



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:

None.

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

1. MALANG JARJU to be ROPO1 in place of KEVIN CHAMBERS with effect from 24 June 2025, under section 28 of the Interpretation and General Provisions Ordinance 1993 and pursuant to section 52(1) of the Courts Ordinance 1983.

LEGAL SUPPLEMENT

A. The following laws have been enacted:

1. Ordinance No. 7 of 2025: The Acting Senior Magistrates (Miscellaneous Provisions) Ordinance 2025

2. Ordinance No. 8 of 2025: The Coroners Ordinance 2025

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

1. S.I. No. 8 of 2025: The Coroners (Investigations) Regulations 2025

2. S.I. No. 9 of 2025: The Coroners (Inquests) Rules 2025

LEGAL SUPPLEMENT



THE BRITISH INDIAN OCEAN TERRITORY

**THE ACTING SENIOR MAGISTRATES
(MISCELLANEOUS PROVISIONS)
ORDINANCE 2025**

Ordinance No. 7 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY
THE ACTING SENIOR MAGISTRATES
(MISCELLANEOUS PROVISIONS)
ORDINANCE 2025

Ordinance No. 7 of 2025

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Enacted by the Commissioner for the British Indian Ocean Territory

10 July 2025

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Acting Commissioner

**THE ACTING SENIOR MAGISTRATES
(MISCELLANEOUS PROVISIONS)
ORDINANCE 2025**

Ordinance No. 7 of 2025

An Ordinance to amend existing laws of the Territory to enable the appointment of Acting Senior Magistrates.

Citation and commencement.

1. This Ordinance may be cited as the Acting Senior Magistrates (Miscellaneous Provisions) Ordinance 2025 and shall come into force forthwith.

Definition.

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

Addition of new section 28A.

3. The following section 28A is hereby added to the Principal Ordinance, immediately after section 28 –

“Acting Senior Magistrates.

28A. (1) If –

(a) the office of Senior Magistrate is vacant or the person holding that office is for any reason unable to perform the functions of that office, or

(b) it appears to the Commissioner that the state of business in the Magistrate’s Court so requires,

the Commissioner may appoint a person –

(i) to sit as an acting Senior Magistrate; and

(ii) to discharge such of the functions of the office of Senior Magistrate and for such period as may be specified in the instrument of appointment.

(2) A person appointed under subsection (1) must be qualified for appointment as Senior Magistrate.”

Addition of new section 28B.

4. The following section 28B is hereby added to the Principal Ordinance, immediately after section 28A –

“Oath or affirmation

28B. A person appointed under section 28A shall, as soon as may be after his appointment, take the oath prescribed in Schedule I hereto.”

Amendment of Schedule I.

5. Schedule I of the Principal Ordinance is hereby repealed and replaced with the following –

“SCHEDULE I

JUDICIAL OATH (*or* AFFIRMATION) (Sections 9B, 27, 28 and 28B)

“I.....do swear (*or* solemnly affirm) that I will well and truly serve His Majesty King Charles III, His Heirs and Successors, in (*or* while performing the functions of) the office of Chief Justice (*or* Acting Judge of the Supreme Court, *or* Senior Magistrate, *or* Acting Senior Magistrate, *or* Magistrate) and I will do right to all manner of people after the laws and usages of The British Indian Ocean Territory, without fear or favour, affection or ill-will. So help me God (*or omit these last four words if affirmation is taken*)”.

Amendments to the Criminal Procedure Code 2019.

6. Section 2 of the Criminal Procedure Code 2019 is amended by –

(a) deleting the definition of “judicial officer” and replacing it with –

“**judicial officer** includes the Chief Justice, an acting judge of the Supreme Court, a Senior Magistrate, an acting Senior Magistrate, a Magistrate and the Registrar;”

(b) inserting the following definition between the definition of “Registrar” and “vessel” –

“**Senior Magistrate** includes an acting Senior Magistrate;”

Amendment to the Police and Criminal Evidence Ordinance 2019.

7. Section 118 of the Police and Criminal Evidence Ordinance 2019 is amended by inserting the following definition between the definition of “ROPO3” and “solicitor” –

“**Senior Magistrate** includes an acting Senior Magistrate;”



THE BRITISH INDIAN OCEAN TERRITORY

THE CORONERS ORDINANCE 2025

Ordinance No. 8 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY

THE CORONERS ORDINANCE 2025

Ordinance No. 8 of 2025

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Enacted by the Commissioner for the British Indian Ocean Territory

11 July 2025

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner

THE CORONERS ORDINANCE 2025

Ordinance No. 8 of 2025

An Ordinance to make reformed provision for the holding of inquests and for matters connected therewith.

CHAPTER 1

PRELIMINARIES

Citation and commencement

1. This Ordinance may be cited as the Coroners Ordinance 2025 and shall come into force forthwith.

Definitions: general

2. (1) In this Ordinance, unless the context otherwise requires –

“the 1984 Ordinance” means the Births and Deaths Registration Ordinance 1984;

“active service” means service in –

(a) an action or operation against an enemy (within the meaning given by section 374 of the Armed Forces Act 2006 (c. 52)),

(b) an operation outside the British Islands for the protection of life or property,
or

(c) the military occupation of a foreign country or territory;

“body” includes body parts;

“Coroners regulations” means regulations under section 19;

“Coroners rules” means rules under section 20;

“the court of trial” means –

(a) in relation to an offence (other than a service offence) that is tried summarily, the Magistrate’s Court by which the offence is tried;

(b) in relation to an offence tried on information, the Supreme Court;

(c) in relation to a service offence, a commanding officer, a Court Martial or the Service Civilian Court (depending on the person before whom, or court before which, it is tried);

“document” includes information stored in an electronic form;

“functions” includes powers and duties;

“homicide offence” means –

(a) murder, manslaughter or infanticide;

(b) an offence under section 27 of the Road Traffic Ordinance 2022 (causing death by reckless driving);

(c) an offence under section 197 of the Penal Code 1981 (complicity in another’s suicide);

“interested person” is to be read in accordance with section 3;

“land” includes premises within the meaning of the Police and Criminal Evidence Ordinance 2019;

“Pathologist” means a person appointed as a pathologist for the Territory;

“person”, in relation to an offence of corporate manslaughter, includes an organisation;

“related offence” means an offence (including a service offence) that –

(a) involves the death of the deceased, but is not a homicide offence or the service equivalent of a homicide offence, or

(b) involves the death of a person other than the deceased (whether or not it is a homicide offence or the service equivalent of a homicide offence) and is committed in circumstances connected with the death of the deceased;

“the service equivalent of a homicide offence” means an offence under section 42 of the Armed Forces Act 2006 (c. 52) (or section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or section 42 of the Naval Discipline Act 1957 (c. 53)) corresponding to a homicide offence;

“treasure” means anything that would be considered treasure for the purposes of the (UK) Treasure Act 1996 (c. 24) were the object or objects concerned to have been found in the United Kingdom;

“service offence” has the meaning given by section 50(2) of the Armed Forces Act 2006 (c. 52) (read without regard to any order under section 380 of that Act) and also includes an offence under –

(a) Part 2 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18) or paragraph 4(6) of Schedule 5A to that Act,

(b) Part 2 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or paragraph 4(6) of Schedule 5A to that Act, or

(c) Part 1 or section 47K of the Naval Discipline Act 1957 (c. 53) or paragraph 4(6) of Schedule 4A to that Act;

“service police force” means –

(a) the Royal Navy Police,

(b) the Royal Military Police, or

(c) the Royal Air Force Police;

“state detention” has the meaning given by subsection (2) (read with subsection (2A));

“statutory provision” means provision contained in, or in an instrument made under, any Ordinance (including this Ordinance);

“Territory” means the British Indian Ocean Territory”;

“tri-service serious crime unit” means the unit described in section 375(1A) of the Armed Forces Act 2006.

