



BRITISH INDIAN OCEAN TERRITORY

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

**THE ENVIRONMENTAL PROTECTION  
(HISTORIC SITES AND MONUMENTS)  
ORDINANCE 2019**

**CHAPTER E.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 a consolidation of the following laws:

The Environmental Protection (Historic Sites and Monuments) Ordinance 2019 –  
Ordinance No. 2 of 2019

As amended by:

Ordinance No.7 of 2020

The following revised regulations have been issued in pursuance of this Ordinance:

The Designation of Historic Sites and Monuments Regulations 2019 RRBIOT, c.E.11

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TERRITORY**

**THE ENVIRONMENTAL PROTECTION (HISTORIC SITES  
AND MONUMENTS) ORDINANCE 2019**

**CHAPTER E.8**

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**THE ENVIRONMENTAL PROTECTION (HISTORIC SITES  
AND MONUMENTS) ORDINANCE 2019**

**CHAPTER E.8**

*An Ordinance to make provision for the protection of historic sites and  
monuments.*

**Citation and commencement.**

1. This Ordinance may be cited as the Environmental Protection (Historic Sites and Monuments) Ordinance 2019, ROBIOT c.E.8.

**Definitions.**

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

**contravenes** includes fails to comply with (and **contravention** has a corresponding meaning);

**regulations** means regulations made by the Commissioner pursuant to section 5;

**Historic Sites and Monuments.**

3. (1) Any person who damages, destroys, or removes any part of a site or monument designated by regulations as a Historic Site or Monument is guilty of an offence.

(2) The Commissioner may authorise a person to do anything specified or of a description specified in the permit that would otherwise constitute a contravention of subsection (1).

(3) The Commissioner may not grant a permit under this section unless the Commissioner is satisfied that the activities authorised by the permit will be carried on only for the purposes of conservation or repair of –

(a) the Historic Site or Monument to which the permit relates, or

(b) any object within it.

**Conditions attached to permits.**

4. (1) The Commissioner may on granting a permit under section 3 attach to it such conditions as the Commissioner thinks fit, including conditions to be complied with by persons doing anything authorised by the permit.

(2) If any person contravenes a condition attached to a permit under subsection (1), that person shall be guilty of an offence.

**Regulations.**

5. (1) The Commissioner may make such regulations as the Commissioner considers necessary for the purposes of this Ordinance.

(2) Without prejudice to the generality of subsection (1), regulations made by the Commissioner may provide for, or determine –

(a) those places or objects which are designated as a Historic Site or Monument;

(b) the procedure for making applications for a permit under section 3;

(c) the circumstances in which permits are liable to be revoked or suspended.

(3) Regulations made under this section may provide that the contravention of any provision thereof shall constitute an offence, and may prescribe, as the penalty for any such offence, a fine not exceeding £5,000.

**Defence.**

6. Where a person is charged with an offence under section 3(1), or 4(2) it shall be a defence for that person to prove that the contravention in question occurred by reason of matters outside that person's control and that the person took all reasonable precautions to avoid such a contravention.

**Penalties.**

7. Any person who is guilty of an offence under section 3(1) or 4(2) shall be liable on conviction to a fine of £5,000.

**Delegation of powers.**

8. (1) Any of the Commissioner's powers relating to the granting of permits under section 3(1), or attaching conditions under section 4(1), are delegated by the Commissioner to any person –

(a) who holds office as Commissioner's Representative, including any person for the time being lawfully performing the functions of the office of Commissioner's Representative, and

(b) who holds office as Administrator, including any person for the time being lawfully performing the functions of the office of Administrator.

**Fixed penalty notices.**

9. (1) Where, on any occasion, a Police Officer in uniform finds a person who he has reason to believe is committing or has on that occasion committed an offence under section 3(1) or 4(2), the Police Officer may give that person a fixed penalty notice in respect of that offence.

(2) The provisions set out in Part XVII of the Criminal Procedure Code 2019 shall apply in relation to any fixed penalty notice issued in accordance with subsection (1).

(3) *Deleted on revision.*

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