



BRITISH INDIAN OCEAN TERRITORY

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

**THE IMPORTS AND EXPORTS  
CONTROL ORDINANCE 2009**

**CHAPTER F.2**

**Revised Edition**

Showing the law as at 1 September 2020

Published by Authority

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**Revised Edition**

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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 Imports and Exports Control Ordinance 2009 - Ordinance No.4 of 2009

As amended by:

Ordinance No.4 of 2010

Ordinance No.3 of 2011

Ordinance No.5 of 2019

The following revised order has been issued in pursuance of this Ordinance:

The Prohibited Imports and Exports Order 2009

RRBIOT, c.F.2

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2009**

**CHAPTER F.2**

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**CHAPTER F.2**

*An Ordinance to make provision for the control of imports and exports and for matters incidental thereto.*

**Citation.**

1. This Ordinance may be cited as the Imports and Exports Control Ordinance 2009, ROBIOT c.F.2.

**Definitions.**

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

**export** means take or cause to be taken out of the Territory;

**the facility** means the facility described in paragraph (1)(a) of the Exchange of Notes of 25 February 1976 between the Government of the United Kingdom and the Government of the United States of America concerning a United States Navy Support Facility on Diego Garcia, British Indian Ocean Territory;

**goods** includes anything capable of being imported into or exported out of the Territory;

**import** means bring or cause to be brought into the Territory;

**tons register** means the tons of a ship's net tonnage as ascertained and registered according to the law of the country in which the ship is registered;

**United States contractor** has the same meaning as in the Exchange of Notes of 30 December 1966 between the Government of the United Kingdom and the Government of the United States of America concerning the Availability for Defence Purposes of the British Indian Ocean Territory.

**Appointment of Customs Officers.**

3. (1) The Commissioner may appoint Customs Officers for the purposes of this Ordinance.

(2) An officer holding office as an Imports and Exports Control Officer on 8<sup>th</sup> September 2009 shall be deemed to have been appointed a **Customs Officer** under the provisions of this Ordinance.

**Method of importation and exportation.**

4. Except with the prior written permission of the Commissioner's Representative, goods shall not be imported or exported except into and out of Diego Garcia, and except with such permission shall be imported or exported only on a ship of not less than 100 tons register or on an aircraft:

Provided that this section shall not apply to goods imported by the Government of the United Kingdom or the Government of the Territory for use in the course of administration or defence of the Territory or for use or consumption on a United Kingdom Government ship or aircraft, or to goods for use in the establishment, maintenance or operation of the facility which are consigned to or destined for the United States authorities or a United States contractor, or to goods for use or consumption aboard United States public ships or aircraft.

**Prohibited imports and exports.**

5. (1) The Commissioner may by Order prohibit the importation or exportation of any goods.

(2) The power to prohibit the importation or exportation of goods shall include the power to permit importation or exportation subject to any specified condition or restriction, and goods imported or exported contrary to any such condition or restriction shall be deemed to be prohibited imports or exports, as the case may be.

**Powers of Customs Officers.**

6. (1) Any Customs Officer or Police Officer may within the Territory or the territorial waters of the Territory –

(a) board, remain on board and search any ship or aircraft, other than a United States public ship or aircraft;

(b) open, if necessary by force, any door, package, locker or place and examine all goods on any such ship or aircraft or elsewhere within the Territory;

(c) secure or seize, and detain, any prohibited imports or prohibited exports and any imports which do not meet the standards and conditions specified by the Customs Officer;

(d) question any person on board any such ship or aircraft or who may have landed or got out of, or be about to board, any ship or

aircraft whatever as to whether he has any prohibited imports or prohibited exports upon his person or in his possession;

(e) stop and search any person whom he has reasonable cause to suspect of having on his person or carrying any prohibited imports or prohibited exports:

Provided that no person shall be searched except by a person of the same sex;

(f) stop and search any vehicle for the purpose of ascertaining whether any prohibited import or prohibited export is contained therein;

(g) question any person to whom, or from whom, any package, letter or container is addressed or who is otherwise responsible for its importation or attempted importation into, or exportation or attempted exportation from the Territory; and

(h) arrest any person found in possession of any prohibited import or prohibited export, or whom he has reasonable grounds to suspect of having imported any prohibited import or exported any prohibited export.

(2) A Customs Officer –

(a) may refuse permission for anything to be imported if it does not meet the standards and conditions which he may specify;

(b) upon receipt of an application to import anything may specify the conditions which must be met before it is permitted to be imported, and without prejudice to the generality of this authority may demand the prior submission of a sample of the thing to be imported and impose a condition that the thing to be imported meet the standard of the sample submitted or such other standard as is specified.

(3) A person aggrieved by any decision of a Customs Officer under subsection (2) may appeal that decision by making written representations to the Commissioner's Representative whose decision shall be final.

### **Offences and penalties.**

7. (1) Any person who –

(a) imports or attempts to import any prohibited import;

(b) exports or attempts to export any prohibited export;

(c) imports anything which does not meet the standards and conditions specified by a Customs Officer;

(d) is knowingly in possession of –

(i) any prohibited import, or

(ii) any prohibited export for the purpose of exporting it;

(e) refuses or fails to answer any question put to him by a Customs Officer or Police Officer in pursuance of sections 6(1)(d) or (g) of this Ordinance, or knowingly gives an answer to such a question which is false or misleading in any particular;

(f) assaults, resists or obstructs any Customs Officer or Police Officer in the course of his or her duties under this Ordinance; or

(g) fails to make available, or assists or allows another to fail to make available, for inspection by a Customs Officer, anything which is to be imported into or exported out of the Territory and which is not exempted from examination by a Customs Officer,

is guilty of an offence and is liable to imprisonment for a year or to a fine of £100,000.

(2) Despite section 169(1) of the Criminal Procedure Code 2019, the Magistrate's Court, on convicting any person of an offence under this Ordinance or under any regulations made under section 10, has jurisdiction to impose on him any fine to which he is liable under this Ordinance or under those regulations for that offence, and despite section 197(1) of that Code, any court may, in such a case, order that person to pay to the Crown such costs and expenses incurred by the Crown in preparation for or otherwise in connection with the proceedings as it thinks proper (including the expenses incurred, whether before or after the commencement of the proceedings, in the exercise of any of the powers vested in a Customs Officer).

### **Forfeiture.**

**8.** The following goods shall be forfeited to the Crown on the order of a Magistrate –

(a) all prohibited imports, whether or not any person has been convicted of an offence in connection therewith;

(b) all prohibited exports in connection with which any person has been convicted of an offence under this Ordinance.

**Indemnity.**

9. Neither the Crown nor any Customs Officer or servant of the Crown shall be liable to any legal proceedings in respect of any act done or omission made in good faith in carrying out this Ordinance.

**Regulations.**

10. The Commissioner may make Regulations for the purpose of carrying into effect the provisions of this Ordinance.

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