



BRITISH INDIAN OCEAN TERRITORY

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

**THE STRICT NATURE RESERVE
REGULATIONS 1998**

CHAPTER E.3

Revised Edition

Showing the law as at 26 March 2024

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 Strict Nature Reserve Regulations 1998 - SI No.4 of 1998

As amended by:

Ordinance No.1 of 2017

Ordinance No.1 of 2018

Ordinance No.5 of 2019

SI No.7 of 2017

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ARRANGEMENT OF REGULATIONS

Regulation		Page
1.	Citation and construction.	4
2.	Declaration of Strict Nature Reserves.	4
3.	Offences etc.	4
4.	Saving for other laws.	5
	Schedule – Islands Specified as Strict Nature Reserves	7

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In exercise of the powers vested in him by section 3 of the Protection and Preservation of Wild Life Ordinance 1970 (**the Ordinance**), the Commissioner hereby makes the following regulations –

Citation and construction.

1. (1) These regulations may be cited as the Strict Nature Reserve Regulations 1998, RRBIOT c.E.3.

(2) For the avoidance of doubt, any reference in these Regulations to an island includes a reference to the internal waters of that island and to the territorial sea appurtenant to that island and to any reef or bank situated therein.

Declaration of Strict Nature Reserves.

2. The islands specified in the Schedule are declared to be Strict Nature Reserves.

Offences etc.

3. (1) Save under the authority of a written permission granted in accordance with section 4(1) of the Ordinance, no person shall –

(a) enter, traverse, camp in or reside in a Strict Nature Reserve;

(b) fly over a Strict Nature Reserve at an altitude lower than is for the time being specified in relation to that Reserve by a notice issued under the hand of the Commissioner's Representative;

(c) engage in a Strict Nature Reserve in any of the following activities or undertakings, that is to say, 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 act, of whatever kind, which pollutes any source of water or watercourse or sea area within the Reserve; or any act, of whatever kind, likely to harm or disturb the fauna or flora of the Reserve; or

(d) knowingly introduce into a Strict Nature Reserve any non-indigenous wild life.

(2) Any person who contravenes paragraph (1) commits an offence and is liable, on conviction, to a term of imprisonment not exceeding 6 months or to a fine not exceeding £5,000.

(3) Despite section 169(1) of the Criminal Procedure Code 2019, the Magistrate's Court, on convicting a person of any offence under these Regulations, has jurisdiction to impose on him any fine to which he is liable under these Regulations and, despite section 197(1) of that Code, may order him to pay to the Crown such costs and expenses incurred by the Crown in preparation for or otherwise in connection with those proceedings (including any costs and expenses incurred in effecting his arrest or in exercising in relation to him the powers conferred by paragraph (4)) as it thinks proper.

(4) Where any person is arrested on suspicion of his having committed any offence under these Regulations and he is found to be in possession of any vehicle, machinery, equipment or implement which the person effecting the arrest suspects was used, or was intended to be used, for the purpose of or in connection with that offence, the person effecting the arrest may seize that vehicle, machinery, equipment or implement and detain it pending the disposal of the case against the arrested person; and if the arrested person is convicted of that offence or of any other offence under these Regulations and the court is satisfied that any thing so seized had been used, or had been intended to be used, for or in connection with the offence of which he was convicted, it may, on application made by or with the authority of the Principal Legal Adviser, order that thing to be forfeited to the Crown, and it shall then be disposed of as the Commissioner may direct.

(5) Every notice issued by the Commissioner's Representative for the purposes of paragraph (1)(b) shall, while it is in operation, be posted in a part of his office to which the public has access, and a copy thereof shall be provided by the Commissioner's Representative to any person who so requests and on payment of such fee therefor as the Commissioner's Representative may determine is reasonable in the circumstances of the case; and if the question arises in any proceedings for an offence under paragraph (1)(b) whether, at any material time, such a notice was in operation in relation to the Strict Nature Reserve concerned or what altitude it then specified, a certificate under the hand of the Commissioner's Representative as to that matter shall be conclusive thereof in those proceedings.

Saving for other laws.

4. For the avoidance of doubt, nothing in these Regulations shall be construed as authorising any act or conduct which would otherwise be unlawful under the British Indian Ocean Territory (Immigration) Order 2004, the Fisheries (Conservation and Management) Ordinance 2007, the Visitors and Visiting Vessels Ordinance 2018, the British Indian Ocean Territory Waters (Regulation of Activities) Ordinance 1997 or any

other law for the time being in force in the Territory which prohibits or regulates access to or activities within the Territory or any particular area thereof.

SCHEDULE

Islands Specified as Strict Nature Reserves

1. In the Great Chagos Bank –
 - (a) The Three Brothers and Resurgent Islands (6°09'-4S 71°31'-4E).
 - (b) Eagle Island (6°12'-0S 71°19'-0E) and Cow Island (6°14'-1S 71°17'-7E).
 - (c) Danger Island (6°23'-3S 71°14'-4E) and the drying coral reef (6°27'-3S 71°14'-5E).
 - (d) Nelson's Island (5°40'-9S 72°19'-0E).

2. In the Peros Banhos Atoll –

All territorial sea, internal water, land and inter-tidal of Peros Banhos (5°20'-5S 71°51'-0E) to the east of a line between the eastern extremities of Moresby Island and Fouquet Island and extended on the same azimuth to the territorial sea limit.

EXPLANATORY NOTE

(This note is not part of the Revised Regulations)

The Revised Regulations of the British Indian Ocean Territory (showing the law as at 1 September 2020) incorrectly included Proclamations. This error has been rectified by a periodic revision pursuant to section 15 of the Law Revision Ordinance 2015 (showing the law as at 26 March 2024). Only Chapter E of the Revised Regulations of BIOT was affected.

This periodic revision has –

- a. Removed the Proclamations from the Revised Regulations of BIOT,
- b. Adjusted the reference numbers of the Revised Regulations within Chapter E, and
- c. Added The Appointment of Director of Fisheries Order (Chapter E.9), which was made after the last revision date.

The periodic revision has not affected or amended the substance of any of the laws concerned.