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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:

None.

LEGAL SUPPLEMENT

A. The following laws have been enacted:

1. Ordinance No. 9 of 2025: The Prisons Ordinance 2025

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

1. S.I. No. 10 of 2025: The Prisons Regulations 2025

2. S.I. No. 11 of 2025: The Appointment of Superintendent of Prisons Order 2025

3. S.I. No. 12 of 2025: The Restriction of Movement (Relevant Persons) (Amendment) Order 2025

LEGAL SUPPLEMENT



THE BRITISH INDIAN OCEAN TERRITORY

THE PRISONS ORDINANCE 2025

Ordinance No. 9 of 2025

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THE PRISONS ORDINANCE 2025

Ordinance No. 9 of 2025

ARRANGEMENT OF SECTIONS

Section		Page
	PART 1 - PRELIMINARY	
1.	Citation and commencement	4
2.	Definitions	4
3.	Declaration on prisons	6
4.	General principles	6
	PART 2 – PRISON STAFF	
5.	Designation of Superintendent and appointment of prison staff	7
6.	Duties of the Superintendent	8
7.	General duties of prison staff	8
8.	Search of prison staff	9
9.	Transaction with prisoners	9
10.	Qualifications and training of prison officers and prison staff	9
11.	Training programmes for prison staff	10
	PART 3 – ADMISSION, SEARCH AND ACCOMMODATION OF PRISONERS; CONDUCT AND WORK	
12.	Admission of prisoners	10
13.	Records of prisoners' particulars	10
14.	Confiscation and safeguarding of prisoners' property	11
15.	Information to be given to prisoners on admission	11
16.	Cells and prison accommodation	12
17.	Classification or categorisation of prisoners	12
18.	Separation of prisoners	12
19.	Work by prisoners and remuneration	13
20.	Behavioural requirements and discipline of prisoners	13
21.	Legal representation	13
22.	Unauthorised articles	14
23.	Powers to search prisoners	14
24.	Samples and testing of prisoners for drugs and alcohol	15

25.	Privileges and incentives	15
26.	Powers to reprimand prisoners	16
27.	Special Accommodation	16
28.	Communication	16
	PART 4 – PRISONERS’ WELFARE	
29.	Nutrition	17
30.	Clothing	17
31.	Exercise and recreation	17
32.	Education	17
33.	Health care	18
34.	Register of religious affiliation	18
35.	Visiting ministers of religion	18
36.	Religious services	18
37.	Visits	18
	PART 5 – MEDICAL PRACTITIONERS	
38.	Removal of prisoner to health facility	19
39.	Death of prisoner	19
	PART 6 – RELEASE AND TEMPORARY REMOVAL OF PRISONER	
40.	Temporary release of prisoner	19
41.	Special removal of prisoners	20
	PART 7 – MISCELLANEOUS	
42.	Appellants and pardon	21
43.	Monitoring and security	21
44.	Offence: Unauthorised supply of articles to a prisoner	21
45.	Subsidiary legislation	22
46.	Savings and transitional provisions	22
47.	Repeal	23

Enacted by the Commissioner for the British Indian Ocean Territory

02 October 2025

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner

THE PRISONS ORDINANCE 2025

Ordinance No. 9 of 2025

An Ordinance to provide for the custody of prisoners and the regulation of prisons; to provide for the staffing and operation of prisons; to repeal the Prison Ordinance 1981 and to provide for connected matters.

PART 1 - PRELIMINARY

Citation and commencement

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

Definitions

2. In this Ordinance, unless otherwise stated or the context otherwise requires –

“civil prisoner” means any prisoner other than a convicted prisoner or a remand prisoner;

“communication” includes communication by means of a letter, telecommunications, computer system or any other media;

“convicted prisoner” means any person convicted of a crime or offence or ordered to pay a fine or penalty or other penal sum or to enter into a recognizance, who is committed to prison;

“detainee” means a person detained –

(a) by the police under Part IV of the Police and Criminal Evidence Ordinance 2019; or

(b) under the British Indian Ocean Territory (Immigration) Order 2004 and is awaiting deportation;

“drug” means a controlled drug for purposes of the Misuse of Drugs Ordinance 1992;

“full body search” means a search which is not an intimate search but which involves the systematic removal of all clothing on a person;

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

“illicit enclosure” includes an unauthorised article or information that would compromise security and safety that is contained within any communication to or from a prisoner;

“intimate search” means a search which involves a physical examination which is more than a visual examination of a person’s body orifices;

“Magistrate” includes the Senior Magistrate and any Acting Senior Magistrate;

“medical practitioner” means a physician who has been engaged, directly or indirectly by the Armed Forces of the United States, the United Kingdom or the Administration of the Territory to provide healthcare services as a doctor in the Territory;

“misconduct” means conduct by a prisoner which amounts to a breach of prescribed prison instructions or offences against discipline;

“pardon” means a pardon granted by the Commissioner in terms of section 12 of the British Indian Ocean Territory (Constitution) Order 2004;

“prescribed” means prescribed in regulations or by order;

“prison” means a place which the Commissioner declares under section 3 as a prison or a part of a prison;

“prisoner” means a civil prisoner, convicted prisoner or a remand prisoner confined or detained in a prison and excludes a detainee;

“prison instructions” means instructions issued under section 6(4);

“prison staff” means the Superintendent, prison officers and other prison staff appointed under section 5;

“privilege” means a privilege earned by a prisoner for good behaviour in prison;

“regulations” means regulations made in terms of this Ordinance;

“remand prisoner” means an accused person who is committed to prison on remand or to await trial;

“Superintendent” means the person appointed or deemed to have been appointed by the Commissioner under section 5(1) to be in charge of a prison;

“Territory” means the British Indian Ocean Territory;

“unauthorised articles” means –

(a) intoxicating liquor of any kind, tobacco, any drug and any other thing of any kind which a prisoner is not authorised in the prison instructions or by the Superintendent to have in the prisoner’s possession or, as the case may be, for the prisoner to have in his or her possession in a particular part of a prison; or

(b) any other article that may be prescribed.

Declaration of prisons

3. (1) The Commissioner may by order published in the *Gazette* declare a place to be a prison or part of a prison.

(2) Any place or building declared to be a prison as at the time of the commencement of this Ordinance shall continue to be a prison, unless the Commissioner otherwise directs.

(3) A prison must be known as His Majesty's Prison.

General principles

4. (1) Prison staff must hold prisoners safely and securely in line with a prisoner's warrant of committal or warrant of detention by –

(a) ensuring the safety of the public and in terms of the order of the court, by keeping prisoners in custody and preventing their escape; and

(b) ensuring compliance with the prison security and searching strategy in order to provide a safe and secure custodial environment.

(2) Prison staff must aim to reduce the risk of re-offending by a prisoner and must treat prisoners in such a way as to –

(a) influence them through their own good example and leadership;

(b) enlist their willing co-operation; and

(c) build their self-respect and a sense of personal responsibility.

(3) Prison staff must –

(a) look after prisoners in a humane manner and with respect for the dignity of the human person;

(b) treat all prisoners equally and without distinction of any kind on the basis of –

(i) race, colour, or language;

(ii) subject to subsection (4), gender, sexual orientation, age, health status or physical or mental impairment;

(iii) religion or religious belief;

(iv) political or other opinion;

(v) national, ethnic or social origin or association with a national minority;

(vi) birth or other status; or

(vii) ownership or other interest in or association with property (or lack of the ownership, interest or association);

(c) obey the lawful orders of the Superintendent, aimed to protect and promote the rights of all persons deprived of their liberty to be treated with humanity and with respect for the dignity of the person;

(d) help prisoners to lead law-abiding and useful lives in custody; and

(e) help prepare prisoners to lead law-abiding and useful lives after release.

(4) The Superintendent may put in place measures designed solely to protect vulnerable groups referred to in subsection (5) and those measures must not be considered to be discriminatory, but the measures must be subject to constant review by the Superintendent.

(5) Vulnerable groups include a prisoner with special and particular needs on account of age, a prisoner who has a physical disability or mental condition as to require special care or any other vulnerable groups as may be prescribed.

(6) A prisoner must not be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

(7) The Superintendent, in managing a prison and the prison staff, must have regard to the different needs of the following categories or classes of prisoners –

(a) civil prisoners, convicted prisoners and remand prisoners; and

(b) male and female prisoners.

(8) A prisoner may not be engaged in a disciplinary position in relation to another prisoner.