(2) Subject to subsection (3), a person is in state detention if he is compulsorily detained by a public authority.

(3) But a person is not in state detention at any time when he is deprived of liberty under provisions contained within the Mental Health Act 1983, as applicable to the Territory by section 3 of the Courts Ordinance 1983.

(4) A reference in this Ordinance to producing or providing a document, in relation to information stored in an electronic form, is to be read as a reference to producing or providing a copy of the information in a legible form.

“Interested person”

3. (1) “Interested person”, in relation to a deceased person or an investigation or inquest under this Ordinance into a person’s death, means –

(a) a spouse, civil partner, partner, parent, child, brother, sister, grandparent, grandchild, child of a brother or sister, stepfather, stepmother, half-brother or half-sister;

(b) a personal representative of the deceased;

(c) a medical examiner exercising functions in relation to the death of the deceased;

(d) a beneficiary under a policy of insurance issued on the life of the deceased;

(e) the insurer who issued such a policy of insurance;

(f) a person who may by any act or omission have caused or contributed to the death of the deceased, or whose employee or agent may have done so;

(g) where subsection (2) applies, the Chief of Police;

(h) where subsection (3) applies, a Provost Marshal of a service police force or of the tri-service serious crime unit;

(i) any other person who the Coroner thinks has a sufficient interest.

— (2) This subsection applies where it appears that a person has or may have committed

(a) a homicide offence involving the death of the deceased, or

(b) a related offence (other than a service offence).

— (3) This subsection applies where it appears that a person has or may have committed

(a) the service equivalent of a homicide offence involving the death of the deceased, or

(b) a service offence that is a related offence.

(4) “Interested person”, in relation to an object that is or may be treasure or treasure trove, means —

(a) the finder of the object or any person otherwise involved in the find;

(b) the occupier, at the time the object was found, of the land where it was found or is believed to have been found;

(c) any other person who the Coroner thinks has a sufficient interest.

(5) For the purposes of this section, a person is the partner of a deceased person if the two of them (whether of different sexes or the same sex) were living as partners in an enduring relationship at the time of the deceased person's death.

CHAPTER 2

THE CORONER'S COURT

Coroner's Court

4. There shall be a Coroner's Court for the Territory.

Appointment of Coroners

5. (1) The Commissioner may appoint a Coroner and one or more Deputy Coroners for the Territory.

(2) Any person holding the office of Coroner on the coming into force of this Ordinance shall be deemed to be a Coroner appointed under this section.

(3) Any reference in this Ordinance, except in this section, to a Coroner shall include a reference to a Deputy Coroner and, where applicable, a person nominated under Schedule 5.

CHAPTER 3

INVESTIGATIONS INTO DEATHS

Duty to investigate

Duty to investigate certain deaths

6. (1) Where the Coroner is made aware that the body of a deceased person is within the Territory, the Coroner must as soon as practicable conduct an investigation into the person's death if subsection (2) applies.

(2) This subsection applies if the Coroner has reason to suspect that –

- (a) the deceased died a violent or unnatural death,
- (b) the cause of death is unknown, or
- (c) the deceased died while in custody or otherwise in state detention.

(3) Subsection (1) is subject to section 7.

(4) This Chapter is subject to Schedule 5 and shall be read –

- (a) subject to the Visiting Forces Act 1952 as extended to the Territory by the Visiting Forces Act (Application to Colonies) Order, 1954 and the Visiting Forces Act (Application to Colonies) (Amendment No. 2) Order 1967, and to the Visiting Forces (Designation) (Colonies) Order 1954 as amended by the Visiting Forces (Designation) (Colonies) (Amendment No. 2) Order 1967; and

(b) subject to the United Kingdom Forces (Jurisdiction of Colonial Courts) Order 1965, should that Order be extended to the Territory.

Discontinuance of investigation

Discontinuance where cause of death becomes clear before inquest

7. (1) The Coroner who is responsible for conducting an investigation into a person's death must discontinue the investigation if –

(a) the Coroner is satisfied that the cause of death has become clear in the course of the investigation,

(b) an inquest into the death has not yet begun, and

(c) the Coroner thinks that it is not necessary to continue the investigation.

(2) Subsection (1) does not apply if the Coroner has reason to suspect that the deceased–

(a) died a violent or unnatural death, or

(b) died while in custody or otherwise in state detention.

(3) Where the Coroner discontinues an investigation into a death under this section –

(a) the Coroner may not hold an inquest into the death;

(b) no determination or finding under section 11(1) may be made in respect of the death.

This subsection does not prevent a fresh investigation under this Ordinance from being conducted into the death.

(4) Where the Coroner discontinues an investigation into a death under this section the Coroner must, if requested to do so in writing by an interested person, give to that person as soon as practicable a written explanation as to why the investigation was discontinued.

Purpose of investigation

Matters to be ascertained

8. (1) The purpose of an investigation under this Ordinance into a person's death is to ascertain –

- (a) who the deceased was;
- (b) how, when and where the deceased came by his or her death;
- (c) the particulars (if any) required by the 1984 Ordinance to be registered concerning the death.

(2) Subsection (1)(b) is to be read as including the purpose of ascertaining in what circumstances the deceased came by his or her death.

Inquests

Duty to hold inquest

9. The Coroner who conducts an investigation under this Ordinance into a person's death must (as part of the investigation) hold an inquest into the death.

This is subject to section 7(3)(a).

Inquests to be conducted at hearing or in writing

10. (1) Where an inquest into a death is to be held, the inquest is to be held –

- (a) at a hearing, or
- (b) if the Coroner decides that a hearing is unnecessary, in writing.

(2) The Coroner is not to decide that a hearing is unnecessary unless –

- (a) the Coroner has invited representations from each interested person known to the Coroner,
- (b) no interested person has represented on reasonable grounds that a hearing should take place,
- (c) it appears to the Coroner that there is no real prospect of disagreement among interested persons as to the determinations or findings that the inquest could or should make, and
- (d) it appears to the Coroner that no public interest would be served by a hearing.

Outcome of investigation

Determinations and findings to be made

11. (1) After considering the evidence given to an inquest into a death, the Coroner must –
- (a) make a determination as to the questions mentioned in section 8(1)(a) and
 - (b) (read with section 8(2) where applicable), and
 - (b) if particulars are required by the 1984 Ordinance to be registered concerning the death, make a finding as to those particulars.
- (2) A determination under subsection (1)(a) may not be framed in such a way as to appear to determine any question of –
- (a) criminal liability on the part of a named person, or
 - (b) civil liability.
- (3) In subsection (2) “criminal liability” includes liability in respect of a service offence.

Suspension

Duty or power to suspend or resume investigations

12. Schedule 1 makes provision about suspension and resumption of investigations.

Ancillary powers of Coroners in relation to deaths

Post-mortem examinations

13. (1) The Coroner may request the Pathologist or a suitable practitioner to make a post-mortem examination of a body if a post-mortem examination is necessary to enable the Coroner to decide whether the death is one into which the Coroner has a duty under section 6(1) to conduct an investigation.
- (2) A request under subsection (1) may specify the kind of examination to be made.
- (3) For the purposes of subsection (1) a person is a suitable practitioner if he –
- (a) is a registered medical practitioner, or

(b) in a case where a particular kind of examination is requested, a practitioner of a description designated by the Commissioner as suitable to make examinations of that kind.

(4) Where a person informs the Coroner that, in the informant's opinion, death was caused wholly or partly by the improper or negligent treatment of a registered medical practitioner or other person, that practitioner or other person –

(a) must not make, or assist at, an examination under this section of the body, but

(b) is entitled to be represented at such an examination.

This subsection has no effect as regards a post-mortem examination already made.

