



**SUPREME COURT
BRITISH INDIAN OCEAN TERRITORY**

Before:

**THE HONOURABLE JAMES LEWIS KC
CHIEF JUSTICE OF THE BRITISH INDIAN OCEAN TERRITORY**

B E T W E E N:

THE KING, on the application of
(1) LOUIS MISLEY MANDARIN
(2) LOUIS MICHEL MANDARIN
(3) LOUIS ANTOINE LEMETTRE
(4) GUY SHANE ADRIEN CASTEL

Claimants

-V-

HIS MAJESTY'S COMMISSIONER FOR THE
BRITISH INDIAN OCEAN TERRITORY

Defendant

ORDER

UPON THE COURT having granted licence to appear with rights of audience as advocates of the bar of the British Indian Ocean Territory in these proceedings to counsel appearing for the respective parties (Mr. Philip Rule KC, Mr. James Tumbridge and Ms Susana Ferrin; Ms Marie Demetriou KC, Mr. William Irwin, Mr. Yaaser Vanderman and Mr. Emile Simpson).

UPON THE COURT HEARING from leading counsel for the Claimants, Mr. Philip Rule KC, and leading counsel for the Defendant, Ms Marie Demetriou KC, at a hearing on 13th March 2026

AND UPON THE COURT RESERVING ITS JUDGMENT

AND PURSUANT TO THE HAND DOWN OF THAT JUDGMENT ON 31 MARCH 2026

IT IS HEREBY ORDERED THAT:

- i. Permission is granted to proceed with the judicial review.
- ii. The judicial review is allowed to the following extent. The remainder is dismissed.
- iii. It is declared that Section 9 of the British Indian Ocean Territory (Constitution) Order 2004 is unlawful.
- iv. Section 9 of the British Indian Ocean Territory (Constitution) Order 2004 is quashed.
- v. The Section 12 Removal Notices served upon the Claimants on 18 February 2026, and upheld by the Defendant on appeal on 25 February 2026, are quashed.
- vi. The parties are to make written submissions on costs. The Claimants must file and serve their submissions by 4pm on 10 April 2026. The Defendant must file and serve his submissions by 4pm on 14 April 2026.
- vii. The Defendant is granted permission to appeal to the Court of Appeal.
- viii. The effects of paragraphs (iii) to (vi) above are to be stayed pending final determination of the Defendant's appeal before the Court of Appeal.
- ix. If the Defendant's appeal to the Court of Appeal is not pursued or discontinued paragraphs (viii) and (x) of this Order shall cease to have effect.
- x. The temporary injunctive relief granted on the 19 February 2026 by this Court will continue until further order of this Court or the Court of Appeal.

BY ORDER OF THE HON. CHIEF JUSTICE JAMES LEWIS KC

DATED this day the 31st day of March 2026