(9) A female prison officer must supervise and attend to female prisoners when on duty but when a male officer is supervising the female prisoners alone, the Superintendent must take all reasonable steps to ensure that there is, at the same time a permanent recording of the male officer's actions.

PART 2 – PRISON STAFF

Designation of Superintendent and appointment of prison staff

5. (1) The Commissioner may appoint a person to be Superintendent, who is responsible for the management, control and oversight of all prisons.

(2) Subject to section 10, the Commissioner may appoint prison officers and other prison staff as are necessary for the proper running of a prison.

(3) Every police officer shall be a prison officer *ex officio*.

(4) The Superintendent and prison officers, while performing their duties have all the powers and immunities of a police officer which are necessary for them to perform their functions effectively under this Ordinance.

Duties of the Superintendent

6. (1) Subject to the orders and directions of the Commissioner, the Superintendent must –

(a) exercise control and superintendence over a prison; and

(b) supervise the prison staff in the performance of their duties.

(2) The Superintendent may delegate to a member of the prison staff duties as appropriate for the effective and efficient management of a prison.

(3) The Superintendent is the legal custodian of all prisoners and a prisoner is in legal custody while –

(a) confined in, being taken to or from a prison;

(b) outside a prison under the control of a prison officer or police officer.

(4) The Superintendent may, with the approval of the Commissioner acting in his or her discretion, issue prison instructions, not incompatible with this Ordinance or any regulations –

(a) to assist prison staff in the discharge of their duties; and

(b) to be observed by prisoners.

General duties of prison staff

7. (1) Prison staff must –

(a) comply with and implement this Ordinance, regulations and any prison instructions issued by the Superintendent;

(b) assist and support the Superintendent; and

(c) obey the lawful instructions given by the Commissioner and Superintendent.

(2) Prison staff must immediately inform the Superintendent of any abuse or impropriety in prison which comes to their knowledge.

(3) Prison staff may not receive a fee, gratuity or other consideration in connection with their office (apart from salary, allowances and pension).

(4) A prison officer may not make a communication to the press or to any other person concerning matters which have become known to the prison officer in the course of duty (except if done in the course of the officer's functions or under a court order).

(5) A prison officer may not publish a matter or make a public pronouncement relating to the administration of a prison or a prisoner.

Search of prison staff

8. (1) The Superintendent may direct that prison staff be searched in a prison.

(2) A search conducted pursuant to subsection (1) shall be carried out in conformity with section 23.

Transaction with prisoners

9. (1) Prison staff may not take part in business or financial transactions with or on behalf of prisoners without the permission of the Commissioner.

(2) Prison staff may not, without the authority of the Superintendent –

(a) bring or attempt to bring an article into a prison;

(b) take or attempt to take an article out of a prison;

(c) knowingly allow an article to be brought into a prison or taken out of a prison for a prisoner; or

(d) deposit an article in any place intending it to come into the possession of a prisoner.

Qualifications and training of prison officers and prison staff

10. (1) Subject to subsection (2), prison officers must undergo training before or after appointment as determined by the Superintendent in respect of –

(a) prison officer education and orientation;

(b) the use of force, control and restraining techniques; and

(c) dealing appropriately with the category or class of prisoners with whom it is intended that they will work.

(2) Prison staff other than prison officers may undergo training referred to in subsection (1) as may be determined by the Superintendent before or after appointment.

Training programmes for prison staff

11. The Superintendent may specify a list of training programmes and courses required to enable the prison staff to work with the categories of prisoners that exist in the Territory and submit it to the Commissioner for information.

PART 3 – ADMISSION, SEARCH AND ACCOMMODATION OF PRISONERS; CONDUCT AND WORK

Admission of prisoners

12. (1) A person may only be admitted in prison on the basis of a warrant of committal or other lawful detention order issued by a person or authority having the power in law to issue the detention order.

(2) The person may be admitted to prison as soon as the sentence is imposed or detention is ordered (even if the warrant of committal or signed order has not yet been issued).

(3) Every prisoner must be searched by a prison officer on admission into prison and when taken into custody by a prison officer.

(4) A search under subsection (3) must comply with section 23 and any unauthorised articles found on a prisoner must be dealt with as provided in section 14.

(5) The Superintendent must adopt an electronic or manual file management system in respect of each prisoner on admission and record into each prisoner's file information as may be prescribed.

(6) The Superintendent must ensure that accurate information is recorded in respect of a prisoner on admission.

(7) A medical practitioner must examine every prisoner as soon as reasonably practicable after admission and at any time as may be necessary after admission, for such purposes as may be prescribed.

(8) The medical practitioner must record the results of an examination carried out under subsection (7).

Records of prisoners' particulars

13. (1) Records of a prisoner kept under section 12(5) or other provision of this Ordinance are confidential and may only be made available to a person whose professional responsibilities require access to those records.

(2) A prisoner may be photographed on admission or during confinement and this forms part of a record of a prisoner.

(3) Prison staff must keep the records and information providing identification of a prisoner as directed by the Superintendent.

Confiscation and safeguarding of prisoners' property

14. (1) Unauthorised articles that are found on a prisoner at the time of admission into a prison must be confiscated by prison staff.

(2) Property confiscated under subsection (1) which a prisoner can lawfully possess is considered to be in the possession of the Superintendent and, subject to subsection (4), the Superintendent must take measures as prescribed to ensure that –

(a) an accurate record of all property confiscated from each prisoner is kept and maintained; and

(b) the property which a prisoner can lawfully possess is safeguarded so as to be returned to the prisoner on release in substantially the same condition as it was when it was confiscated.

(3) A prisoner may possess a reasonable amount of personal property while in custody subject to limits set by the Superintendent or set in regulations or prison instructions.

(4) The Superintendent –

(a) must dispose of unauthorised articles which cannot lawfully be possessed by a prisoner and perishable property confiscated from a prisoner, and regarding perishable property, must take into account the reasonable wishes of a prisoner; and

(b) will not be held to account for natural deterioration of confiscated property which a prisoner can lawfully possess where the deterioration is to be expected from property of that type.

Information to be given to prisoners on admission

15. Upon admission, the Superintendent must provide a prisoner –

(a) on request, access to a copy of the full text of the Ordinance, regulations and prison instructions;

(b) with information on the prisoner's rights, and methods of seeking information, access to legal advice and procedures for making requests or complaints;

(c) a prisoner's obligations, including applicable disciplinary offences and sanctions; and

(d) any other information necessary to enable a prisoner to adapt to prison life.

Cells and prison accommodation

16. (1) The Superintendent must make every attempt to provide a separate cell for each prisoner and where a cell is designed for occupation by more than one prisoner, it must comply with the requirements of subsection (3).

(2) A cell or prison accommodation must meet such standards as may be prescribed.

(3) Before a cell is used, it must –

(a) have clean and adequate sanitary installations which are decent and easily accessible to a prisoner; and

(b) be fitted with a means of enabling a prisoner at any time to call for the attendance of prison staff.

Classification or categorisation of prisoners

17. (1) The Commissioner may prescribe the categories of prisoners according to sex, age, health and the security risk they pose.

(2) Regulations may provide for the classification or categorisation of prisoners and how they must be accommodated.

Separation of prisoners

18. (1) The following classes of prisoners of each sex must, as reasonably practicable, be separated from one another –

(a) convicted and remand prisoners from civil prisoners; and

(b) remand prisoners from convicted prisoners.

(2) Subsection (1)(b) does not prevent a remand prisoner from having contact, or sharing a cell, with a convicted prisoner if the remand prisoner wishes or consents.

(3) Male prisoners must be accommodated separately from female prisoners and may only interact with each other for rehabilitative purposes mentioned in subsection (5) or for any other purpose as may be prescribed.

(4) The Superintendent must make all reasonable adjustments to ensure that prisoners with physical, mental or other vulnerability have effective access to prison life on an equitable basis.

(5) The Superintendent may permit specific educational and rehabilitative activities and supervised association between male and female prisoners.

Work by prisoners and remuneration

19. (1) Subject to this section, a prisoner is required to do work that is reasonably necessary for hygiene or the maintenance of the prison unless the prisoner is certified by the medical officer to be unfit for the work.

(2) Subject to a declaration made by a prisoner under section 34, the prisoner must not work on a day or during a part of a day if it would be contrary to the prisoner's religion, or any denomination of that religion.

(3) Subject to subsection (5), the Superintendent may allow a prisoner to perform work other than that mentioned in subsection (1) and the Superintendent may permit a prisoner to perform work outside the walls of a prison.