(5) A person who makes a post-mortem examination under this section must as soon as practicable report the result of the examination to the Coroner in whatever form the Coroner requires.

Power to remove body

14. (1) Where the Coroner needs to request a post-mortem examination under section 13 in order to decide whether the death is one into which the Coroner has a duty under section 6(1) to conduct an investigation, the Coroner may –

(a) order the body to be removed to any suitable place within the Territory, or

(b) request that the body be taken to a suitable place outside the Territory, in accordance with section 15 of the 1984 Ordinance.

(2) The Coroner may not order the removal of a body under this section to a place provided by a person who has not consented to its being removed there.

CHAPTER 4

FURTHER PROVISION TO DO WITH INVESTIGATIONS AND DEATHS

Powers of Coroners

15. Schedule 2 makes provision about powers of the Coroner.

Offences

16. Schedule 3 makes provision about offences relating to witnesses and evidence.

Allowances, fees and expenses

17. Schedule 4 makes provision about allowances.

Investigation by judge or former judge

18. Schedule 5 makes provision for an investigation into a person's death to be carried out by a judge or former judge.

CHAPTER 5

SUPPLEMENTARY

Regulations and rules

Coroners regulations

19. (1) The Commissioner may make regulations –

- (a) for regulating the practice and procedure at or in connection with investigations and inquests under this Ordinance;
- (b) for regulating the practice and procedure at or in connection with examinations under section 13;
- (c) for regulating the practice and procedure at or in connection with exhumations under paragraph 3 of Schedule 2.

Regulations under this section are referred to in this Ordinance as “Coroners regulations”.

(2) Coroners regulations may make –

- (a) provision for the discharge of an investigation (including provision as to fresh investigations following discharge);
- (b) provision for or in connection with the suspension or resumption of investigations;
- (c) provision allowing information to be disclosed or requiring information to be given;
- (d) provision with respect to the preservation, retention, release or disposal of bodies (including provision with respect to reinterment and with respect to the issue of orders authorising burial);
- (e) provision in relation to entry and search under authorisations equivalent to that made by any provision of sections 15 and 16 of the Police and Criminal

Evidence Ordinance 2019, subject to any modifications the Commissioner thinks appropriate;

(f) provision equivalent to that made by any provision of section 21 of that Ordinance, subject to any modifications the Commissioner thinks appropriate;

This subsection is not to be read as limiting the power in subsection (1).

(3) Coroners regulations may apply any provisions of Coroners rules.

(4) Where Coroners regulations apply any provisions of Coroners rules, those provisions –

(a) may be applied to any extent;

(b) may be applied with or without modifications;

(c) may be applied as amended from time to time.

Coroners rules

20. (1) The Commissioner may make Rules for regulating the practice and procedure at or in connection with inquests.

Rules under this section are referred to as “Coroners rules”.

(2) Coroners rules may make –

(a) provision about evidence (including provision requiring evidence to be given on oath except in prescribed cases);

(b) provision for the discharge of an inquest (including provision as to fresh inquests following discharge);

(c) provision for or in connection with the adjournment or resumption of inquests;

(d) provision for the Coroner to have power to give a direction, in proceedings in the course of an inquest, allowing or requiring a name or other matter not to be disclosed except to persons specified in the direction;

(e) provision for or in connection with the conduct of hearings wholly or partly by way of electronic transmission of sounds or images;

(f) provision with respect to the disclosure of information;

(g) provision as to the matters to be taken into account by the Coroner in deciding whether to hold an inquest concerning an object that is or may be treasure or treasure trove.

(3) Coroners rules may make provision conferring power on the Coroner –

(a) to give a direction excluding specified persons from an inquest, or part of an inquest, if the Coroner is of the opinion that the interests of national security so require;

(b) to give a direction excluding specified persons from an inquest during the giving of evidence by a witness under the age of 18, if the coroner is of the opinion that doing so would be likely to improve the quality of the witness's evidence.

In this subsection “specified persons” means persons of a description specified in the direction, or all persons except those of a description specified in the direction.

(4) Subsections (2) and (3) are not to be read as limiting the power in subsection (1).

(5) Coroners rules may apply –

(a) any provisions of Coroners regulations;

(b) any rules of court that relate to proceedings other than inquests.

(6) Where any provisions or rules are applied by virtue of subsection (5), they may be applied –

(a) to any extent;

(b) with or without modifications;

(c) as amended from time to time.

(9) In this section “rules of court” include any provision governing the practice and procedure of a court that is made by or under an enactment.

Inquests: special cases

Order to hold investigation

21. (1) This section applies where the Supreme Court, on application made by or under the authority of the Principal Legal Adviser is satisfied as respects the Coroner either –

(a) that he refuses or neglects to hold an inquest or an investigation which ought to be held; or

(b) where an inquest or an investigation has been held by him, that (whether by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, the discovery of new facts or evidence or otherwise)

it is necessary or desirable in the interests of justice that an investigation (or as the case may be, another investigation)] should be held.

(2) The Supreme Court may –

- (a) order an investigation to be held into the death;
- (b) order the Coroner to pay such costs of and incidental to the application as to the court may appear just; and
- (c) where an inquest has been held, quash any inquisition on, or determination or finding made at that inquest.

Inquest on Treasure Trove

22. The Coroner shall have jurisdiction to inquire of treasure that is found, who was the finder, or who is suspected of being the finder and the provisions of this Ordinance shall, so far as is consistent with the tenor thereof, apply to every such inquest.

Legal practitioners

23. The Coroner may license to appear as counsel or solicitor at an inquest over which he presides or will preside, any person qualified in accordance with section 49 of the Courts Ordinance 1983.

Repeal

24. The Coroners Ordinance 1985 is hereby repealed.

SCHEDULES

(Section 12)

SCHEDULE 1

DUTY OR POWER TO SUSPEND OR RESUME INVESTIGATIONS

PART 1

SUSPENSION OF INVESTIGATIONS

Suspension where certain criminal charges may be brought

1. (1) The Coroner must suspend an investigation under this Part of this Ordinance into a person's death in the following cases.

(2) The first case is where the Principal Legal Adviser requests the Coroner to suspend the investigation on the ground that a person may be charged with –

(a) a homicide offence involving the death of the deceased, or

(b) an offence (other than a service offence) that is alleged to be a related offence.

(3) The second case is where a Provost Marshal of a service police force, the Provost Marshal for serious crime or the Director of Service Prosecutions requests the Coroner to suspend the investigation on the ground that a person may be charged with –

(a) the service equivalent of a homicide offence involving the death of the deceased, or

(b) a service offence that is alleged to be a related offence.

(4) Subject to paragraphs 2 and 3, a suspension of an investigation under this paragraph must be for –

(a) a period of 28 days beginning with the day on which the suspension first takes effect, or

(b) whatever longer period (beginning with that day) the Coroner specifies.

(5) The period referred to in sub-paragraph (4) may be extended or further extended

–

(a) in the first case, at the request of the authority by which the suspension was originally requested;

(b) in the second case, at the request of –

- (i) the Provost Marshal by whom the suspension was originally requested, or
- (ii) the Director of Service Prosecutions.

Suspension where certain criminal proceedings are brought

2. (1) Subject to sub-paragraph (6), the Coroner must suspend an investigation under this Part of this Ordinance into a person's death in the following cases.

(2) The first case is where the Coroner –

- (a) becomes aware that a person has appeared or been brought before the Magistrate's Court charged with a homicide offence involving the death of the deceased, or
- (b) becomes aware that a person has been charged on an information with such an offence without having appeared or been brought before the Magistrate's Court charged with it.

(3) The second case is where the Coroner becomes aware that a person has been charged with the service equivalent of a homicide offence involving the death of the deceased.

(4) The third case is where the Principal Legal Adviser informs the Coroner that a person –

- (a) has appeared or been brought before the Magistrate's Court charged with an offence (other than a service offence) that is alleged to be a related offence, or
- (b) has been charged on an information with such an offence without having been put up on his trial for it,

and the Principal Legal Adviser requests the Coroner to suspend the investigation.

(5) The fourth case is where the Director of Service Prosecutions informs the Coroner that a person has been charged with a service offence that is alleged to be a related offence, and the Director requests the Coroner to suspend the investigation.

(6) The Coroner need not suspend the investigation –

- (a) in the first case, if the Principal Legal Adviser informs the Coroner that he has no objection to the investigation continuing;
- (b) in the second case, if the Director of Service Prosecutions informs the Coroner that he has no objection to the investigation continuing;
- (c) in any case, if the Coroner thinks that there is an exceptional reason for not suspending the investigation.

(7) In the case of an investigation that is already suspended under paragraph 1 –

(a) a suspension imposed by virtue of sub-paragraph (2) of that paragraph comes to an end if, in reliance of sub-paragraph (6)(a) above, the Coroner decides not to suspend the investigation;

(b) a suspension imposed by virtue of sub-paragraph (3) of that paragraph comes to an end if, in reliance on sub-paragraph (6)(b) above, the Coroner decides not to suspend the investigation;

(c) a reference above in this paragraph to suspending an investigation is to be read as a reference to continuing the suspension of an investigation;

(d) if the suspension of the investigation is continued under this paragraph, the investigation is to be treated for the purposes of paragraphs 1(4), 5 and 6 of this Schedule as suspended under this paragraph (and not as suspended under paragraph 1).

General power to suspend

3. The Coroner may suspend an investigation under this Part of this Ordinance into a person's death in any case if it appears to the Coroner that it would be appropriate to do so.

Effect of suspension

4. Where an investigation is suspended under this Schedule, the Coroner must adjourn any inquest that is being held as part of the investigation.

PART 2

RESUMPTION OF INVESTIGATIONS

Resumption of investigation suspended under paragraph 1

5. An investigation that is suspended under paragraph 1 must be resumed once the period under sub-paragraph (4) of that paragraph, or as the case may be the extended period under sub-paragraph (5) of that paragraph, has ended.

Resumption of investigation suspended under paragraph 2

6. (1) An investigation that is suspended under paragraph 2 may not be resumed unless, but must be resumed if, the Coroner thinks that there is sufficient reason for resuming it.

(2) Subject to sub-paragraph (3) –

(a) an investigation that is suspended under paragraph 2 may not be resumed while proceedings are continuing before the court of trial in respect of a

homicide offence, or the service equivalent of a homicide offence, involving the death of the deceased;

(b) an investigation that is suspended by virtue of sub-paragraph (4) or (5) of that paragraph may not be resumed while proceedings are continuing before the court of trial in respect of the offence referred to in that sub-paragraph.

(3) The investigation may be resumed while the proceedings in question are continuing if –

(a) in the case of an investigation suspended by virtue of sub-paragraph (2) or (4) of paragraph 2, the Principal Legal Adviser informs the Coroner that he has no objection to the investigation being resumed;

(b) in the case of an investigation suspended by virtue of sub-paragraph (3) or (5) of that paragraph, the Director of Service Prosecutions informs the Coroner that he has no objection to the investigation being resumed.

(4) In the case of an investigation resumed under this paragraph, a determination under section 11(1)(a) may not be inconsistent with the outcome of –

(a) the proceedings in respect of the charge (or each charge) by reason of which the investigation was suspended;

(b) any proceedings that, by reason of sub-paragraph (2), had to be concluded before the investigation could be resumed.

Resumption of investigation suspended under paragraph 3

7. An investigation that is suspended under paragraph 3 may be resumed at any time if the Coroner thinks that there is sufficient reason for resuming it.

Supplemental

8. (1) Where an investigation is resumed under this Schedule, the Coroner must resume any inquest that was adjourned under paragraph 4.

(2) Where an inquest is resumed under this paragraph, the Coroner must consider, in accordance with section 10, whether the resumed inquest is to be held at a hearing or in writing.

SCHEDULE 2

(Section 15)

POWERS OF CORONERS

Power to require evidence to be given or produced

1. (1) The Coroner may by notice require a person to attend at a time and place stated in the notice and –

- (a) to give evidence at an inquest,
- (b) to produce any documents in the custody or under the control of the person which relate to a matter that is relevant to an inquest, or
- (c) to produce for inspection, examination or testing any other thing in the custody or under the control of the person which relates to a matter that is relevant to an inquest.

(2) The Coroner who is conducting an investigation may by notice require a person, within such period as the Coroner thinks reasonable –

- (a) to provide evidence to the Coroner, about any matters specified in the notice, in the form of a written statement,
- (b) to produce any documents in the custody or under the control of the person which relate to a matter that is relevant to the investigation, or
- (c) to produce for inspection, examination or testing any other thing in the custody or under the control of the person which relates to a matter that is relevant to the investigation.

(3) A notice under sub-paragraph (1) or (2) must –

- (a) explain the possible consequences, under paragraphs 1 and 2 of Schedule 3, of not complying with the notice;
- (b) indicate what the recipient of the notice should do if he wishes to make a claim under sub-paragraph (4).

(4) A claim by a person that –

- (a) he is unable to comply with a notice under this paragraph, or
- (b) it is not reasonable in all the circumstances to require him to comply with such a notice,

is to be determined by the Coroner, who may revoke or vary the notice on that ground.

(5) In deciding whether to revoke or vary a notice on the ground mentioned in sub-paragraph (4)(b), the Coroner must consider the public interest in the information in question being obtained for the purposes of the inquest or investigation, having regard to the likely importance of the information.

(6) For the purposes of this paragraph a document or thing is under a person's control if it is in the person's possession or if he has a right to possession of it.

2. (1) A person may not be required to give, produce or provide any evidence or document under paragraph 1 if –

(a) he could not be required to do so in civil proceedings in a court in England and Wales, or

(b) the requirement would be incompatible with an assimilated obligation.

(2) The rules of law under which evidence or documents are permitted or required to be withheld on grounds of public interest immunity apply in relation to an investigation or inquest under this Ordinance as they apply in relation to civil proceedings in a court in England and Wales.

Exhumation of body for examination

3. (1) The Coroner may order the exhumation of a person's body if sub-paragraph (2) or (3) applies.

(2) This sub-paragraph applies if –

(a) the body is buried in the Territory, and

(b) the Coroner thinks it necessary for the body to be examined under section 13.

(3) This sub-paragraph applies if the Coroner thinks it necessary for the body to be examined for the purpose of any criminal proceedings that have been instituted or are contemplated in respect of –

(a) the death of the person whose body it is, or

(b) the death of another person who died in circumstances connected with the death of that person.

(4) In sub-paragraph (3) "criminal proceedings" includes proceedings in respect of an offence under section 42 of the Armed Forces Act 2006 (c. 52) (or section 70 of the Army Act 1955 (3 & 4 Eliz. 2 c. 18), section 70 of the Air Force Act 1955 (3 & 4 Eliz. 2 c. 19) or section 42 of the Naval Discipline Act 1957 (c. 53)).

Action to prevent other deaths

4. (1) Where –

(a) the Coroner has been conducting an investigation under this Ordinance into a person's death,

(b) anything revealed by the investigation gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future, and

(c) in the Coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances,

the Coroner must report the matter to a person who the Coroner believes may have power to take such action.

(2) A person to whom the Coroner makes a report under this paragraph must give the Coroner a written response to it.

(3) A copy of a report under this paragraph, and of the response to it, must be sent to the Commissioner.

SCHEDULE 3

(Section 16)

OFFENCES

PART 1

OFFENCES RELATING TO WITNESSES AND EVIDENCE

1. The Coroner may impose a fine not exceeding £1000 on a person who fails without reasonable excuse to do anything required by a notice under paragraph 1 of Schedule 2.

2. (1) It is an offence for a person to do anything that is intended to have the effect of –

(a) distorting or otherwise altering any evidence, document or other thing that is given, produced or provided for the purposes of an investigation under this Ordinance, or

(b) preventing any evidence, document or other thing from being given, produced or provided for the purposes of such an investigation,

or to do anything that the person knows or believes is likely to have that effect.

(2) It is an offence for a person –

(a) intentionally to suppress or conceal a document that is, and that the person knows or believes to be, a relevant document, or

(b) intentionally to alter or destroy such a document.

(3) For the purposes of sub-paragraph (2) a document is a “relevant document” if it is likely that a person conducting an investigation under this Part of this Ordinance would (if aware of its existence) wish to be provided with it.

(4) A person does not commit an offence under sub-paragraph (1) or (2) by doing anything that is authorised or required –

(a) by the Coroner, or

(b) by virtue of paragraph 2 of Schedule 2 or any privilege that applies.

(5) Proceedings for an offence under sub-paragraph (1) or (2) may be instituted only by or with the consent of the Principal Legal Adviser.

(6) A person guilty of an offence under sub-paragraph (1) or (2) is liable on summary conviction to a fine not exceeding £1,000, or to imprisonment for a term not exceeding 51 weeks, or to both.

3. (1) It is an offence for a person, in giving unsworn evidence at an inquest by virtue of section 20(2)(a), to give false evidence in such circumstances that, had the evidence been given on oath, he would have been guilty of perjury.

(2) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding £1000, or to imprisonment for a term not exceeding 51 weeks, or to both.

(3) In relation to a person under the age of 14, sub-paragraph (2) has effect as if for the words following “summary conviction” there were substituted “to a fine not exceeding £250”.

(4) For the purposes of sub-paragraph (3), a person’s age is to be taken to be that which it appears to the court to be after considering any available evidence.

PART 2

MISCELLANEOUS

4. (1) The powers of the Coroner under paragraph 1 are additional to, and do not affect, any other power the Coroner may have –

(a) to compel a person to appear before him;

(b) to compel a person to give evidence or produce any document or other thing;

(c) to punish a person for contempt of court for failure to appear or to give evidence or to produce any document or other thing.

(2) But a person may not be fined under paragraph 1 and also be punished under any such other power.

SCHEDULE 4

(Section 17)

ALLOWANCES PAYABLE TO WITNESSES

1. (1) Regulations may prescribe the allowances that may be paid by (or on behalf of) the Coroner –

(a) to witnesses;

(b) to persons who produce documents or things by virtue of paragraph 1(1) or (2) of Schedule 2;

(c) to persons who provide evidence in the form of a written statement by virtue of paragraph 1(2)(a) of that Schedule.

(2) In this paragraph “witness” means a person properly attending before the Coroner to give evidence at an inquest or in connection with the possibility of doing so (whether or not the person actually gives evidence), but does not include –

(a) a police officer, member of a police force or member of the tri-service serious crime unit, attending in his capacity as such;

(b) a prison officer attending in his capacity as such;

(c) a prisoner in respect of an occasion on which he is conveyed in custody to appear before the Coroner.

2. Regulations may prescribe the fees and allowances that may be paid by (or on behalf of) the Coroner to persons who make examinations under section 13.

SCHEDULE 5

(Section 18)

INVESTIGATION BY JUDGE OR FORMER JUDGE

Investigation by judge or former judge

1. (1) The Commissioner may nominate a person within sub-paragraph (2) to conduct an investigation into a person's death.

(2) A person is within this sub-paragraph if at the time of the nomination he is –

(a) a judge of the Supreme Court, or

(b) a person who has held office as a judge of the Court of Appeal or of the Supreme Court (but no longer does so),

and is under the age of 75.

(3) If a person nominated under this paragraph agrees to conduct the investigation –

(a) that person is under a duty to do so;

(b) that person has the same functions in relation to the body and the investigation as would be the case if he were a Coroner;

(c) no Coroner has any functions in relation to the body or the investigation.

(4) Accordingly a reference in a statutory provision (whenever made) to the Coroner is to be read, where appropriate, as including a person who has been nominated under this paragraph to conduct an investigation and has agreed to do so.

Investigations already begun

2. A reference in this Schedule to conducting an investigation, in the case of an investigation that has already begun, is to be read as a reference to continuing to conduct the investigation.



THE BRITISH INDIAN OCEAN TERRITORY

THE CORONERS (INVESTIGATIONS) REGULATIONS 2025

S.I. No. 8 of 2025

ã British Indian Ocean Territory Administration

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THE BRITISH INDIAN OCEAN TERRITORY
THE CORONERS (INVESTIGATIONS) REGULATIONS 2025
S.I. No. 8 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY
THE CORONERS (INVESTIGATIONS) REGULATIONS 2025
S.I. No. 8 of 2025

The Commissioner makes these Regulations in exercise of the powers conferred by section 19(1) of the Coroners Ordinance 2025.

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Coroners (Investigations) Regulations 2025 and shall come into force forthwith.

Interpretation

2. (1) In these Regulations –

“2025 Ordinance” means the Coroners Ordinance 2025;

“BIOT” means the Territory;

“Coroner” means—

(a) a person appointed as Coroner or Deputy Coroner under section 6 of the 2025 Ordinance, or

(b) a judge, former judge or former Coroner conducting an investigation under paragraph 1 of Schedule 5 to the 2025 Ordinance;

“document” means any medium in which information of any description is recorded or stored;

“health facility” includes the Navy Medical Readiness Training Unit (NMRTU) Diego Garcia and the BOSC Medical;

“investigation” means an investigation into a death conducted under the 2025 Ordinance;

“suitable practitioner” includes the Pathologist for the Territory;

“Territory” means the British Indian Ocean Territory;

“working day” means a day that is not a Saturday, a Sunday, a public holiday, Christmas Day or Good Friday.

(2) All references to sections and schedule provisions in these Regulations are references to provisions in the 2025 Ordinance, unless a regulation specifically states otherwise.

(3) A reference to a Form in these Regulations is a reference to a Form in the Schedule to these Regulations.

Application

3. (1) These Regulations shall have effect in relation to any investigation (including any inquest) which has not been completed before 11 July 2025.

(2) Any decision of the Coroner made in relation to an investigation, or inquest as the case may be, including any decision relating to a post-mortem examination before 11 July 2025 shall stand.

PART 2

General

Coroner availability for urgent matters

4. The Coroner must be available at all times to address matters relating to an investigation into a death which must be dealt with immediately and cannot wait until the next working day.

Register of reported deaths

5. The Coroner must keep a register of all deaths reported in the Territory, which shall contain the particulars specified in Form 1.

Informing the deceased’s next of kin or personal representative

6. Where the Coroner is under a duty to investigate a death under section 6, the Coroner must attempt to identify the deceased’s next of kin or personal representative and inform that person, if identified, of the Coroner’s decision to begin an investigation.

Delegation of administrative functions

7. The Coroner may delegate administrative, but not judicial functions, to support staff.

Providing information to the registrar of births and deaths

8. Where the Coroner suspends an investigation under paragraph 1, 2 or 3 of Schedule 1 the Coroner must provide the Registrar of Births and Deaths with the particulars required to register the death under the Births and Deaths Registration Ordinance 1984.

Interim certificate of fact of death

9. (1) Where the Coroner has begun but not yet completed or discontinued an investigation, he or she may, if requested to do so by the next of kin or personal representative of the deceased, provide that person with a certificate of the fact of death.

(2) The Coroner must use Form 2 when issuing a certificate of the fact of death.

Resumption of investigation

10. Where the Coroner resumes a suspended investigation in accordance with paragraph 5 of Schedule 1, the Coroner must notify –

- (a) The next of kin or personal representative of the deceased; and
- (b) any other interested persons who have made themselves known to the Coroner, of the resumption and the reason for the resumption of the investigation.

PART 3

Post-mortem examinations

Delay in post-mortem examination to be avoided

11. Where the Coroner considers that a post-mortem examination should be made under section 13, the Coroner shall request a suitable practitioner to make that post-mortem examination as soon as reasonably practicable.

Post-mortem examination where homicide offence is suspected

12. Where the Coroner is informed by the Chief of Police that a homicide offence is suspected in connection with the death of the deceased, the Coroner must consult the Chief of Police about who should make the post-mortem examination.

Notification of post-mortem examination

13. (1) Where the Coroner has requested a suitable practitioner to make a post-mortem examination, the Coroner must notify the persons or bodies listed in paragraph (3) of the date, time and place at which that post-mortem examination is to be made.

(2) The Coroner need not give such notification, where it is impracticable or where to do so would cause the post-mortem examination to be unreasonably delayed.

(3) The persons to be notified are –

(a) the next of kin or the personal representative of the deceased or any other interested person who has notified the Coroner in advance of his or her desire to be represented at the post-mortem examination;

(b) the deceased's regular medical practitioner, if he or she has notified the Coroner of his or her desire to be represented at the post-mortem examination;

(c) if the deceased died in a health facility, that health facility;

(d) the Commissioner; and

(e) if the Chief of Police has notified the Coroner of his or her desire to be represented at the examination, the Chief of Police.

(4) Any of the persons or bodies listed in paragraph (3) are entitled to be represented at a post-mortem examination by a medical practitioner, or if they are a medical practitioner, may attend themselves.

(5) The following persons may attend a post-mortem examination –

(a) A representative of the Chief of Police from the BIOT Police Service; and

(b) any other person including a trainee doctor, medical student or other medical practitioner but only with the consent of the Coroner.

Preservation or retention of material from a post-mortem examination

14. (1) Where a suitable practitioner conducts a post-mortem examination under section 13 and preserves or retains material which in his or her opinion relates to the cause of death or identity of the deceased, he or she must provide the Coroner with written notification of that fact.

(2) A suitable practitioner who preserves or retains material under paragraph (1) must provide the Coroner with a written notification that –

(a) identifies the material being preserved or retained; and

(b) explains why that practitioner is of the opinion set out in paragraph (1).

(3) A written notification under paragraph (2) may –

(a) specify the period of time for which the suitable practitioner believes the material should be preserved or retained; and

(b) specify different periods of time in relation to different preserved or retained material.

(4) On receiving a notification under paragraph (1), the Coroner must notify the suitable practitioner of the period of time for which he or she requires the material to be preserved or retained for the purposes of fulfilling his or her functions under the 2025 Ordinance.

(5) On making the notification under paragraph (4) the Coroner must also notify, where known –

(a) the next of kin or personal representative of the deceased; and

(b) any other relative of the deceased who has notified the Coroner of his or her desire to be represented at the post-mortem examination,

that material is being preserved or retained, the period or periods for which it is required to be preserved or retained and the options for dealing with the material under paragraph (6) once the period or periods of preservation or retention has or have expired.

(6) The options for dealing with material are –

(a) disposal of the material by burial, cremation or other lawful disposal by the suitable practitioner; or

(b) return of the material to a person listed in sub-paragraph (a) or (b) of paragraph (5).

Further provisions relating to preservation or retention of material from post-mortem examinations

15. (1) Where the Coroner –

(a) receives a request from a prosecuting authority, Provost Marshal or the Director of Service Prosecutions under paragraph 1 of Schedule 1 to suspend an investigation because a person may be charged with an offence in relation to the death of the deceased; or

(b) becomes aware or is informed under paragraph 2 of Schedule 1 that a person has been charged with an offence in relation to, or connected with, the death of the deceased,

The Coroner must notify the Chief of Police or prosecuting authority, of any period for which the Coroner requires material to be preserved or retained under regulation 14(4).

(2) The Coroner may from time to time vary a period notified under regulation 14(4) and must notify both the suitable practitioner and any person notified under regulation 14(5) and 15(1) of the variation.

(3) Where a suitable practitioner has received a notification from the Coroner under regulation 14(4) and the suitable practitioner believes that the material should be preserved or retained for a different period, the suitable practitioner may request that the Coroner vary the time by providing a notification in accordance with regulation 14(2).

(4) Where a suitable practitioner has retained material in accordance with regulation 14 and the period notified under regulation 14(4) has expired, that suitable practitioner must record the fact that –

(a) the material has been disposed by the suitable practitioner or on behalf of the suitable practitioner;

(b) the material has been delivered into the possession of a specified person; or

(c) the material has been dealt with in accordance with regulation 14(6).

(6) Any record made by a suitable practitioner under paragraph (5) must be retained by him or her.

Post-mortem examination report

16. (1) A suitable practitioner, on completion of a post-mortem examination, must report to the Coroner as soon as practicable after the examination has been made.

(2) Unless authorised in writing by the Coroner, the suitable practitioner who made the post-mortem examination may not supply any other person with the post-mortem examination report or any copy of that report.

Discontinuance of investigation where cause of death is revealed by post-mortem examination

17. Where the Coroner discontinues an investigation in accordance with section 7(1) because the post-mortem examination reveals the cause of death, the Coroner must record the cause of death and notify the next of kin or personal representative of the deceased using Form 3.

PART 4

Powers in relation to bodies

Release of bodies

18. (1) The Coroner must release the body for removal from the Territory as soon as is reasonably practicable.

(2) Where the Coroner cannot release the body within 28 days of being made aware that the body is within his or her area, the Coroner must notify the next of kin or personal representative of the deceased of the reason for the delay.

Removal order

19. The Coroner may only issue an order authorising the removal of a body, subject to section 15 of the Births and Deaths Registration Ordinance 1984, where the Coroner no longer needs to retain the body for the purposes of the investigation.

Exhumation

20. (1) The Coroner may issue a direction to exhume a body lying within the Territory.

(2) Where such a direction is made the Coroner must use Form 4.

PART 5

Disclosure and provision of information

21. Part 3 of the Coroners (Inquests) Rules 2025 applies to the disclosure of documents to an interested person made by the Coroner at any time during the course of an investigation.

Power of the Commissioner to require information

22. (1) The Commissioner may at any time require information from the Coroner in relation to a particular investigation or investigations that have or are being conducted by that Coroner.

(2) The Coroner must provide the Commissioner with the information requested under paragraph (1).

Investigations lasting more than a year

23. Where an investigation has not been completed or discontinued within a year of the date that the death was reported, the Coroner must notify the Commissioner of that fact as soon as is reasonably practicable from the date that the investigation becomes a year old and explain why the investigation has not been completed or discontinued.

Retention and release of documents

24. (1) Any document in the possession of the Coroner in connection with an investigation or post-mortem examination must, unless a court otherwise directs, be retained by or on behalf of the Coroner for at least 15 years from the date that the investigation is completed.

(2) The Coroner may provide any document or copy of any document to any person who in the opinion of the Coroner is a proper person to have possession of it.

PART 6

Action to prevent other deaths

Report on action to prevent other deaths

25. (1) This regulation applies where the Coroner is under a duty under paragraph 4(1) of Schedule 2 to make a report to prevent other deaths.

(2) In this regulation, a reference to “a report” means a report to prevent other deaths made by the Coroner.

(3) A report may not be made until the Coroner has considered all the documents, evidence and information that in the opinion of the Coroner are relevant to the investigation.

(4) The Coroner –

(a) must send a copy of the report to the Commissioner and every interested person who in the Coroner’s opinion should receive it; and

(c) may send a copy of the report to any other person who the Coroner believes may find it useful or of interest.

(5) On receipt of a report the Commissioner may –

(a) publish a copy of the report, or a summary of it, in such manner as the Commissioner thinks fit; and

(b) send a copy of the report to any person who the Commissioner believes may find it useful or of interest.

Response to a report on action to prevent other deaths

26. (1) This regulation applies where a person is under a duty to give a response to a report to prevent other deaths made in accordance with paragraph 4(1) of Schedule 2.

(2) In this regulation, a reference to “a report” means a report to prevent other deaths made by the Coroner.

(3) The response to a report must contain –

(a) details of any action that has been taken or which it is proposed will be taken by the person giving the response or any other person whether in response to the report or otherwise and set out a timetable of the action taken or proposed to be taken; or

(b) an explanation as to why no action is proposed.

(4) The response must be provided to the Coroner within 56 days of the date on which the report is sent.

(5) The Coroner may extend the period referred to in paragraph (4) (even if an application for extension is made after the time for compliance has expired).

(6) On receipt of a response to a report the Coroner –

(a) must send a copy of the response to the report to the Commissioner;

(b) must send a copy to any interested persons who in the Coroner's opinion should receive it; and

(c) may send a copy of the response to any other person who the Coroner believes may find it useful or of interest.

(7) On receipt of a copy under paragraph (6)(a) the Commissioner may –

(a) publish a copy of the response, or a summary of it, in such manner as the Commissioner thinks fit; and

(b) send a copy of the response to any person who the Commissioner believes may find it useful or of interest (other than a person who has been sent a copy of the response under paragraph (6)(b) or (c)).

(8) A person giving a response to a report may make written representations to the Coroner about –

(a) the release of the response; or

(b) the publication of the response.

(9) Representations under paragraph (8) must be made to the Coroner no later than the time when the response to the report to prevent other deaths is provided to the Coroner under paragraph (4).

(10) The Coroner must pass any representations made under paragraph (8) to the Commissioner who may then consider those representations and decide whether there should be any restrictions on the release or publication of the response.

SCHEDULE

(Regulations 5, 9, 17 and 20)

FORMS

FORM 1

Register of deaths reported to the Coroner

Date on which death is reported	Burial/ Cremation order number	Name of deceased	Sex and age of deceased	Cause of death	Verdict at inquest (if any)

FORM 2

Coroner's Certificate of fact of death

To whom it may concern,

C.D. (insert name):

of (insert address):

died on (insert date):

The precise cause of death, *was as follows/*has yet to be established

*Delete as appropriate

Date:

Signature:

Coroner:

FORM 3

Notice of Discontinuance

To (insert name):

The investigation into the death of C.D. has been discontinued under section 7 of the Coroners Ordinance 2025.

The investigation was discontinued for the following reason(s):

Date:

Signature:

Coroner:

FORM 4

Direction to exhume

To

(insert names of the Commissioner, Commissioner's Representative or other persons having control over the churchyard, cemetery, or other place where the body is buried).

I have been informed that the body of C.D. has been buried in
(insert the name of the churchyard, cemetery or other place where the body is buried), and it appears to me that it is necessary for the body to be exhumed and examined for the purposes of:

1. conducting an investigation into the death of the deceased under the Coroners Ordinance 2025, or
2. discharging a Coroner's function in relation to the body or death of the deceased, namely:
(insert function)

I direct that you allow the body of C.D. to be exhumed.

Date:

Signature:

Coroner:

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner
British Indian Ocean Territory

11 July 2025



THE BRITISH INDIAN OCEAN TERRITORY

THE CORONERS (INQUESTS) RULES 2025

S.I. No. 9 of 2025

ã British Indian Ocean Territory Administration

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The Commissioner makes these Rules in exercise of the powers conferred by section 20 of the Coroners Ordinance 2025.

PART 1

Introduction

Citation and commencement

1. These Rules may be cited as the Coroners (Inquests) Rules 2025 and shall come into force forthwith.

Interpretation

2. (1) In these Rules –

“the 2025 Ordinance” means the Coroners Ordinance 2025;

“copy” means in relation to a document, anything on to which information recorded in the document has been copied, by whatever means and whether directly or indirectly;

“Coroner” means –

(a) a person appointed as Coroner or Deputy Coroner under section 6 of the 2025 Ordinance, or

(b) a judge, former judge or former Coroner conducting an inquest in accordance with Schedule 5 to the 2025 Ordinance;

“document” means any medium in which information of any description is recorded or stored;

“working day” means a day that is not a Saturday, a Sunday, a public holiday, Christmas Day or Good Friday.

(2) All references to section and schedule provisions in these Rules are references to provisions in the 2025 Ordinance, unless a rule specifically states otherwise.

(3) Any reference to a Form in these Rules is a reference to a Form in the Schedule to these Rules.

Application to existing inquests

3. (1) These Rules apply to any inquest which has not been completed before 11 July 2025.

(2) Any direction, time limit, adjournment or other decision made by the Coroner in relation to an inquest made before 11 July 2025 shall stand.

PART 2

Formalities

4. This Part applies where the Coroner is under a duty to hold an inquest under section 9.

Opening of an inquest

5. (1) An inquest must be opened as soon as reasonably practicable after the date on which the Coroner considers that the duty under section 9 applies.

(2) At the opening of the inquest, the Coroner must, where possible, set the dates on which any subsequent hearings are scheduled to take place.

Pre-inquest review hearing

6. The Coroner may at any time during the course of an investigation and before an inquest hearing hold a pre-inquest review hearing.

Days on which an inquest may be held

7. An inquest must be held on a working day, unless the Coroner considers that there is an urgent reason for holding it on some other day.

Timing of an inquest

8. The Coroner must complete an inquest within six months of the date on which the Coroner is made aware of the death, or as soon as is reasonably practicable after that date.

Notification of inquest hearing arrangements

9. (1) The Coroner must notify the next of kin or personal representative of the deceased of the date, time and place of the inquest hearing within one week of setting the date of the inquest hearing.

(2) The Coroner must notify any other interested persons who have made themselves known to the Coroner of the date, time and place of the inquest hearing within one week of setting the date of the inquest hearing.

(3) Where an inquest hearing is to be held, the Coroner must make details of the date, time and place of the inquest hearing publicly available before the inquest hearing commences.

Coroner to notify interested persons of any alteration of arrangements for an inquest hearing

10. (1) Where the date, time or place of the inquest hearing is altered the Coroner must notify the next of kin or personal representative of the deceased, and any other interested persons who have made themselves known to the Coroner, of the alteration within one week of the decision to alter.

(2) The Coroner must make the details of any alteration made under paragraph (1) publicly available within one week of the decision to alter.

Inquest hearings to be held in public

11. (1) The Coroner must open an inquest in public.

(2) Where the Coroner does not have immediate access to a court room or other appropriate premises, the Coroner may open the inquest privately and then announce that the inquest has been opened at the next inquest hearing held in public.

(3) An inquest hearing and any pre-inquest hearing must be held in public unless paragraph (4) or (5) applies.

(4) The Coroner may direct that the public be excluded from an inquest hearing, or any part of an inquest hearing if the Coroner considers it would be in the interests of national security to do so.

(5) The Coroner may direct that the public be excluded from a pre-inquest review hearing if the Coroner considers it would be in the interests of justice or national security to do so.

PART 3

Disclosure

12. This Part applies to the disclosure of documents by the Coroner during or after the course of an investigation, pre-inquest review or inquest.

Disclosure of documents at the request of an interested person

13. (1) Subject to rule 15, where an interested person asks for disclosure of a document held by the Coroner, the Coroner must provide that document or a copy of that document, or make the document available for inspection by that person as soon as is reasonably practicable.

