



BRITISH INDIAN OCEAN TERRITORY

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

**THE LAW REVISION ORDINANCE 2015**

**CHAPTER A.9**

**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 this Ordinance and contains:

The Law Revision Ordinance 2015 - Ordinance No.2 of 2015

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TERRITORY**

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TERRITORY**

**THE LAW REVISION ORDINANCE 2015**

**CHAPTER A.9**

*An Ordinance to provide for the revision and publication of the laws of the British Indian Ocean Territory.*

**Citation.**

1. This Ordinance may be cited as the Law Revision Ordinance 2015, ROBIOT c.A.9.

**Definitions.**

2. In this Ordinance –

**Administrator** has the meaning assigned to it by the Interpretation and General Clauses Ordinance 1993;

**Commissioner** has the meaning assigned to it by the Interpretation and General Clauses Ordinance 1993;

**Commissioner's Representative** has the meaning assigned to it by the Interpretation and General Clauses Ordinance 1993;

**General Counsel** means the person holding the office established by section 2 of the Law Officers Ordinance 2014;

**prescribed** means prescribed by regulation;

**regulation** means a regulation within the meaning of the Interpretation and General Provisions Ordinance 1993 and includes part of a regulation;

**Revised Ordinances and Regulations** means the Revised Ordinances and Regulations of the British Indian Ocean Territory referred to in section 8(6);

**revision date** means the date as at which the Revised Ordinances and Regulations states the law;

**Ordinance** means an Ordinance or part of an Ordinance of the Territory;

**Territory** means the British Indian Ocean Territory.

### **Appointment of a Law Revision Officer.**

3. (1) The Commissioner may appoint a Law Revision Officer.

(2) When no other person is appointed Law Revision Officer, the General Counsel is deemed to be appointed as such.

### **General duties and powers of Law Revision Officer.**

4. In accordance with this Ordinance, the Law Revision Officer –

(a) may –

(i) revise the ordinances and regulations that were in force on or after 8th November 1965 or were enacted before the prescribed revision date, other than those omitted under section 5(1)(a) or (b);

(ii) prepare an edition of the Revised Ordinances and Regulations and of the appendices described in section 7(3) in printed and in electronic form and in any other form directed by the General Counsel; and

(iii) arrange for the publication of the edition; and

(b) may, before the completion of the edition of the Revised Ordinances and Regulations, prepare an edition of an ordinance and its regulations described in paragraph (a) and publish the edition as an interim revised ordinance and its regulations, if the Law Revision Officer is of the opinion that resources are sufficient and the administration of the Territory would benefit from the early revision and publication.

### **Powers of Law Revision Officer.**

5. (1) In performing his duties under this Ordinance, the Law Revision Officer may –

(a) omit and provide for the repeal of any ordinance or regulation that is inoperative, obsolete, expired, spent, has had its effect or has been superseded by or is inconsistent with any later ordinance or regulation to be included in the edition of the Revised Ordinances and Regulations;

(b) omit without providing for the repeal of –

(i) any ordinance that provides for the appropriation of money for, or the borrowing of money by, the Government and that is not spent; or

(ii) any ordinance or regulation mentioned in section 7(1)(d);

(c) consolidate two or more ordinances or regulations into one, divide an ordinance or regulation into two or more ordinances or regulations and transfer provisions from one ordinance to another, from one regulation to another or from an ordinance to a regulation or a regulation to an ordinance;

(d) alter the numbering and arrangement of any ordinance or regulation including consolidating two or more provisions of an ordinance or regulation into one, dividing a provision in an ordinance or regulation into two or more provisions and transferring words from one provision to another;

(e) add, alter or omit any marginal note;

(f) add a title or heading to an ordinance or regulation, alter the title of or any heading in an ordinance or regulation or omit any heading from an ordinance or regulation;

(g) divide any ordinance or regulation into parts or other divisions and give each part or division a heading;

(h) add, alter or omit anything that is necessary to bring out more clearly what is deemed to be the intention of the Commissioner or to reconcile seemingly inconsistent ordinances or regulations;

(i) alter the language so as to give simpler, shorter and better expression to the meaning of an ordinance or regulation;

(j) make any alterations in language and punctuation that are desirable to obtain uniformity of expression;

(k) correct clerical, grammatical and typographical errors;

(l) omit the preamble from an ordinance or regulation;

(m) make any amendment to a name, locality, office or other similar thing that may be necessary to make an ordinance or regulation conform to the circumstances in the Territory;

(n) make any amendment to an ordinance or regulation that appears necessary as a result of constitutional changes in the Territory, in any Commonwealth country or in the composition of the Commonwealth or in any other country;

(o) include as a regulation any document published in the *Gazette* that is a regulation but is not so identified and exclude any document that is identified as a regulation but is not;

(p) adopt uniform terminology in describing regulations made by a regulation-making authority in an ordinance in place of various terms such as **proclamation, order or rule** in order to facilitate the consolidation of regulations into larger units;

(q) add to, or alter the authority in, the ordinance under which a regulation is made to identify clearly when an exercise of statutory power is a regulation;

(r) when a regulation-making power is sub-delegated without express authority, delete the purported sub-delegation and make such alterations as are necessary to consolidate the regulation made under the sub- delegation with the regulation that made the sub-delegation;

(s) omit any forms or schedules contained in an ordinance or regulation and add authority to an ordinance for forms or schedules to be prescribed by regulation;

(t) add a table of contents when the length of the ordinance or regulation makes it advisable; and

(u) do any other thing that appears necessary or advisable to perfect the revision.

(2) The powers of the Law Revision Officer referred to in paragraphs (1)(a) and (c) to (u) shall be exercised so as not to change the substance of the law.

#### **Duty of Law Revision Officer relating to amendments.**

6. (1) This section applies when the Law Revision Officer is not the General Counsel.

(2) If, before the publication of the edition of the Revised Ordinances and Regulations –

(a) the Law Revision Officer considers that an amendment affecting the substance of an ordinance or regulation is advisable; and

(b) the General Counsel agrees,

the Law Revision Officer shall draft the amendment for the consideration of the General Counsel.

(3) If the amendment is enacted in sufficient time, the Law Revision Officer shall include it in the edition of the Revised Ordinances and Regulations.

### **Form and content of revised edition.**

7. (1) The edition of the Revised Ordinances and Regulations shall contain –

- (a) the ordinances and regulations referred to in section 4(a), other than those omitted under sections 5(1)(a) and (b);
- (b) a schedule of the principal ordinances and regulations omitted from and repealed on the coming into force of the edition;
- (c) a schedule of the principal ordinances and regulations consolidated in the edition;
- (d) a schedule of the principal ordinances and regulations not repealed by the edition and an indication as to whether the ordinance or regulation is consolidated;
- (e) a schedule showing the disposal of the principal ordinances and regulations that were in force on 8th November 1965 or were enacted after that date but before the revision date of the edition; and
- (f) any other tables, explanatory material or indexes the Law Revision Officer considers desirable to include.

(2) Two or more of the schedules referred to in subsection (1) may be combined.

(3) The Law Revision Officer shall set out in appendices to the edition of the Revised Ordinances and Regulations any laws of the United Kingdom and any treaties and conventions applicable to the Territory that the Law Revision Officer considers desirable to include.

### **Bringing revised edition into force.**

8. (1) When the edition of the Revised Ordinances and Regulations is complete, the Law Revision Officer and the General Counsel shall –

- (a) authenticate it by signing it; and
- (b) deliver it to the Commissioner.

(2) The Commissioner shall consider the edition of the Revised Ordinances and Regulations and if he considers it appropriate, may by proclamation declare the day on which the edition of the Revised Ordinances and Regulations is to come into force.

(3) The day as at which the edition of the Revised Ordinances and Regulations states the law shall be indicated on the edition.



(4) The day referred to in subsection (2) shall not be earlier than the day that copies of the edition of the Revised Ordinances and Regulations are ready for distribution to the Commissioner's Representative.

(5) Despite subsection (2), if an ordinance or regulation in the edition of the Revised Ordinances and Regulations is stated in the edition to come into force on publication of a proclamation, notice or other instrument, the following applies –

(a) if the ordinance or regulation was not in force before the date on which the edition comes into force, the declaration under subsection (2) does not operate to bring the corresponding revised ordinance or regulation into force;

(b) if the original ordinance or regulation was in force before the revised edition came into force, the declaration under subsection (2) operates to bring the corresponding revised ordinance or regulation into force.

(6) The edition of the Revised Ordinances and Regulations that the Commissioner has by proclamation declared to come into force is the original of the ordinances and regulations set out in it.

#### **Citation of Revised Ordinances and Regulations.**

9. (1) On and after the date it comes into force, the edition of the Revised Ordinances and Regulations shall be known under the designation **Revised Ordinances and Regulations of the British Indian Ocean Territory**.

(2) An ordinance in the Revised Ordinances and Regulations may be cited by its title and the designation **Revised Ordinances of the British Indian Ocean Territory** followed by its chapter number or **ROBIOT** followed by its chapter number in the format "c. [insert number]".

(3) A regulation in the Revised Ordinances and Regulations may be cited by its title and the designation **Revised Regulations of the British Indian Ocean Territory**, or **RRBIOT**, followed by its number.

#### **Effect of revised edition.**

10. (1) On the date the edition of the Revised Ordinances and Regulations comes into force, an ordinance or regulation shown as being –

(a) omitted from and repealed by the Revised Ordinances and Regulations; or

(b) consolidated in the Revised Ordinances and Regulations,

is repealed to the extent shown.

(2) The Revised Ordinances and Regulations shall not be held to operate as new law but shall be construed and have effect as a consolidation of the law contained in the ordinances and regulations for which the Revised Ordinances and Regulations were substituted.

(3) The various provisions of the Revised Ordinances and Regulations corresponding to and substituted for the ordinances and regulations previously in force shall, when they are the same in effect as those of the previous ordinances and regulations, operate retrospectively as well as prospectively and shall be deemed to have been passed respectively on the days on which the corresponding previous ordinances and regulations came into force.

(4) Subject to any regulation made under section 12, if on any point the provisions of the Revised Ordinances and Regulations are not in effect the same as the ordinances and regulations for which they are substituted, then, despite section 5, with respect to all transactions, matters and things on or subsequent to the day on which the Revised Ordinances and Regulations came into force, the provisions contained in them prevail, but with respect to all earlier transactions, matters and things the previous ordinances and regulations prevail.

(5) A regulation included in the Revised Ordinances and Regulations as a result of the exercise of a power in section 5(1)(c), (o), (q) or (s) is deemed to have been made under the ordinance in the Revised Ordinances and Regulations pursuant to any provisions under which it might have been made.

(6) A reference in –

(a) an ordinance or regulation that is omitted from but not repealed by the Revised Ordinances and Regulations; or

(b) any instrument or document,

to an ordinance or regulation that is repealed by the Revised Ordinances and Regulations shall, after the Revised Ordinances and Regulations come into force, be held with respect to any subsequent transaction to be a reference to the ordinance or regulation in the Revised Ordinances and Regulations having the same effect as the repealed ordinance or regulation.

**Publication and distribution.**

11. (1) The Revised Ordinances and Regulations shall be published in a set of printed volumes.

(2) A set of the Revised Ordinances and Regulations shall be given to each of the following persons –

(a) the Commissioner;

- (b) the Administrator;
- (c) the Commissioner's Representative;
- (d) the Law Revision Officer;
- (e) the General Counsel;
- (f) the Principal Legal Adviser.

(3) The Revised Ordinances and Regulations may be –

- (a) published for general distribution in the printed form and in any other form that the Commissioner directs;
- (b) distributed to the persons, offices, departments and institutions within or outside the Territory as directed by the Commissioner; and
- (c) offered for sale to the public on the terms authorised by the Commissioner.

(4) In paragraph (3)(c), **sale** includes a contractual right of access by remote computer to an electronic version of the Revised Ordinances and Regulations.

#### **Correction of revised edition.**

**12.** (1) The Commissioner may, not later than one year after the day on which the edition of the Revised Ordinances and Regulations comes into force under section 8(2), make regulations to rectify any error in the Revised Ordinances and Regulations in a manner not inconsistent with the powers of revision given to the Law Revision Officer.

(2) A regulation made under subsection (1) may be made retroactive to the revision date of the Revised Ordinances and Regulations.

#### **Interim revised edition.**

**13.** (1) Subject to this section, this Ordinance applies, with all necessary modifications, to an edition of an interim revised ordinance and its regulations prepared under section 4(b).

(2) An edition of an interim revised ordinance and its regulations shall repeal the ordinance and regulations for which it is substituted.

(3) When an edition of an interim revised ordinance and its regulations is complete, the Law Revision Officer and the General Counsel shall –

- (a) authenticate it by signing it; and

(b) deliver it to the Commissioner.

(4) The edition of an interim revised ordinance and its regulations comes into force on the day specified in it as the day as at which it shows the law.

(5) The day referred to in subsection (4) shall not be earlier than the day that copies of the edition of the interim revised ordinance and its regulations are ready for distribution to the Commissioner's Representative.

(6) A reference in –

(a) an ordinance or regulation; or

(b) any instrument or document,

to an ordinance or regulation that is repealed in an edition of an interim revised ordinance or regulation shall, after the edition comes into force, be held with respect to any subsequent transaction to be a reference to the ordinance or regulation in the interim revised ordinances and its regulations having the same effect as the repealed ordinance or regulation.

(7) The edition of an interim revised ordinance and its regulations delivered to the Commissioner is the original of the ordinance and regulations set out in it and may be delivered to the Administrator for safekeeping.

(8) The date as at which an edition of an interim revised ordinance and its regulations states the law shall be indicated on the edition.

(9) An ordinance in an edition of the interim revised ordinance and its regulations may be cited by its title and the designation **Interim Revised Ordinance of the British Indian Ocean Territory** followed by its chapter number, or by the abbreviation **IROBIOT** followed by its chapter number in the format "c. [insert number]", and the date as at which the edition states the law.

(10) A regulation in an edition of the interim revised ordinance and its regulations may be cited by its title and the designation **Interim Revised Regulations of the British Indian Ocean Territory** followed by its regulation number, or the abbreviation **IRRBIOT** followed by its regulation number, and the date as at which the edition states the law.

### **Supplement.**

**14.** (1) The Law Revision Officer may revise the ordinances and regulations enacted after the revision date prescribed for the edition of the Revised Ordinances and Regulations in order to bring the ordinances and regulations into conformity with the Revised Ordinances and Regulations.

(2) The provisions of this Ordinance relating to the preparation, bringing into force and interpretation of the Revised Ordinances and Regulations apply, with all necessary modifications, to the ordinances and regulations revised under this section.

**Periodic revision of ordinances and regulations.**

**15.** (1) After the date that the Revised Ordinances and Regulations come into force, the Law Revision Officer may –

(a) revise those ordinances and regulations that, in the opinion of the Law Revision Officer, require revision and that were enacted, whether or not they were in force, on the previous revision date or after that date but before a subsequent revision date established by the Law Revision Officer as the date as at which the ordinances and regulations revised show the law;

(b) prepare an edition of those ordinances and regulations in printed and electronic form and in any other form directed by the General Counsel; and

(c) arrange for the publication of the edition,

and the edition comes into force on a day the Commissioner, by proclamation, declares to be the day on which the edition of the revised ordinance or regulation comes into force.

(2) The ordinances and regulations referred to in subsection (1) shall be authenticated by the Law Revision Officer and delivered to the Commissioner.

(3) The day as at which the revised edition of the ordinances and regulations shows the law shall be indicated on the edition.

(4) The day referred to in subsection (1) shall not be earlier than the day that copies of the revised edition referred to in subsection (1) are ready for distribution to the Commissioner's Representative.

(5) A reference in –

(a) an ordinance or regulation; or

(b) any instrument or document,

to an ordinance or regulation that is repealed in a revised edition referred to in subsection (1) shall, after the revised edition referred to in subsection (1) comes into force, be held with respect to any subsequent transaction to be a reference to the ordinance or regulation in the revised edition having the same effect as the repealed ordinance or regulation.

(6) The revised edition referred to in subsection (1) authenticated by the Law Revision Officer is the original of the ordinances and regulations set out in it.

(7) Subject to this section, the provisions of this Ordinance applicable to the Revised Ordinances and Regulations, and more particularly sections 5, 7, 8(5), 9 and 10(1) to (5), apply, with appropriate changes as the circumstances require, to the revised edition referred to in subsection (1).

**Correction of errors in periodic revision.**

16. The Commissioner may by notice correct any error in a revised edition of an ordinance or regulation referred to in section 15, including any error in consolidation or revision and any grammatical, clerical, typographical, numbering, cross-referencing or other similar error, and may make the notice retroactive to the extent necessary to give effect to the correction.

**Proclamations, regulations and notices.**

17. The Commissioner may make proclamations, regulations and notices to give effect to the provisions of this ordinance.

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