(4) Prisoners may be remunerated for work done and the remuneration must be at a rate as approved by the Commissioner and the remuneration may be dealt with as prescribed.

(5) Work done by a prisoner may include necessary services of a prison but must not include any personal services for prison staff.

Behavioural requirements and discipline of prisoners

20. (1) A prisoner who commits an act of misconduct must go through a disciplinary process as may be prescribed.

(2) The regulations and prison instructions must provide for –

- (a) conduct constituting acts of misconduct;
- (b) types and duration of reprimand that may be imposed; and
- (c) the authority competent to impose the reprimand.

(3) A prisoner who is prosecuted for a criminal offence under section 26(4) is entitled to a fair hearing within a reasonable time by an independent and impartial court established by law and must also have unimpeded access to a legal practitioner.

(4) The Superintendent must maintain discipline and order with no more restriction than is necessary to ensure safe custody and the operation of a well ordered prison community.

(5) The Superintendent must put in place a strategy for the management of prisoners who are difficult or disruptive, to ensure an acceptable level of behaviour.

Legal representation

21. (1) A prisoner is entitled to communicate with a legal practitioner of their own choice.

(2) The legal practitioner in any legal proceedings to which a prisoner is a party, must be afforded reasonable facilities for interview in connection with those proceedings.

(3) A prisoner's legal practitioner may, subject to any directions given by the Superintendent, interview the prisoner in connection with any other legal problem.

(4) An interview must take place out of hearing, but not out of sight, of prison staff.

(5) Correspondence between a prisoner and legal practitioner must not be intercepted, opened or read, except with permission of the Superintendent on the basis of information that the communication might contain an illicit enclosure.

Unauthorised articles

22. A person, including prison staff who, without lawful excuse introduces into a prison or delivers to a prisoner any unauthorised article, to be sold or used in a prison, commits an offence and is liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding £5,000 or to both.

Powers to search prisoners

23. (1) Subject to this section, only a prison officer may search a prisoner as authorised by the Superintendent to ascertain whether the prisoner has any unauthorised property on their person.

(2) Subject to subsection (4), the prison officer may require a prisoner to submit to the following searches of his or her person –

- (a) rub-down;
- (b) pat-down;
- (c) full body; or
- (d) intimate; and,

prison instructions may make further provision on how the search must be done.

(3) The searching of a prisoner must be done in a manner that is proportionate and consistent with the need to discover a concealed article and a fully body search must only be carried out by a prison officer of the same sex as the prisoner.

(4) If a prisoner is required to submit to an intimate search, the search must be carried out by a person who is authorised to do so by the Administrator.

(5) A prison officer must not conduct a full body search on a prisoner in the sight or presence of another prisoner.

(6) A person who searches a prisoner without authority under this Ordinance commits an offence and is liable on summary conviction to a fine not exceeding £5,000 or to imprisonment for a term not exceeding 6 months, or to both.

(7) A prison officer searching a prisoner under this section may use reasonable force where necessary and may seize unauthorised articles found on the prisoner's person in the course of the search.

(8) Any unauthorised article found on a prisoner as a result of a search must be dealt with in accordance with section 14.

(9) Any authorisation provided by the Administrator under subsection (4) may be given to the Superintendent orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.

Samples and testing of prisoners for drugs and alcohol

24. (1) The Superintendent may require a prisoner to provide a sample of urine for the purpose of ascertaining whether the prisoner has any drugs in his or her body.

(2) The Superintendent may, also require a sample of urine or breath in order to determine whether there is alcohol in the prisoner's body or any other sample excluding an intimate sample.

(3) The Commissioner may prescribe the procedure for obtaining an intimate sample for any purpose from a prisoner.

(4) In this section –

“intimate sample” means a sample of blood, semen or any other tissue, fluid, pubic hair or a swab taken from a person's orifice.

Privileges and incentives

25. (1) The Superintendent may set out in prison instructions a system of privileges under which, as a result of or in return for continuous periods of satisfactory behaviour, prisoners can earn or maintain privileges.

(2) The Commissioner may prescribe the procedure for earning the privileges and incentives under subsection (1).

(3) The Superintendent must ensure that –

(a) all prisoners are kept informed of the system of privileges and of any changes made to it;

(b) the system of privileges is fairly and consistently applied in respect to all prisoners; and

(c) prisoners are given reasons for privileges that they are either afforded or denied and a prisoner must get a fair opportunity to make representations on their behalf.

Powers to reprimand prisoners

26. (1) The Commissioner may, in regulations empower the Superintendent to reprimand prisoners for acts of misconduct.

(2) Reprimands referred to in subsection (1) may include withdrawal of privileges, removal from association and confinement in a cell, or any other form of reprimand as may be included in those regulations.

(3) Restraints may not be used as a form of reprimand.

(4) Where a prisoner is alleged to have committed a criminal offence the Superintendent may refer the matter to the police for investigation.

Special Accommodation

27. The Superintendent may provide separate cells –

(a) as Special Accommodation for the temporary confinement of a prisoner who is a risk to themselves or others, is uncooperative or is violent; or

(b) for solitary confinement of a prisoner undergoing a reprimand.

Communication

28. (1) Prisoners must be allowed to communicate with persons outside a prison as may be prescribed and regulations made under this subsection may impose limitations to communication.

(2) Subject to subsection (3), and section 21(5), the Superintendent may intercept communication between a prisoner and any other person.

(3) The Commissioner may make regulations to provide for the carrying out of interception of communications.

(4) A person who, without the permission of the Superintendent, communicates or attempts to communicate with a prisoner, commits an offence and is liable on summary conviction to a fine not exceeding £2,500 on the standard scale.

PART 4 – PRISONERS' WELFARE

Nutrition

29. (1) Prisoners must have three meals per day, served in such a manner as may be prescribed and the meals must be of a nutritional value required to maintain a prisoner's health.

(2) Where a medical practitioner informs the Superintendent that a prisoner should receive –

(a) a specific diet, or

(b) meals at specific times,

the Superintendent must, to the extent that is reasonably practicable, ensure that such a diet is provided to the prisoner within such times.

Clothing

30. (1) Prisoners who are not allowed their own clothing must be provided with clothing of such quantity and standard as is appropriate to the climate and the reasonable needs of the prisoner.

(2) The Commissioner may make regulations to provide for details of the clothing and factors to be considered as required under subsection (1).

Exercise and recreation

31. (1) Subject to subsection (2), a prisoner must have time for exercise as may be prescribed.

(2) Prison staff must encourage all prisoners to exercise and exercise time must not be less than 2 hours per week for each prisoner.

(3) The Superintendent must afford prisoners time for recreation as may be prescribed.

Education

32. (1) The Superintendent must ensure that opportunities as are prescribed are made available to prisoners to further their education through self-study or organised instruction.

(2) The Superintendent must make arrangements as are reasonably possible for the educational assessment of each prisoner to ensure that there is an opportunity for each prisoner's educational needs to be met.

Health care

33. (1) The Superintendent must ensure that prisoners are seen by a medical practitioner and a dentist at prescribed regular intervals and on such unscheduled occasions as the circumstances of each prisoner may require.

(2) The Superintendent must take seriously a request by a prisoner to be seen by a medical practitioner or dentist and, unless there reasonable grounds to think that the request is motivated by mischief, must grant the prisoner's request within a reasonable time.

Register of religious affiliation

34. (1) The Superintendent must keep in the records information about the religion to which a prisoner declares himself or herself to belong, and must, on the request of any minister of religion who is authorised to visit prisoners, supply the minister with a list of the prisoners who have declared themselves to belong to the religion of that minister.

(2) A prisoner must be treated as being of a religion or specific religious denomination stated in the prisoner's record under subsection (1).

(3) Following a request by a prisoner who changes religion, the Superintendent may, after due enquiry, direct the prisoner's record to be amended.

Visiting ministers of religion

35. Subject to this Ordinance and to any other conditions which may be prescribed, the Superintendent may authorise a minister of religion to visit any prisoner belonging to the same religion who consents to the visit, and to celebrate religious services in the presence of that prisoner.

Religious services

36. (1) A minister of any religion may, with the consent of the Superintendent, which must not be unreasonably withheld, hold religious services within a prison, at which a prisoner who wishes may attend, on such days and at such times as the Superintendent may approve.

(2) The Superintendent may permit a prisoner of good behaviour to attend a religious service at a church or other place of worship, subject to conditions as may be imposed by the Superintendent.

Visits

37. (1) A prisoner is entitled to receive visits as may be prescribed.

(2) Regulations made under subsection (1) may provide for the number of visits for every prisoner, the duration of the visit, deferment of a visit and other matters necessary to regulate visitors.

(3) A visitor to a prisoner may be searched on entry to a prison and the search must comply with section 23 and a visitor who refuses to be searched must be denied entry.

(4) The Superintendent may prohibit visits by a person to a prison or to a prisoner for periods considered necessary to secure discipline, good order and to prevent commission of an offence or in the public interest.

(5) Subsection (4) does not apply to a visit by a class of persons as may be prescribed.

(6) The Superintendent may require a visit, or class of visits, to be held in facilities which include special features restricting or preventing physical contact between a prisoner and a visitor.

(7) The Superintendent may remove or cause to be removed from a prison any visitor to the prison whose conduct is improper.

(8) The Commissioner may make regulations prescribing the proper conduct of visitors.

PART 5 – MEDICAL PRACTITIONERS

Removal of prisoner to health facility

38. (1) A medical practitioner or, in urgent cases, the Superintendent, may direct that a prisoner be removed to a health facility and while proceeding to and from a health facility a prisoner will be considered for all purposes to be in prison custody.

(2) The Superintendent will determine whether a prison officer is required to remain with a prisoner for any period that a prisoner is within a health facility.

(3) A prisoner must be returned to prison when a medical practitioner certifies that the prisoner is fit.

(4) The Commissioner may prescribe further provisions regarding the procedures for medical attention of prisoners.

Death of prisoner

39. Where a prisoner dies, the Superintendent must give immediate notice of the death to the Commissioner, the Administrator and the Coroner.

PART 6 – RELEASE AND TEMPORARY REMOVAL OF PRISONER

Temporary release of prisoner

40. (1) A convicted prisoner may be released under this section, as prescribed or stated in prison instructions –

- (a) on compassionate grounds;
- (b) for the purpose of receiving medical treatment or any therapy;
- (c) to engage in employment or voluntary work;
- (d) to receive instruction or training which cannot reasonably be provided in prison;
- (e) to enable participation in proceedings before a court, tribunal or inquiry; or
- (f) to consult with a legal practitioner where it is not possible, in the opinion of the Superintendent, for the consultation to take place in a prison.

(2) The Superintendent may authorise the release of a prisoner under this section for one or more specified periods, subject to specified conditions.

Special removal of prisoners

41. (1) Subject to subsection (2), every prisoner confined in a prison is considered to be in the legal custody of the Superintendent and must not be removed from a prison before he or she becomes lawfully entitled to release under the regulations or in the following cases –

- (a) in pursuance of an order of a court;
- (b) in case of fire or sudden or urgent necessity;
- (c) for the purpose of work or recreation; or
- (d) in a case in which a prisoner is removed to a health facility under section 38(1);
- (e) in pursuance of approved temporary release authorisation.

(2) The Commissioner may order the removal of a prisoner to such other place of confinement as may be specified in the order –

- (a) for the purpose of enabling a prison to be altered, enlarged, repaired or rebuilt;
- (b) in the case of a contagious or infectious disease breaking out in a prison;
- (c) for a prisoner to appear before a court of examination, trial or as a witness; or
- (d) for any other reasonable cause,

and may at any time order that the prisoner be returned to the prison.

(3) A prisoner who has been removed from a prison under this section is considered to be confined within a prison, despite such removal.

PART 7 – MISCELLANEOUS

Appellants and pardon

42. (1) The Superintendent must ensure that a convicted prisoner who has a right of appeal against conviction or against sentence is, on admission informed of that right and of conditions governing the exercise of the right.

(2) A prisoner who notifies the Superintendent of his or her intention to appeal must be given all necessary facilities for pursuing the appeal.

(3) The Superintendent must also make a prisoner aware of the Commissioner's power to pardon prisoners under section 12 of the British Indian Ocean Territory (Constitution) Order 2004 and the procedures for accessing a pardon.

Monitoring and security

43. The Superintendent may employ any technology in any media such as closed circuit television, video or audio surveillance systems, both covert and overt, metal detector scanners, mobile phone detecting and blocking systems to ensure security, safety and the detection of crime and breaches of discipline in prison.

Offence: Unauthorised supply of articles to a prisoner

44. (1) It is an offence for a person, without the authority of the Superintendent –

- (a) to take or throw an article into a prison;
- (b) to take or throw an article out of a prison;
- (c) to provide an article to a prisoner; or
- (d) to deposit an article in any place,

with the intention that it comes into the possession of a prisoner.

(2) In this section article includes money, food, clothing, drink, tobacco, letters, paper, books, tools, drugs, firearms, explosives, weapons and any other article.

(3) A person who commits an offence under subsection (1) is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine of £5,000; or to both.

(4) The Superintendent may confiscate an article which is in a prison as a result of an offence under subsection (1).

Subsidiary legislation

45. (1) The Commissioner may, subject to subsection (2) make regulations or orders generally for giving effect to the provisions of this Ordinance, and in particular regulations for –

- (a) the administration, management and discipline;
- (b) visits to and communications with prisoners;
- (c) the working of prisoners outside the prison walls;
- (d) the acts or omissions which constitute acts of misconduct and disciplinary procedures;
- (e) appeal procedures for prisoners under this Ordinance;
- (f) the powers, duties and conduct of prison officers;
- (g) the admission and discharge of prisoners;
- (h) the classification, clothing, maintenance, employment, discipline, instruction and rehabilitation of prisoners;
- (i) early release of prisoners and the manner in which and conditions under which such release is done;
- (j) the application of money in the possession of a prisoner committed for non-payment of a fine towards the fine adjudged to be paid;
- (k) the remuneration of prisoners for work done and the manner in which and conditions under which the remuneration is to be paid;
- (l) the supply of money, food or clothing to prisoners, and the means of travel to be afforded to them, on their discharge;
- (m) the conditions under which visitors are to be allowed in prison; or
- (n) the medical inspection of prisons and prisoners and the prevention of contagious diseases in prisons.

(2) Nothing in this section permits the making of regulations or orders which authorise the corporal punishment of a prisoner.

Savings and transitional provisions

46. (1) Subject to their instrument of appointment, the Superintendent and prison officers appointed under section 5 of the repealed Ordinance who are in office immediately before the date of commencement of this Ordinance will continue in office as if they have been appointed under section 5 of this Ordinance.

(2) In this section, “repealed Ordinance” means the Prison Ordinance repealed under section 47.

Repeal

47. The Prison Ordinance 1981 is repealed.



BRITISH INDIAN OCEAN TERRITORY

THE PRISONS REGULATIONS 2025

S.I. No. 10 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY

THE PRISONS REGULATIONS 2025

S.I. No. 10 of 2025

ARRANGEMENT OF REGULATIONS

Regulation		Page
1.	Citation and commencement	4
2.	Admission into prison and induction	4
3.	Sentence management and resettlement	4
4.	Information for prisoners	5
5.	Prison accommodation	5
6.	Sleeping accommodation	6
7.	Outside contacts	6
8.	Requests and complaints procedure	7
9.	Privileges	7
10.	Temporary release	8
11.	Regular visits by minister of religion	9
12.	Religious books	9
13.	Healthcare procedures	9
14.	Report of special illnesses and conditions	10
15.	Plans in event of apparent death of a prisoner	10
16.	Clothing	10
17.	Food	11
18.	Alcohol and tobacco	11
19.	Hygiene	11
20.	Physical activity	11
21.	Time in the open air	12
22.	Work and remuneration	12
23.	Education	13
24.	Restriction of communication	13
25.	Interception of communication	14
26.	Visits	14
27.	Police interviews	15
28.	Custody and protection of prisoner outside prison	15
29.	Prisoners' property and money	15
30.	Removal from association	16
31.	Use of force	16
32.	Temporary segregation	17

33.	Use of restraints	17
34.	Procedure for taking samples from prisoners	18
35.	Acts of misconduct and disciplinary procedures	18
36.	Defences to regulation 35(1)(i)	20
37.	Disciplinary charges procedures	20
38.	Superintendent's reprimands	21
39.	Suspended reprimands	21
40.	Prisoner's right of appeal against disciplinary reprimand	22
41.	Emergencies	22
42.	Control of persons visiting prison	22
43.	Viewing of prisons	23
44.	Classification of prisoners (section 17 of Prisons Ordinance)	23
	SCHEDULE	23

THE BRITISH INDIAN OCEAN TERRITORY

THE PRISONS REGULATIONS 2025

S.I. No. 10 of 2025

In exercise of the powers conferred on him by section 45 of the Prisons Ordinance 2025, the Commissioner hereby makes the following regulations:

THE PRISONS REGULATIONS 2025

Citation and commencement

1. These regulations may be cited as the Prisons Regulations 2025 and shall come into force forthwith.

Admission into prison and induction

2. The Superintendent must ensure that each prisoner goes through an admission and induction process which includes the following –

- (a) opening a personal file for the prisoner;
- (b) recording the name, date of birth, nationality, religion, class or category of prisoner, length of sentence and inventory of personal property;
- (c) recording the height, weight and any other information that provides identification;
- (d) taking a photograph of the prisoner;
- (e) providing the prisoner with custodial sentence calculations and release date information; and
- (f) providing a sentence management plan to a prisoner serving over 6 months' imprisonment.

Sentence management and resettlement

3. (1) The Superintendent must prepare a prisoner for resettlement into his or her community in the following manner –

- (a) provide constructive regimes and purposeful activity in prison;

- (b) provide programmes that deal with offending behaviour, targeting specific risks that are identified;
- (c) provide access to education and activities that develop and support work ethics;
- (d) conduct risk assessments that include restorative practices;
- (e) attend to identified health needs; and
- (f) provide a pre-release plan.

(2) The Superintendent must include in prison instructions a strategy of rehabilitation and a policy for reducing reoffending and ensure that the programme is implemented.

Information for prisoners

4. (1) A convicted prisoner with a right of appeal against conviction or sentence must be informed of the facilities that are available for lodging an appeal.

(2) As soon as practicably possible after admission into prison, and in any case within 24 hours, prison staff must provide each prisoner with information in writing about the Prisons Ordinance, Regulations, prison instructions and pardon under section 12 of the British Indian Ocean (Constitution) Order 2004 and bring to the attention of the prisoner his or her rights and obligations.

(3) A prisoner must be informed of –

- (a) the prison routine, earnings and facilities;
- (b) rules on acts of misconduct;
- (c) sentence management arrangements; and
- (d) request and complaint procedures.

(4) In the case of a prisoner who cannot read or appears to have difficulty in understanding information, the Superintendent must arrange to have it explained, or provide the information in the language that the prisoner understands.

(5) The Superintendent must keep adequate copies of the Prisons Ordinance, Regulations and prison instructions and make them available within a reasonable time to a prisoner who requests them.

Prison accommodation

5. (1) A place where a prisoner is required to live and work must –

- (a) be adequately ventilated;

- (b) allow sufficient natural or artificial light for a prisoner to read or work;
- (c) allow a prisoner to have a bath or shower, at a temperature suitable to the climate, as often as necessary but at least once a week;
- (d) have a built in toilet and sink and be supplied with running water for both the toilet and the sink;
- (e) be properly maintained and kept clean at all times; and
- (f) provide an aural or visual means to call for the attendance of prison staff.

(2) The Superintendent must ensure that the condition of prisoner accommodation is checked regularly in order to identify inadequacies and any accommodation that fails to meet the set standard must be reported to the Administrator as soon as is reasonably practicable.

(3) If a medical practitioner is of the opinion that accommodation presents a serious risk to health the Superintendent must –

- (a) immediately notify the Administrator; and
- (b) as far as reasonably practicable, ensure that remedial action is taken to improve the conditions within the accommodation, to the satisfaction of the medical practitioner, or
- (c) remove the prisoner to suitable alternative accommodation.

Sleeping accommodation

6. (1) No cell may be used as sleeping accommodation for a prisoner unless its size, lighting, heating, ventilation and fittings are adequate and that it allows the prisoner to call for the attendance of prison staff at any time.

(2) Separate accommodation may be provided for prisoners undergoing reprimand for an act of misconduct.

(3) Each prisoner must be provided with a separate bed and with bedding that, in the opinion of the Superintendent, is adequate for warmth.

Outside contacts

7. Prison staff must –

- (a) encourage a prisoner and their family to maintain relationships as in the opinion of the Superintendent are in the best interests of both; and
- (b) encourage each prisoner to establish and maintain relations with persons and agencies outside the prison as may, in the opinion of the Superintendent, best promote the prisoner's social rehabilitation.

Requests and complaints procedure

8. (1) A prisoner must have the opportunity every day to make requests or complaints to the Superintendent or to an authorised prison staff member.

(2) A prisoner's request or complaint may be made orally or in writing and the Superintendent must ensure that every day a member of staff is available to hear requests and complaints.

(3) The Superintendent must make arrangements to ensure that requests are dealt with by prison staff quickly and informally in the first instance.

(4) A matter not resolved under sub-regulation (3), and which a prisoner wishes to pursue, must be treated as a formal complaint.

(5) Formal complaints must be recorded in writing and must be responded to by prison staff within three days.

(6) Where a substantive reply cannot be given within three days, the Superintendent must give an interim reply and an indication of when a substantive reply will be provided.

(7) A prisoner may make a written complaint in confidence to the Superintendent, who may decide to delegate the function of responding to another member of prison staff.

(8) A response in respect of a complaint must be in writing, and the Superintendent must keep records of complaints and responses given.

(9) A prisoner who is not satisfied with a response from the prison staff may appeal to the Superintendent and if still not satisfied, he or she may appeal to the Commissioner.

(10) Allegations of torture or other cruel, inhuman or degrading treatment or punishment of prisoners must be dealt with immediately and the Superintendent must cause a prompt investigation to be carried out.

Privileges

9. (1) Privileges and incentives to be included in prison instructions may include the following –

(a) time outside their cells and in association with one another, in excess of the minimum time otherwise allowed;

(b) spending money earned in prison;

(c) attending religious services;

(d) extra visits or extended time with visitors;

(e) keeping of additional articles and smoking;

- (f) communication over and above the minimum prescribed;
- (g) wearing personal clothing; and
- (h) other privileges as the Superintendent may include in prison instructions.

(2) Privileges may be granted to prisoners only if they have met and continue to meet specified standards in their behaviour, their performance in work, involvement in sentence planning and other activities.

(3) A system of privileges must include procedures to be followed in determining how they are to be granted, or continue to be granted, to a prisoner.

(4) A prisoner must be given reasons for any adverse decision and must be allowed to appeal against the decision to the Superintendent.

(5) Prison instructions must provide for procedures for the appeal referred to in sub-regulation (4).

(6) Prison staff must maintain records of any changes to the privilege levels of prisoners, the reasons for those changes and the timescales applicable to the changes.

(7) Nothing in this regulation entitles a prisoner to any privilege, or affects a provision in the Prisons Ordinance or these Regulations which provides for loss of a privilege.

Temporary release

10. (1) Before allowing temporary release in terms of section 40 of the Prisons Ordinance, the Superintendent –

- (a) must ensure that a multi-agency risk assessment is conducted;
- (b) may consult with any person who provided evidence that resulted in the prisoner's conviction for a criminal offence.

(2) A prisoner may only be released temporarily if the Superintendent is satisfied that there is no unacceptable risk that the prisoner will commit an offence while released, or fail to comply with a condition of release.

(3) The Superintendent must not release a prisoner serving a sentence of imprisonment if the Superintendent thinks the release would be likely to undermine public confidence in the administration of justice having regard to –

- (a) the proportion of the sentence which the prisoner has served; and
- (b) the frequency with which the prisoner has been granted temporary release.

(4) A prisoner released temporarily may be recalled to prison by the Superintendent at any time whether or not the conditions of release have been broken.

Regular visits by minister of religion

11. (1) The Superintendent may arrange for a minister to visit prisoners of the minister's religious denomination as regularly as is reasonably practicable.

(2) The minister, so far as is reasonably practicable, may make a visit to a prisoner of the minister's denomination who is sick, under restraint or is in confinement in a cell and who consents to the visit.

(3) A prisoner who belongs to a denomination for which no visiting minister is available may request the Superintendent to make reasonable arrangements for contact with a minister of that denomination.

(4) Where a request is made pursuant to sub-regulation (3), such contact may be arranged virtually, through electronic communication.

(5) Nothing in this regulation shall require the Commissioner or the Administration of the Territory to provide funding for the attendance of a visiting minister to the Territory.

Religious books

12. The Superintendent must ensure that, so far as reasonably practicable, there are available for the personal use of each prisoner religious books (or books in electronic format) approved by the Superintendent, suitable for the prisoner's denomination.

Healthcare procedures

13. (1) A medical practitioner must examine every prisoner as soon as reasonably practicable after admission and immediately prior to discharge, and on other occasions and for such purposes as the medical practitioner thinks necessary.

(2) The medical practitioner must record the results of any examinations undertaken by him or her in the performance of his or her functions under the Prisons Ordinance or these Regulations.

(3) A request by a prisoner to see a medical practitioner must be recorded by the prison officer to whom it is made and promptly passed on to the Superintendent.

(4) Where a medical practitioner provides guidance for preventing injury to health in prison the Superintendent must –

(a) immediately notify the Administrator; and

(b) as far as reasonably practicable, ensure that remedial action is taken to give effect to that guidance, to the satisfaction of the medical practitioner.

(5) The Superintendent must decide upon the level of supervision by prison staff which is necessary for each prisoner who is at a health facility.

(6) If a civil or remand prisoner desires the attendance of a medical practitioner or dentist, for services not normally provided under these Regulations, and undertakes to pay the expense incurred, the Superintendent, in consultation with the medical practitioner, may allow any reasonable request for the prisoner to be visited and treated by that medical practitioner or dentist.

(7) A medical practitioner selected by or on behalf of a prisoner who is a party to legal proceedings must be afforded reasonable facilities to examine the prisoner out of hearing, but not out of sight, of a prison staff member and where practicable, the attendant prison staff must be of the same sex as the prisoner.

Report of special illnesses and conditions

14. If a prisoner becomes seriously ill, sustains a severe injury or is removed to a health facility on account of mental disorder, the Superintendent must immediately inform the prisoner's next of kin, nearest relative, close friend or other person with a connection to the prisoner, or a person who the prisoner may reasonably have asked to be informed.

Plans in event of apparent death of a prisoner

15. (1) The Superintendent must have in place contingency plans for action to be taken on discovery of a non-responsive prisoner or an apparent death of a prisoner.

(2) The plans must include the provision of emergency first aid, the summoning of clinical support and informing the Administrator, the Coroner and the Commissioner.

Clothing

16. (1) Remand and civil prisoners may wear their own clothing if the Superintendent considers it to be suitable, tidy and clean.

(2) The Superintendent may arrange for the supply of clean clothing from outside prison to remand or civil prisoners.

(3) A convicted prisoner must be provided with clothing adequate for warmth and health in line with guidance approved by the Superintendent and the Superintendent must ensure that facilities are available to launder the clothing.

(4) Clothing provided under sub-regulation (3) must include protective clothing for use at work where this is necessary in the opinion of the Superintendent.

(5) A convicted prisoner may not wear any clothing other than that provided under sub-regulation (3) except on the directions of the Superintendent or as a privilege.

(6) The Superintendent may, where necessary, provide a prisoner on release with suitable and adequate clothing.

(7) A prisoner may be required by the Superintendent to wear items of clothing which are distinctive by virtue of being specially marked or coloured or both, if and for so long as there are reasonable grounds to believe that there is –

- (a) a serious risk of the prisoner attempting to escape; or
- (b) a risk that, if the prisoner escaped, the prisoner would be dangerous to the public or to the security of the Territory.

Food

17. (1) A prisoner may not consume or possess food unless it has been –

- (a) provided by the prison;
- (b) authorised by the medical practitioner;
- (c) purchased as a privilege; or
- (d) permitted in accordance with prison instructions.

(2) Food provided by the prison must be wholesome, nutritious, well-prepared and served reasonably varied (taking into account availability of ingredients in Diego Garcia) and sufficient in quantity.

(3) A medical practitioner or a person considered by the Superintendent to be competent, must from time to time inspect the food both before and after it is cooked and must report any deficiency or defect in the food to the Superintendent.

(4) Drinking water must be available to a prisoner whenever the prisoner needs it.

Alcohol and tobacco

18. (1) A prisoner is not allowed to have intoxicating liquor.

(2) No prisoner is allowed to smoke, or have tobacco, except as a privilege and in accordance with prison instructions.

Hygiene

19. (1) A prisoner must be provided with toiletries that are necessary for their health and cleanliness.

(2) Each prisoner must wash at proper times, and have a hot bath or shower on reception and at least once a week.

(3) A prisoner's hair may not be cut without the prisoner's consent, unless where for health reasons a medical practitioner authorises that the hair be cut.

Physical activity

20. (1) To the extent that circumstances permit –

(a) provision must be made for physical activity or physical recreation within the normal working week, as well as during evenings or weekends;

(b) the physical activities must be designed to promote healthy living and the prisoner's interests and skills and to promote good use of leisure time on release; and

(c) arrangements must be made for each prisoner to participate in physical activity for at least two hours per week on average.

(2) A medical practitioner may excuse a prisoner from, or modify, any education or activity on medical grounds.

Time in the open air

21. (1) If the weather permits and subject to the need to maintain good order and discipline, a prisoner must be given the opportunity to spend time in the open air at least once every day.

(2) If a prisoner is not involved in outside work activity, the prisoner may spend time in open air for a minimum period of one hour per day.

Work and remuneration

22. (1) A convicted prisoner may be required to do useful work –

(a) for not more than 10 hours per day; and

(b) subject to a limit of 40 hours per week.

(2) The Superintendent may make arrangements to allow convicted prisoners to work, where possible, outside the cells and in association with one another.

(3) A medical practitioner may –

(a) excuse a prisoner from work on medical grounds;

(b) limit the class of work which a prisoner may carry out.

(4) No prisoner may work in the service of another prisoner or a prison officer, or for the private benefit of any person, without the authority of the Superintendent.

(5) A remand or civil prisoner may choose to participate in arrangements for work.

(6) Remuneration for prisoners must be paid to the Superintendent who keeps a written account of the remuneration held on a prisoner's behalf.

Education

23. (1) A prisoner who can benefit from the educational facilities provided in, or accessible from, a prison must be encouraged to do so.

(2) Educational facilities must be arranged so far as is reasonably practicable.

(3) Reasonable facilities must be provided for prisoners who wish to further their education in their spare time by training, distance learning, private study or recreational classes.

(4) Special attention must be paid to the education and training of prisoners with basic educational needs and education providers will aim that prisoners gain at least basic core skills in reading and writing and if necessary the prisoners must be taught within the hours normally allotted to work.

Restriction of communication

24. (1) The Superintendent may, with a view to securing discipline and good order or the prevention of crime or in the interests of any person, impose restrictions upon communication between a prisoner and other persons.

(2) Except as provided in the Prisons Ordinance or by these Regulations, a prisoner may not communicate with a person outside the prison except with the leave of the Superintendent or as a privilege.

(3) A convicted prisoner may send and receive one letter or make one telephone call once a week during confinement as a minimum provision.

(4) A civil and remand prisoner may send and receive letters or make telephone calls, within such limits and subject to conditions considered reasonable by the Superintendent.

(5) Arrangements must be made for prisoners to make telephone calls, or to communicate by other means, with family and friends at the prisoners' own expense, at times and as frequently as considered reasonable by the Superintendent.

(6) A prisoner is allowed a free telephone call on admission into prison and a prisoner who is assessed to have no means to finance telephone calls may be allowed to make calls for free subject to limitations imposed in prison instructions.

(7) Except as provided by these Regulations, every communication to or from a prisoner may be read, listened to, logged, recorded or examined by the Superintendent or by prison staff and the Superintendent may stop any communication on the ground that its contents are objectionable or that it is of inordinate length.

(8) The Superintendent may allow additional communication in relation to a prisoner or class of prisoners in particular circumstances, or as a privilege or where necessary for the welfare of a prisoner or a prisoner's family.

Interception of communication

25. (1) Communication, other than correspondence between a prisoner and his or her legal practitioner, may be opened read or stopped on the authority of the Superintendent as a matter of routine to ensure security in prison and for protection of the public.

(2) Where correspondence between a prisoner and the prisoner's legal practitioner is opened under section 21(5) of the Prisons Ordinance, the prisoner must be given the opportunity to be present and must be informed if the correspondence or any enclosure is to be read or stopped.

(3) A prisoner must be informed if for any reason his or her regular correspondence has been stopped in terms of sub-regulation (1) and the action to be taken following the stopping of correspondence.

(4) A prisoner must on request be provided with materials for corresponding with the prisoner's legal practitioner or a court.

Visits

26. (1) All visitors must be searched upon entry to a prison and visitors refusing to be searched will be denied entry.

(2) A visit to a prisoner must take place within the sight and hearing of a prison officer, unless the Superintendent directs otherwise.

(3) A convicted prisoner is entitled to receive a visit twice in every period of four weeks and each visit may last at least one hour.

(4) A remand or civil prisoner may receive visits within limits and subject to conditions as are considered reasonable by the Superintendent.

(5) The Superintendent may provide in prison instructions and directions, generally or in relation to a visit or class of visits, concerning the day and times when prisoners may be visited.

(6) A prisoner is not entitled under this regulation to receive a visit from –

(a) a person who is subject to a prohibition imposed by the Superintendent under the Prisons Ordinance; or

(b) a person other than a relative or friend, except with the permission of the Superintendent.

(7) The Superintendent may –

(a) allow a prisoner or class of prisoners an additional visit as a privilege or for the welfare of the prisoner or the prisoner's family;

(b) allow a prisoner entitled to a visit to send and receive a letter or other communication instead;

(c) defer a visit until after a period of confinement in a cell;

(d) deny or end a visit in the interest of good order and discipline.

(8) Sub-regulation (7) does not apply in relation to visits by –

(a) a representative of a human rights organisation which is recognised by the Commissioner; or

(b) the Overseas Territories Prison Advisor appointed by the Foreign and Commonwealth Office.

(9) A person who is detained in prison for failure to find a surety, or in default of payment of a sum of money, may communicate with and be visited at a reasonable time by a relative or friend to arrange for a surety or payment in order to secure his or her release from prison.

(10) Nothing in this regulation shall require the Commissioner or the Administration of the Territory to provide funding for the attendance of a visitor to the Territory.

(11) Nothing in these Regulations shall confer any right to enter the Territory.

Police interviews

27. A police officer may, on production of an order issued by or on behalf of the Chief of Police, interview any prisoner with the prisoner's consent.

Custody and protection of prisoner outside prison

28. (1) A prisoner being taken to or from prison must be exposed as little as possible to public observation, and proper care must be taken to protect the prisoner from curiosity and insult.

(2) A prisoner who is required to be taken anywhere outside prison must be kept under the control of a prison officer.

(3) A prisoner who is required to appear before a court must wear ordinary civilian clothing provided by the Superintendent or the prisoner's own clothing.

Prisoners' property and money

29. (1) The Superintendent must make arrangements to monitor and record prisoners' property and impose limitations and restrictions on prisoners' possessions as are reasonably necessary to maintain good order, discipline and security.

(2) All property of a prisoner, particularly religious books and artefacts, must be treated by prison staff with appropriate care and respect.

(3) Subject to restrictions imposed by the Superintendent, a remand or civil prisoner may acquire books, newspapers, writing materials and other means of occupying themselves.

(4) Money which a prisoner has on admission, or which is later handed in or sent in by post for the prisoner, must be held under the control of the Superintendent.

(5) A prisoner committed to prison in default of payment of a sum of money must be informed of the receipt of money and, unless the prisoner objects, the money must be applied to the satisfaction of the amount due.

(6) If money is sent to a prisoner and the sender's name and address are not known, the money must be held under the control of the Superintendent unless the money is the subject of an investigation in which case it must be handed over to the police and receipted.

(7) The Superintendent may make arrangements for property to be handed in to a prison for prisoners, at suitable times and subject to any restrictions imposed by the Superintendent.

(8) An article belonging to a prisoner which remains unclaimed for a period of more than 6 months after the prisoner leaves prison, may be sold or otherwise disposed of by the Superintendent.

Removal from association

30. (1) The Superintendent may arrange for a prisoner to be removed from association with other prisoners, generally or for particular purposes, either –

(a) for the maintenance of good order or discipline; or

(b) in the prisoner's own interests.

(2) The Superintendent must maintain a record of each occasion on which the power under sub-regulation (1) is exercised, and the Administrator must be informed as soon as is practicable.

(3) A prisoner may not be removed from association under this regulation for a period of more than 3 days without informing and getting the approval of the Administrator.

(4) The Administrator may not give authority for a period exceeding one month at a time, and this may be renewed from month to month.

(5) The Superintendent may arrange for a prisoner to resume association with other prisoners and must do so if a medical practitioner advises resumption of association on medical grounds.

Use of force

31. (1) A prison officer may not use force unnecessarily and may not use more than the minimum force necessary in dealing with a prisoner.

(2) When force is used on a prisoner, the Administrator must be notified as soon as practicable, and a record kept and the prisoner must be seen and examined by a medical practitioner following the use of force.

(3) Prison staff may not act in a manner which is calculated to provoke a prisoner.

Temporary segregation

32. (1) The Superintendent may order that an uncooperative or violent prisoner or a prisoner who is at risk of harming themselves or others to be confined temporarily in Special Accommodation.

(2) The Superintendent must ensure that –

(a) the reasons for initial and continuing use of Special Accommodation are recorded and monitored;

(b) a prisoner does not spend longer than is necessary in segregation;

(c) a prisoner is returned to normal accommodation within the prison as quickly as is reasonably possible; and

(d) a prisoner is not confined in Special Accommodation for a continuous period of longer than 24 hours up to a maximum of 36 hours before a review.

(3) Special Accommodation must be used only as a last resort for a prisoner when –

(a) the prisoner is such a risk to others or to themselves that no other suitable location is appropriate; and

(b) other options have been tried or are considered inappropriate or ineffective.

Use of restraints

33. (1) The Superintendent may order a prisoner to be put under restraint where necessary to prevent the prisoner from escaping, injuring himself, herself or others, damaging property or creating a disturbance.

(2) Notice of an order to place a refractory prisoner in restraints must be given promptly to the Administrator, and to a medical practitioner.

(3) The medical practitioner must inform the Superintendent whether there are medical reasons why a prisoner should not be put under restraint, in which case the prisoner must be released from restraint.

(4) A prisoner may not be kept under restraint longer than is necessary and whilst the restraints are applied the prisoner must not be left unattended.

(5) A prisoner may not be kept under restraint for a continuous period of longer than 24 hours up to a maximum of 36 hours in exceptional circumstances.

(6) Particulars of every case of restraint under this regulation must be recorded promptly.

(7) Except as provided by this regulation, no prisoner may be put under restraint otherwise than for safe custody during removal or on medical grounds by direction of a medical practitioner.

(8) Means of restraint must be of a type authorised by the Commissioner, and must be used in a manner and under conditions as the Superintendent may direct.

Procedure for taking samples from prisoners

34. (1) When requiring a prisoner to provide a sample, the Superintendent must inform the prisoner –

(a) that the prisoner is required to provide a sample in accordance with the Prisons Ordinance and Regulations; and

(b) that a refusal to provide a sample is an act of misconduct which may lead to disciplinary proceedings.

(2) A sample must be fresh and free from any adulteration and a prison officer must make arrangements as may be reasonably necessary in order to prevent or detect adulteration or falsification.

(3) A prisoner who is required to provide a sample –

(a) may be kept apart from other prisoners for a period not exceeding one hour to enable arrangements to be made for the provision of the sample;

(b) must be given a degree of privacy as is compatible with the need to prevent or detect any adulteration or falsification; and

(c) may not be required to provide the sample in the sight or presence of a person of the opposite sex.

Acts of misconduct and disciplinary procedures

35. (1) A prisoner commits an act of misconduct and becomes subject to a disciplinary proceeding if the prisoner –

(a) assaults another person;

(b) detains a person against the person's will;

(c) denies access to any part of the prison to a prison officer or any person who is working in prison;

- (d) unlawfully fights with another person;
- (e) intentionally endangers the health or personal safety of others or, by conduct, is reckless whether that health or personal safety is endangered;
- (f) intentionally obstructs a prison officer in the execution of the officer's duty, or a person who is working in prison;
- (g) escapes or absconds from prison or from legal custody;
- (h) fails to comply with a condition of temporary release;
- (i) self-administers a controlled drug or fails without reasonable excuse to prevent the administration of a controlled drug to the prisoner by another, subject to regulation 36;
- (j) is intoxicated as a consequence of knowingly consuming intoxicating liquor;
- (k) knowingly consumes intoxicating liquor;
- (l) has –
 - (i) an unauthorised article; or
 - (ii) a greater quantity of any article than is authorised;
- (m) sells or delivers an unauthorised article;
- (n) sells or, without permission, delivers to another person an article which is allowed only for the prisoner's personal use;
- (o) takes without permission an article belonging to another or to the prison;
- (p) intentionally or recklessly sets fire to the prison or to other property, whether or not it belongs to the prisoner;
- (q) destroys or damages the prison, or any property other than the prisoner's own;
- (r) is absent from a place where the prisoner is required to be or is present in a place where the prisoner is not authorised to be;
- (s) is disrespectful to a prison officer, or a person who is working at a prison;
- (t) uses threatening, abusive or insulting words or behaviour;
- (u) refuses to work, or intentionally fails to work properly;

- (v) disobeys a lawful order;
- (w) disobeys or fails to comply with a regulation or prison instruction;
- (x) receives a controlled drug, or, without the consent of prison staff, any other article, during the course of a visit (other than a visit for an interview by a legal practitioner);
- (y) any other act that the Superintendent considers to be contrary to or inconsistent with the discipline of the prison; or
- (z) in relation to an act of misconduct referred to in paragraphs (a) to (y) –
 - (i) attempts to commit the act;
 - (ii) incites another prisoner to commit the act; or
 - (iii) assists another prisoner to commit or attempt to commit the act.