(2) Documents to which this rule applies include –

- (a) any post-mortem examination report;
- (b) any other report that has been provided to the Coroner during the course of the investigation;
- (c) where available, the recording of any inquest hearing held in public, but not in relation to any part of the hearing from which the public was excluded under rule 11(4) or (5);
- (d) any other document which the Coroner considers relevant to the inquest.

Managing disclosure

14. The Coroner may –

- (a) disclose an electronic copy of a document instead of, or in addition to, a paper copy;
- (b) disclose a redacted version of all or part of a document; or make a document available for inspection at a particular time and place.

Restrictions on disclosure

15. The Coroner may refuse to provide a document or a copy of a document requested under rule 13 where –

- (a) there is a statutory or legal prohibition on disclosure;
- (b) the consent of any author or copyright owner cannot reasonably be obtained;
- (c) the request is unreasonable;
- (d) the document relates to contemplated or commenced criminal proceedings;
or
- (e) the Coroner considers the document irrelevant to the investigation.

Costs of disclosure

16. The Coroner may not charge a fee for any document or copy of any document, disclosed to an interested person before or during an inquest.

PART 4

Management of the inquest hearing

Evidence by video link

17. (1) The Coroner may direct that a witness may give evidence at an inquest hearing through a live video link.

(2) A direction may not be given under paragraph (1) unless the Coroner determines that giving evidence in the way proposed would improve the quality of the evidence given by the witness or allow the inquest to proceed more expediently.

(3) Before giving a direction under paragraph (1), the Coroner must consider all the circumstances of the case, including in particular –

- (a) any views expressed by the witness or any interested person;
- (b) whether it would be in the interests of justice or national security to give evidence by video link and
- (c) whether in the opinion of the Coroner, giving evidence by video link would impede the effectiveness of the questioning of the witness.

(4) A direction may be given under paragraph (1) –

- (a) on an application by the witness, or in the case of a child witness the parent or legal guardian of that witness;
- (b) on an application by an interested person; or
- (c) on the Coroner's own initiative.

Evidence given from behind a screen

18. (1) The Coroner may direct that a witness may give evidence at an inquest hearing from behind a screen.

(2) A direction may not be given under paragraph (1) unless the Coroner determines that giving evidence in the way proposed would be likely to improve the quality of the evidence given by the witness or allow the inquest to proceed more expediently.

(3) In making that determination, the Coroner must consider all the circumstances of the case, including in particular –

- (a) any views expressed by the witness or an interested person;
- (b) whether it would be in the interests of justice or national security to allow evidence to be given from behind a screen; and

(c) whether giving evidence from behind a screen would impede the effectiveness of the questioning of the witness by an interested person or a representative of the interested person.

(4) A direction may be given under paragraph (1) –

(a) on the application by the witness, or in the case of a child witness the parent or legal guardian of that witness;

(b) on an application of an interested person; or

(c) on the Coroner's own initiative.

Entitlement to examine witnesses

19. (1) The Coroner must allow any interested person who so requests, to examine any witness either in person or by the interested person's representative.

(2) The Coroner must disallow any question put to the witness which the Coroner considers irrelevant.

Evidence given on oath or affirmation

20. (1) A witness providing evidence at an inquest hearing shall be examined by the Coroner on oath or affirmation subject to paragraph (2).

(2) A child under the age of 14, or a child aged 14 or over who is considered by the Coroner to be unable to understand the nature of an oath or affirmation, may, on promising to tell the truth, be permitted to give unsworn evidence.

Examination of witnesses

21. Unless the Coroner otherwise determines, a witness at an inquest hearing must be examined in the following order –

(a) first by the Coroner;

(b) then by any interested person who has asked to examine the witness; and

(c) if the witness is represented at the inquest, lastly by the witness's representative.

Self-incrimination

22. (1) No witness at an inquest is obliged to answer any question tending to incriminate him or her.

(2) Where it appears to the Coroner that a witness has been asked such a question, the Coroner must inform the witness that he or she may refuse to answer it.

Written evidence

23. (1) Written evidence as to who the deceased was and how, when and where the deceased came by his or her death is not admissible unless the Coroner is satisfied that –

- (a) it is not possible for the maker of the written evidence to give evidence at the inquest hearing at all, or within a reasonable time;
- (b) there is a good and sufficient reason why the maker of the written evidence should not attend the inquest hearing;
- (c) there is a good and sufficient reason to believe that the maker of the written evidence will not attend the inquest hearing; or
- (d) the written evidence (including evidence in admission form) is unlikely to be disputed.

(2) Before admitting such written evidence the Coroner must announce at the inquest hearing –

- (a) what the nature of the written evidence to be admitted is;
- (b) the full name of the maker of the written evidence to be admitted in evidence;
- (c) that any interested person may object to the admission of any such written evidence; and
- (d) that any interested person is entitled to see a copy of any written evidence if he or she so wishes.

(3) The Coroner must admit as evidence at an inquest hearing any document made by a deceased person if the Coroner is of the opinion that the contents of the document are relevant to the purposes of the inquest.

(4) The Coroner may direct that all or parts only of any written evidence submitted under this rule may be read aloud at the inquest hearing.

Adjournment and resumption of an inquest

24. (1) The Coroner may adjourn an inquest if the Coroner is of the view that it is reasonable to do so.

(2) The Coroner must inform the next of kin or personal representative of the deceased and any other interested persons who have made themselves known to the Coroner as soon as reasonably practicable of the decision to adjourn, the date of the decision to adjourn and the reason for the adjournment.

(3) The Coroner must inform the next of kin or personal representative of the deceased and any other interested persons who have made themselves known to the Coroner

as soon as reasonably practicable of the date, time and place at which an adjourned inquest is to be resumed.

(4) The Coroner must adjourn an inquest and notify the Principal Legal Adviser, if during the course of the inquest, it appears to the Coroner that the death of the deceased is likely to have been due to a homicide offence and that a person may be charged in relation to the offence.

Recording inquest hearings

25. The Coroner must keep a recording of every inquest hearing, including any pre-inquest review hearing.

No address as to facts

26. No person may address the Coroner as to the facts of who the deceased was and how, when and where the deceased came by his or her death.

PART 5

Record

Record of the inquest

27. The Coroner must make a determination and any findings required under section 11 using the Form.

SCHEDULE

(Rule 2(3))

Form

Record of an inquest

The following is the record of the inquest (including the statutory determination and, where required, findings) –

1. Name of the deceased (if known):
2. Medical cause of death:
3. How, when and where, and for investigations where section 8(2) of the Coroners Ordinance 2025 applies, in what circumstances the deceased came by his or her death: (see note (ii)):
4. Conclusion of the Coroner as to the death: (see notes (i) and (ii)):
5. Further particulars required by the Births and Deaths Registration Ordinance 1984 to be registered concerning the death:

1.	2.	3.	4.	5.	6.
Date and place of death	Name and surname of deceased	Sex	Maiden surname of woman who has married	Date and place of birth	Occupation and usual address

Signature of Coroner:

NOTES:

- (i) One of the following short-form conclusions may be adopted –
 - I. accident or misadventure
 - II. alcohol / drug related
 - III. industrial disease
 - IV. lawful/ unlawful killing
 - V. natural causes
 - VI. open
 - VII. road traffic collision
 - VIII. stillbirth
 - IX. suicide
- (ii) As an alternative, or in addition to one of the short-form conclusions listed under NOTE (i), the Coroner may make a brief narrative conclusion.
- (iii) The standard of proof required for the short form conclusions of “unlawful killing” and “suicide” is the criminal standard of proof. For all other short-form conclusions and a narrative statement the standard of proof is the civil standard of proof.

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner
British Indian Ocean Territory

11 July 2025