;

(i) how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.

(3) The extent or detail of information referred to in sub-regulations (1) and (2) may vary depending on the specific needs and personal circumstances of a victim and the type or nature of the crime.

(4) Additional details of information may also be provided at later stages depending on the needs of the victim and the relevance, at each stage of proceedings, of such details.

(5) A competent authority should inform a victim that they are able to avail themselves of any support services in their country of origin or onward destination.

(6) A victim has a right to decline to receive any or all of the information set out in this regulation.

Reporting a crime.

6. (1) Where a victim has made a disclosure or complaint to a competent authority that authority must provide the victim with a written acknowledgement of receipt.

(2) The written acknowledgement referred to in sub-regulation (1) must contain the basic elements of the criminal offence concerned.

(3) The written acknowledgement referred to in sub-regulation (1) may be communicated by whatever means the competent authority deems to be expedient and appropriate.

(4) The competent authority will seek to, as far as practical, agree communication methods with the victim.

(5) The information to which this regulation refers need not be provided where the victim has requested not to receive the information.

Right to receive information about the case.

7. (1) A competent authority shall ensure that a victim is notified without unnecessary delay of that person's right to receive the information in sub-regulation (2).

(2) Where a victim expresses a wish to be kept informed following a disclosure or complaint the competent authority shall inform the victim of –

(a) a decision not to proceed with or to end an investigation or not to prosecute the offender; or

(b) the time and place of the trial, and the nature of the charges against the offender.

(3) A competent authority shall ensure that, in accordance with the victim's role in the justice system, a victim is notified without unnecessary delay of their right to receive the information in sub-regulation (4) about the criminal proceedings instituted as a result of their disclosure or complaint with regard to a criminal offence suffered by them.

(4) Where a victim expresses a wish to be kept informed following a disclosure or complaint a competent authority shall inform the victim of –

(a) a final judgment in a trial; or

(b) information enabling a victim to know the state of the criminal proceedings, unless in exceptional cases the proper handling of the case may be adversely affected by such notification.

(5) The information referred to in paragraphs (2)(a) and 4(a) shall include reasons or a brief summary of the reasons for the decision concerned, unless the reasons are confidential and are not provided as a matter of law.

(6) Where a victim has expressed a wish to be kept informed, where practical, the competent authority will provide the information in a format agreed with the victim.

(7) A victim may express a wish not to be kept informed following a disclosure or complaint.

Wish to be kept informed.

8. (1) Subject to sub-regulation (2), where a victim has expressed a wish either to receive information or not to receive information a competent authority shall be bound by the victim's wish.

(2) A competent authority shall not be bound by the victim's wish where the information must be provided due to the requirement of the victim to active participation in the criminal proceedings.

(3) A competent authority shall permit a victim to modify their wish at any time, and shall take such modification into account.

Notification to victim.

9. (1) A competent authority shall ensure that a victim is offered the opportunity to be notified, without unnecessary delay, when the person remanded in custody, prosecuted or sentenced for a criminal offence concerning the victim is released from or has escaped from detention.

(2) A competent authority shall ensure that a victim is informed of a relevant measure issued for the victim's protection in the case of release or escape of the offender.

(3) Subject to sub-regulation (4), a victim shall, upon request, receive the information provided for in sub-regulations (1) and (2) at least in cases where there is a danger or an identified risk of harm to them.

(4) A notification as described in this regulation shall not be given where there is an identified risk of harm to the offender which would result from such notification.

Right to facilitation of interpretation.

10. (1) To the extent that a victim is required to participate in criminal proceedings and that person requests interpretation, such interpretation shall be facilitated at no cost to the victim.

(2) For the purposes of sub-regulation (1) participation in criminal proceedings shall be deemed to include, at least –

(a) during any interview or questioning by the police or other investigating authority;

(b) where the victim is an active participant at a court hearing, at that hearing; or

(c) where the victim is an active participant at an interim court hearing, at that interim hearing.

(3) In exceptional circumstances, the Commissioner may, in his discretion authorise the provision of additional services and assistance to victims if he decides it is in the interests of justice to do so.