Defences to regulation 35(1)(i)

36. It is a defence for a prisoner charged with an act of misconduct under regulation 35(1)(i) to show that the controlled drug –

- (a) prior to its administration, was lawfully in the prisoner's possession for personal use or was administered to the prisoner in the course of a lawful supply of the drug to the prisoner by another person;
- (b) was administered by or to the prisoner in circumstances in which the prisoner did not know and had no reason to suspect that the drug was being administered; or
- (c) was administered by or to the prisoner under duress or without the prisoner's consent in circumstances where it was not reasonable to resist.

Disciplinary charges procedures

37. (1) The Superintendent must notify a prisoner of a charge as soon as reasonably possible and, except in exceptional circumstances, within 48 hours of the discovery of the act of misconduct.

(2) Every charge of misconduct must be inquired into by the Superintendent who must hear the evidence of the reporting prison staff.

(3) Except in exceptional circumstances, every charge, after notice has been given under sub-regulation (1), must be first inquired into not later than the next day, other than a Saturday, Sunday or public holiday.

(4) A prisoner may, if necessary be kept apart from other prisoners pending the Superintendent's first inquiry.

(5) At an inquiry into a charge, a prisoner must be given a full opportunity of hearing what is alleged and of presenting his or her case.

(6) Prison instructions may make further provision for disciplinary procedures and proceedings which may include hearings, giving of evidence, referral to the Magistrate and any other related matter.

Superintendent's reprimands

38. (1) On finding a prisoner guilty of an act of misconduct, the Superintendent may, subject to sub-regulation (2), impose one or more of the following reprimands –

- (a) a caution;
- (b) forfeiture for a period not exceeding 42 days of a privilege;
- (c) exclusion from work in association with other prisoners for a period not exceeding 21 days;
- (d) stoppage of or deduction from earnings for a period not exceeding 84 days and of an amount not exceeding 42 days' earnings;
- (e) confinement in a cell for a period not exceeding 14 days;
- (f) forfeiture for a specified period of the right under regulation 29(3); and
- (g) withdrawal of any other privileges.

(2) A caution may not be combined with any other reprimand.

(3) If a prisoner is found guilty of more than one charge arising out of an incident, a reprimand may be ordered to run concurrently, but confinement in a cell may not exceed 14 days in total.

(4) The Commissioner may, by order, issue guidelines as to the level of reprimand that should normally be imposed for a particular act of misconduct and the Superintendent must take those guidelines into account in imposing a reprimand.

Suspended reprimands

39. (1) The power to impose reprimands (other than a caution) includes power to suspend the reprimand during a specified period (not being more than six months from the date of the reprimand) on condition that the prisoner does not commit another act of misconduct during the suspension.

(2) Where a prisoner commits an act of misconduct during the period of suspension specified under sub-regulation (1), the Superintendent may –

- (a) direct that the suspended reprimand takes effect;

(b) reduce the period or amount of the suspended reprimand and direct that it takes effect as reduced;

(c) substitute the original direction with a period expiring not later than six months from the date of substitution; or

(d) give no direction with respect to the suspended sentence.

Prisoner's right of appeal against disciplinary reprimand

40. (1) A prisoner may appeal to the Commissioner against any reprimand imposed under these Regulations in accordance with procedures specified in prison instructions.

(2) When making any appeal under sub-regulation (1), the prisoner must, within 14 days from the date of reprimand, provide a member of the prison staff with –

(a) a written summary of the reasons why the appeal is being made; and

(b) any evidence to support the appeal.

(3) On receipt of the items specified in sub-regulation (2)(a) and (b), the member of prison staff must forward those items to the Commissioner with all due expedition.

(4) If a prisoner requires assistance to write, gather or compile the items specified in sub-regulation (2)(a) and (b), such assistance will be provided to him by a member of the prison staff.

(5) An appeal must be heard as quickly as is reasonably practicable.

(6) The Commissioner has sole discretion on appeal matters referred to in sub-regulation (1), and may quash any finding of guilt and may remit any reprimand or mitigate it either by reducing it or by substituting a less severe reprimand.

Emergencies

41. (1) The Superintendent must maintain contingency plans, covering the actions to be taken in the event of any emergency within a prison.

(2) Where a member of the armed forces of the Crown is employed by reason of any emergency to assist the Superintendent of a prison by performing duties ordinarily performed by an officer of a prison, a reference in these Regulations to an officer (other than the Superintendent) includes a reference to those persons.

Control of persons visiting prison

42. (1) A person entering or leaving a prison may be stopped, examined and searched.

(2) A search of a person must be carried out in accordance with section 23 of the Prisons Ordinance.

(3) The Superintendent may direct the removal from a prison of a person who does not leave on being required to do so.

Viewing of prisons

43. (1) No person may view the interior of a prison without the permission of the Superintendent, unless authorised by law.

(2) A person visiting a prison may not take a photograph or make a sketch of the interior of that prison, or communicate with a prisoner unless authorised by law or the Superintendent.

Classification of prisoners (section 17 of Prisons Ordinance)

44. Classification or categorisation of prisoners for purposes of section 17 of the Prisons Ordinance is as contained in the Schedule.

SCHEDULE

(regulation 45)

Classification/Categorisation of prisoners

Category A: A prisoner who must be held in accommodation to the highest level of security available and whose escape would be a danger to the public or the security of the Territory.

Category B: A prisoner who need not be held in accommodation to the highest level of security available but whose escape must be made as difficult as possible.

Category C: A prisoner who does not have the resources or inclination to escape but who cannot be held in open accommodation.

Category D: A prisoner who is not considered to be a security risk.

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner
British Indian Ocean Territory

02 October 2025



THE BRITISH INDIAN OCEAN TERRITORY

THE APPOINTMENT OF SUPERINTENDENT OF PRISONS ORDER 2025

S.I. No. 11 of 2025

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THE BRITISH INDIAN OCEAN TERRITORY
THE APPOINTMENT OF SUPERINTENDENT OF PRISONS
ORDER 2025

S.I. No. 11 of 2025

In exercise of the powers conferred on him by section 5(1) of the Prisons Ordinance 2025 and section 7 of the British Indian Ocean Territory (Constitution) Order 2004, the Commissioner hereby Orders that:

1. The Superintendent of Prisons for the Territory shall be the Chief of Police.
2. For the purposes of this Order, “the Chief of Police” means the Chief of Police for the Territory, appointed under section 115A(1) of the Police and Criminal Evidence Ordinance 2019 and includes any person for the time being lawfully performing the functions of that office under section 115A(2) of that Ordinance.
3. This Order shall come into force forthwith.
4. The Appointment of Superintendent of Prisons Order 2021 (S.I. No.2 of 2021) is repealed.

02 October 2025

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner



THE BRITISH INDIAN OCEAN TERRITORY

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

S.I. No. 12 of 2025

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

S.I. No. 12 of 2025

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

1. The Restriction of Movement (Relevant Persons) Order 2025 (S.I. No.1 of 2025) is hereby amended by replacing the Schedule attached to the Rules issued under that Order with the Schedule attached to this Order.
2. This Order shall come into effect forthwith.

[SIGNED ON THE ORIGINAL]

Nishi Dholakia
Commissioner
British Indian Ocean Territory

3 October 2025

SCHEDULE

Rule 9(a)

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

Visit the Plantation (Note that this may only take place on a Sunday and that a permit will be required)							
Engage in an unpaid volunteer activity							
Visit the Hindu Shrine and/or Christian Church							
Visit NAAFI shop							
Visit to open-air cinema							
Other, following discussion and agreement with the MLO (Specify) *							

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

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