



BRITISH INDIAN OCEAN TERRITORY

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

**THE CHARGES FOR
SERVICES ORDINANCE 1992**

CHAPTER A.6

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 a consolidation of the following laws:

The Charges for Services Ordinance 1992 - Ordinance No.4 of 1992

As amended by:

Ordinance No.1 of 2000

Ordinance No.4 of 2016

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CHAPTER A.6

An Ordinance to authorise the imposition of charges or fees for services or facilities provided by or under the authority of the Government of the Territory, and to provide for matters incidental thereto.

Citation.

1. (1) This Ordinance may be cited as the Charges for Services Ordinance 1992, ROBIOT c.A.6.

Power to determine charges.

2. (1) The Commissioner may, by notice under this section, determine the charges which shall be payable by any person, whether within or outside the Territory, for any services or facilities provided to him by the Government of the Territory or by any authority of that Government or by any officer of that Government acting in his capacity as such.

(2) In exercising his powers under subsection (1) of this section, the Commissioner may determine different charges for the provision of different services or facilities or for their provision to different persons or for their provision in different circumstances.

(3) The Commissioner may, by notice under this section, exempt any person from the liability to pay any charge otherwise payable by him under this Ordinance, and any such exemption may be given –

(a) in relation to all charges so payable or, as the notice may specify, in relation to the whole or any part of any particular charge;

(b) to a person or persons specified individually in the notice or to members of any class of persons so specified;

(c) generally or on such conditions or in such circumstances as may be so specified.

(4) The powers vested in the Commissioner by this section may be exercised on his behalf by the Commissioner's Representative.

(5) Every notice under this section shall be signed by the Commissioner or, as the case may be, by the Commissioner's Representative and shall, as soon as practicable after being issued, be published by the Commissioner's Representative by his causing a copy thereof to be exhibited in a part of his office to which the public has access or, in the case of a notice applicable to a particular person only, by his causing a copy thereof to be served, in such manner as he may determine to be appropriate to that case, on that person, but the validity of any such notice or of any charge (or any exemption from a charge) shall not be affected by reason only of the notice not having been so published.

(6) Without prejudice to the generality of section 5(1) of the Currency Ordinance 1981, a charge payable under this Ordinance may, at the option of the person by whom it is payable, be paid in United States dollars and, despite section 5(2) of the Currency Ordinance 1981, the sum so payable shall in that case be calculated in accordance with the rate of exchange between United States dollars and British sterling money that the officer of the Government of the Territory to whom it is to be paid determines to be the applicable rate at the time of the payment.

Payment of charges.

3. (1) Every charge which has become payable under this Ordinance shall be paid, on demand or otherwise as a notice under section 2 of this Ordinance may specify, to the Commissioner or to the Commissioner's Representative by the person to whom the relevant service or facility was provided (whether or not that person was, in receiving that service or facility, acting as the servant or agent of any other person) and, if not so paid, shall be recoverable as a debt due to the Government of the Territory.

(2) Nothing in subsection (1) of this section shall preclude the Commissioner or the Commissioner's Representative from requiring in any particular case that the whole or any part of a charge which may become payable in that case shall be paid in advance of the provision of the relevant service or facility.

(3) Where services or facilities are to be provided, or are being or have been provided, to any person in connection with a vessel within the territorial sea or internal waters of the Territory (including services or facilities to or in respect of any person on board such a vessel or otherwise connected with it) and a charge therefor is determined to be payable under this Ordinance, the Commissioner's Representative may order that vessel to be detained, together with all its gear, instruments and appliances, pending the payment of that charge.

(4) Where a vessel is ordered to be detained in accordance with subsection (3), it shall be so detained in such manner and in such place as the Commissioner's Representative may direct, and any person who, while it is so detained and otherwise than with the authority of the Commissioner's Representative, moves it or removes or interferes with any of its gear, instruments or appliances is guilty of an offence and is liable, on conviction, to

a fine of £5,000 or to imprisonment for three months or to both such a fine and such imprisonment.

(5) Where a vessel has been detained under this section, the Commissioner's Representative may, if the charge payable has not been paid in full within 30 days after it has become payable in accordance with subsection (1), apply to the Magistrate's Court for a forfeiture order under subsection (6).

(6) If, either on hearing an application made under subsection (5) or after such further period as it may then allow, the Magistrate's Court is satisfied that the charge payable has still not been paid in full, it may order the vessel, together with all (save as the court may otherwise direct) of its gear, instruments and appliances, to be forfeited to the Crown, and the vessel, together with such gear, instruments and appliances, shall then be disposed of as the Commissioner may direct.

(7) A forfeiture order made under subsection (6) does not extinguish the liability of any person to pay a charge that has become payable under this Ordinance, and the charge remains recoverable in accordance with subsection (1).

Saving for other laws relating to charges, etc.

4. The provisions of this Ordinance are without prejudice to any other law for the time being in force in the Territory relating to the imposition of charges or fees, including fees in judicial or other legal proceedings or in respect of the registration of any matter or the grant of any licence or authorisation.