(4) Interpretation facilitated in accordance with sub-regulation (1) may be provided in person or remotely by the use of telephone or internet services, at the sole discretion of the competent authority.

Protection of Victims

Right to protection.

11. Without prejudice to the rights of the defendant, it shall be the duty of competent authorities to ensure that reasonable measures are available to protect a victim from victimisation, from intimidation and from retaliation, including against the risk of emotional

or psychological harm, and to protect the dignity of the victim during questioning and when testifying.

Right to protection during investigation.

12. Without prejudice to the rights of the defendant and in accordance with the rules on judicial discretion, it shall be the duty of competent authorities to ensure that during criminal investigations –

- (a) interviews of victims are conducted without unjustified delay after the initial disclosure or complaint with regard to a criminal offence has been made to the competent authority;
- (b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation;
- (c) victims may be accompanied by their legal representative and a person of their choice, unless a reasoned decision has been made to the contrary;
- (d) medical examinations are –
 - (i) kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings, and
 - (ii) only carried out, where possible, by an individual of the same gender.

Right to protection of privacy.

13. In criminal proceedings the court may, on an application by a party to the proceedings or on its own initiative, make an order to protect the privacy of the victim including –

- (a) the personal characteristics of the victim taken into account in the individual assessment provided for under regulation 14, and
- (b) images of the victim.

Individual victim assessment.

14. (1) A competent authority shall ensure that an individual victim assessment is carried out in a timely manner to identify specific protection needs and to determine whether and to what extent a victim would benefit from special measures in the course of criminal proceedings with particular regard to the victim's vulnerability to victimisation, to intimidation and to retaliation.

- (2) The individual assessment referred to in sub-regulation (1) shall include –
 - (a) the personal characteristics of the victim;
 - (b) the type or nature of the crime; and

(c) the circumstances of the crime,

and particular attention shall be paid to –

(d) a victim who has suffered considerable harm due to the severity of the crime;

(e) a victim whose relationship to and dependence on the offender makes the victim particularly vulnerable

(3) A competent authority may adapt the individual assessment according to the severity of the crime and the degree of apparent harm suffered by the victim.

(4) In carrying out the individual assessment competent authority shall closely involve the victim and take into account the victim's wishes including a choice not to benefit from special measures.

(5) Where the elements that form the basis of the individual assessment change significantly during the criminal proceedings, a competent authority shall ensure that the individual assessment is updated accordingly.

Special measures.

15. (1) Subject to sub-regulation (2) and without prejudice to the rights of the defendant and in accordance with the rules of judicial discretion, it shall be the duty of competent authorities to ensure that special measures, of the type referred to in sub-regulations (3) and (4), are available for a victim who has been assessed as requiring the special measures under regulation 14.

(2) A special measure shall not be made available if operational or practical constraints make this impossible or unreasonable, or where there is an urgent need to interview a victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

(3) In interviews, the following special measures shall be available for victims assessed as requiring special measures under regulation 14 –

(a) interviews with a victim are to be carried out in –

(i) a suitable area within the BIOT Police Station, or

(ii) premises designed or adapted for that purpose;

(b) interviews with a victim are to be carried out by or through –

(i) a suitable officer from the BIOT Police, or

(ii) a professional trained for that purpose;

(c) interviews with a victim are to be conducted by the same persons unless this is contrary to the good administration of justice; and

(d) interviews with a victim are, where possible, to be conducted by a person of the same gender as the victim, if the victim so wishes, where the victim is a victim of sexual abuse or violence, gender-based abuse or violence or abuse or violence in a close relationship, unless conducted by a prosecutor or a judge and provided that the course of the criminal proceedings will not be prejudiced.

(4) Where pursuant to an assessment made under regulation 14, a victim has been assessed as requiring specific protection needs, a court may, in addition to any orders it may make under Part X of the Criminal Procedure Code 2019 or any applicable English laws, take –

(a) measures to avoid visual contact between victims and offenders including during the giving of evidence, by appropriate means including the use of communication technology;

(b) measures to ensure that the victim may be heard in the courtroom without being present, in particular through the use of appropriate communication technology;

(c) measures to avoid unnecessary questioning concerning the victim’s private life not related to the criminal offence; and

(d) measures allowing a hearing to take place without the presence of the public.

