



BRITISH INDIAN OCEAN TERRITORY

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

**THE PROTECTION AND
PRESERVATION OF WILD LIFE
ORDINANCE 1970**

CHAPTER E.1

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 Protection and Preservation of Wild Life Ordinance 1970 - Ordinance No.1 of 1970

As amended by:

Ordinance No.8 of 1981
Ordinance No.6 of 1984
Ordinance No.12 of 1984
Ordinance No.2 of 2002
Ordinance No.4 of 2007
Ordinance No.3 of 2008
Ordinance No.4 of 2016
Ordinance No.1 of 2018

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

The Green Turtles Protection Regulations 1968	RRBIOT, c.E.1
The Restriction of Exportation of Giant Land Tortoises Regulations 1968	RRBIOT, c.E.2
The Strict Nature Reserve Regulations 1998	RRBIOT, c.E.4
The Wild Life Protection Regulations 2003	RRBIOT, c.E.5

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ARRANGEMENT OF SECTIONS

Section		Page
1.	Citation.	4
2.	Definitions.	4
3.	Power to make regulations.	5
4.	Savings.	7

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CHAPTER E.1

An Ordinance to provide for the protection and preservation of wild life.

Citation.

1. This Ordinance may be cited as the Protection and Preservation of Wild Life Ordinance 1970, ROBIOT c.E.1.

Definitions.

2. (1) In this Ordinance –

authorised officer means a Police Officer, a Customs Officer appointed under the Imports and Exports Control Ordinance 2009, a Visiting Vessels Control Officer appointed under the Visitors and Visiting Vessels Ordinance 2018, an immigration officer appointed under the British Indian Ocean Territory (Immigration) Order 2004 or a Fisheries Protection Officer within the meaning of the Fisheries (Conservation and Management) Ordinance 2007;

Commissioner means the Commissioner for the British Indian Ocean Territory;

island includes its inland and territorial waters;

wild life includes all animals (other than domestic animals maintained as such) and their eggs whether on land or in the sea, vegetation and flora, together with the biotopes necessary for their survival, and shall specifically include coral;

Strict Nature Reserve means an area –

(a) set aside to permit the free interaction of natural ecological factors without any outside interference;

(b) throughout which any form of hunting or fishing, any undertaking connected with forestry, agriculture, any excavations, levelling of the ground or construction, any work involving the alteration of the configuration of the soil or the character of the vegetation, any water pollution and, generally, any act likely to harm or disturb the fauna or flora is forbidden;

(c) where it is forbidden to enter, traverse, camp or reside, and over which it is forbidden to fly at low altitude, and

(d) where it is forbidden knowingly to introduce non-indigenous wild life.

Special Reserve means an area in which any particular species of wild life requires protection and in which all other interests and activities shall, whenever possible, be subordinated to that end.

Power to make regulations.

3. (1) The Commissioner may make regulations for the protection or preservation of wild life.

(2) Without prejudice to the generality of subsection (1), the Commissioner may make regulations to –

(a) declare any island or part thereof to be a Strict Nature Reserve or a Special Reserve;

(b) prohibit or control the destruction or injury or taking possession or removal of any wild life;

(c) prohibit or control the purchase, sale, exhibition, export or possession of any wild life either alive or dead or any part thereof either processed or not or of any product thereof;

(d) prohibit or control the taking, or destruction of or the tampering with any of the eggs, nest or habitat of any wild bird or any other wild animal, or any change or alteration in its environment;

(e) prohibit or control the introduction of any non-indigenous wildlife;

(f) designate or appoint wardens or provide for their designation or appointment and prescribe the powers of such wardens;

(g) create offences and provide that contravention of and failure to comply with the regulations made under this section shall be an offence and provide for penalties for such offences, not exceeding a fine of £5,000 and imprisonment for one year and forfeiture of any wild life in connection with which any person has been convicted of an offence under the regulations.

(3) Such regulations may be made to apply or not to apply –

(a) to the wild life specifically described or to any class of wild life with or without exception or to all wildlife with or without exception;

(b) to the whole or to any part of any island; and

(c) at all times or for a specified period.

(4) Any authorised officer may stop, search and detain any vehicle or vessel in or on which he has reason to suspect that there may be any thing in respect of which an offence under regulations made under this section has been or is being committed.

(5) Any authorised officer may stop, search and detain any person whom he has reason to suspect of having in his possession any thing in respect of which an offence under regulations made under this section has been or is being committed.

(6) When an authorised officer has reason to believe that an offence under regulations made under this section has been committed by any person, he may arrest that person and shall then, as soon as practicable, bring him before a Magistrate in some convenient place in the Territory, there to be dealt with in accordance with law; and, when the vessel which brought that person to the Territory is still within the territorial sea or internal waters of the Territory, an authorised officer may at the same time seize the vessel, together with all equipment and goods on board it, and cause it to be taken to some convenient place in the Territory and there to be detained until the conclusion of the proceedings against that person or, if an order is made under subsection (8), until such time as is specified in that order or, in any case, until such earlier time as a Magistrate may order.

(7) An authorised officer may give to the master of a vessel or to any other person on board or connected with the vessel such directions concerning the navigation, handling or management of the vessel, or of any equipment or goods on board it, as he considers necessary for the effective discharge of the powers conferred on him by subsection (6).

(8) When any person is convicted of an offence under regulations made under this section, the court by which he is convicted may, subject to subsection (10), order that any vessel, together with any equipment or goods on board it (or such of them as the order may specify) that is then being detained under subsection (6) shall continue to be detained until any fine that has been imposed on that person under this section has been satisfied or until a court orders it to be earlier released.

(9) Where a fine that has been imposed on a person for an offence under regulations made under this section has not been satisfied in full after the expiry of a period of 90 days after it was imposed or such longer period as may be allowed by the court to which application is made under this section, any vessel, equipment or goods then being detained under subsection (8) shall, on such

terms, if any, as the court may think just, be forfeited to the Crown by order of any court upon application made by or with the authority of the Principal Legal Adviser and shall then be disposed of in such manner as the Commissioner may direct.

(10) Where a court has convicted a person of an offence as mentioned in subsection (8), the power conferred on a court by that subsection to order the continuing detention of a vessel and any equipment and goods on board it shall not be exercised unless the court is satisfied that the vessel was used for the purposes of or in connection with the commission of that offence.

(11) The powers conferred on any authorised officer, or on any court, by any of the provisions of this section, are without prejudice to any powers conferred on any officer, or any court, by or under any other law for the time being in force in the Territory.

Savings.

4. (1) Despite the provisions of this Ordinance, or regulations made thereunder, it shall be lawful for a person with the written permission of the Commissioner, or an officer authorised in that behalf by the Commissioner, to do or omit to do any act which would otherwise be harmful or an offence under the said regulations.

(2) The Green Turtles Protection Regulations and the Restriction of Exportation of Giant Land Turtles Regulations 1968 shall continue in force subject to being amended, replaced or revoked by regulations made under this Ordinance.

