



BRITISH INDIAN OCEAN TERRITORY

**REVISED ORDINANCES OF THE  
BRITISH INDIAN OCEAN TERRITORY**

**THE ABANDONED AND LOST  
PROPERTY ORDINANCE 2005**

**CHAPTER A.8**

**Revised Edition**

Showing the law as at 1 September 2020

Published by Authority

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This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Ordinance 2015 and contains:

The Abandoned and Lost Property Ordinance 2005 - Ordinance No.1 of 2005

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**CHAPTER A.8**

*An Ordinance to regulate the taking into public possession, and the disposal, of property which appears to be abandoned or lost, and for purposes incidental thereto.*

**Citation, definitions and interpretation.**

1. (1) This Ordinance may be cited as the Abandoned and Lost Property Ordinance 2005, ROBIOT c.A.8.

(2) In this Ordinance –

**person entitled to possession**, in relation to any property, means the person (if any) other than the owner who would, but for the provisions of this Ordinance, be entitled to immediate possession of that property;

**property** means goods or articles of any kind and includes vessels (including the wreckage of vessels), vehicles (including bicycles) and money (in whatever form and by whomever issued);

**public possession** means the possession of the Crown, exercisable for the purposes of this Ordinance through the Commissioner's Representative or any public officer subordinate to him.

(3) For the purposes of this Ordinance, property shall be treated as having been abandoned if, whether or not some person claims to be its owner or to be entitled to immediate possession of it, it is found in any place in such condition that it is impracticable for that person to remove it (or safely to remove it) from that place.

**Power to take possession of abandoned or lost property and to dispose of it.**

2. (1) Where, in respect of any property which has been found at any place in the Territory (including the territorial sea or the internal waters of the Territory) it appears to any public officer that the property has been abandoned by its owner or by the person entitled to possession of it or that it has been lost and that the owner or such person cannot be readily identified, that public officer may take the property into public possession for it to be dealt with in accordance with this Ordinance.

(2) Where property has been taken into possession in pursuance of subsection (1), that fact, together with all relevant circumstances, shall be reported to the Commissioner's Representative as soon as practicable.

(3) As soon as practicable after receiving a report in accordance with subsection (2), the Commissioner's Representative shall cause a notice, stating that the property has been found and giving such other information relevant to the case as he considers necessary in the circumstances, either to be transmitted, if the case so permits, to the person by whom it was abandoned or, if that person is not known or cannot be contacted or if the property is believed to have been lost, to be published as provided by subsection (4).

(4) A notice published in pursuance of subsection (3) shall be exhibited in a part of the office of the Commissioner's Representative to which the public has access and shall be available there to be consulted by members of the public during normal working hours.

(5) Subject to subsection (7), if, during the period of 30 days from the date when a notice is transmitted or published in pursuance of subsection (3) or such longer period as the Commissioner's Representative may allow in any particular case, a person satisfies the Commissioner's Representative both that he is the owner of the property or the person entitled to possession of it and that he is able and willing to resume possession of it and to remove it, the Commissioner's Representative shall restore possession of the property to that person.

(6) If, after the expiry period specified in subsection (5), no person has satisfied the Commissioner's Representative as mentioned in that subsection, he may order the property to be at once forfeit to the Crown, and it shall then be disposed of as the Commissioner may direct.

(7) If, at any time after the property has been taken into public possession in pursuance of subsection (1), it appears to the Commissioner's Representative that it constitutes or threatens to constitute a danger to public health or safety or to the natural environment of the Territory or to marine navigation or to road traffic and that it will not be practicable for the owner or the person entitled to possession of it to remove it or otherwise deal with it so that it no longer constitutes or threatens to constitute such a danger, he may then and there, and without proceeding or further proceeding as provided in subsections (3) to (5), so declare and may order the property to be at once forfeit to the Crown, and it shall then be disposed of as the Commissioner may direct.

(8) A notice, declaration or order made by the Commissioner's Representative for the purposes of this Ordinance need not be in any particular form but shall be in such form as he considers appropriate to the circumstances of the case.