(5) For the purposes of sub-regulation (4), “applicable English laws” means –

(a) The Sexual Offences (Amendment) Act 1992, sections 1 to 4 inclusive and section 6;

(b) The Criminal Procedure and Investigations Act 1996, Part 1;

(c) The Youth Justice and Criminal Evidence Act 1999, Part 2, including Schedules 2, 2A and 3;

(d) The Criminal Justice Act 2003, Part 8,

in so far as those laws have applicability in the Territory pursuant to section 3 of the Courts Ordinance 1983.

(6) Nothing in these Regulations shall be considered a “specific law” for the purposes of section 3(2) of the Courts Ordinance 1983, as regards those laws set out in sub-regulation (5).

Victim Personal Statement.

16. (1) A victim has a right to make a Victim Personal Statement to explain how a crime affected that person, whether physically, emotionally, financially or in any other way.

(2) The Victim Personal Statement shall be considered by the judge or magistrate when determining what sentence the defendant should receive.

(3) To assist a victim in deciding whether to make a Victim Personal Statement, the victim shall be provided with information about the Victim Personal Statement process by the competent authority when a complaint or disclosure is made.

(4) If a victim decides to make a personal statement, the victim will be asked for their preference concerning whether the victim would like to read the statement aloud in court or to have it read on their behalf.

(5) A victim shall be provided on request with a copy of their Victim Personal Statement from the BIOT Police and will be given an opportunity to make an additional personal statement to reflect any changing impact of the crime.

(6) If the defendant pleads guilty, or is found guilty, and the victim has asked to read aloud the Victim Personal Statement (or be played) in court, the judge or magistrate shall decide whether and what sections of the personal statement shall be so read aloud (or played), or who should otherwise read it.

(7) The judge or magistrate shall take the victim's preference into account when making their decision under sub-regulation (6), unless there is good reason not to do so.

(8) The point of contact will let the victim know the judge's or magistrates' decision under sub-regulation (6).

(9) A victim may change the decision made under sub-regulation (4) at any time prior to the judge's or magistrates' decision under sub-regulation (6). The personal statement shall be considered by the judge or magistrate in the same way, whether or not it is read (or played) aloud in court.

(10) In this regulation the expression "read aloud" includes the victim reading the Victim Personal Statement –

(a) whilst present in court, or

(b) from some other location via electronic means.

Miscellaneous

Complaints.

17. (1) If a victim believes their rights under these Regulations have not been met, they may complain in writing to the BIOT Administrator via BIOTAdmin@fcdof.gov.uk.

(2) Where a complaint has been made under sub-regulation (1), the victim should receive a written response to their complaint within 14 working days.

Training.

18. (1) A person with responsibility for victims shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to deal with victims in an impartial, respectful and professional manner.

(2) The training referred to in sub-regulation (1) shall aim to enable the practitioner to recognise victims and to treat them in a respectful, professional and non-discriminatory manner in accordance with the duties involved, and the nature and level of contact the practitioner has with victims.

SCHEDULE

Victims' Charter

As a victim of crime in the British Indian Ocean Territory, you have certain rights set out in the Victims in Criminal Proceedings Regulations 2025. You can access those Regulations at the BIOT Administration website. This charter summarises what you can expect.

- You will be informed about your rights, including information about your case, and how to complain if you believe your rights as a victim have not been respected;
- You will be given a named point of contact who will keep you updated;
- The BIOT authorities will take reasonable measures to protect you from victimisation, intimidation, and retaliation;
- If necessary, your privacy will be protected;
- If necessary, BIOT authorities will carry out individual assessments to see if you need special protection;
- You have the Right to make a Victim Personal Statement, which tells the court how the crime has affected you and this is considered when sentencing the offender. You will be given information about the process.

6 June 2025

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner