



BRITISH INDIAN OCEAN TERRITORY

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

**THE TRADE IN ENDANGERED SPECIES  
(CONTROL) ORDINANCE 2007**

**CHAPTER E.6**

**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 Trade in Endangered Species (Control) Ordinance 2007 - Ordinance No.4 of 2007

As amended by:

Ordinance No.3 of 2008

Ordinance No.2 of 2014

Ordinance No.4 of 2016

Ordinance No.1 of 2017

Ordinance No.3 of 2019

Ordinance No.5 of 2019

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

The Appointment of Scientific Authority Order 2002

RRBIOT, c.I.4

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*An Ordinance to regulate the trade in endangered species.*

**Citation.**

1. (1) This Ordinance may be cited as the Trade in Endangered Species (Control) Ordinance 2007, ROBIOT c.E.6.

**Definitions.**

2. In this Ordinance, unless the contrary intention appears –

**Conference of the Parties** means the Conference of the Parties as referred to in Article XII of CITES;

**CITES** means the Convention on International Trade in Endangered Species of Wild Fauna and Flora that was concluded in Washington on 3 March 1973, and references to any particular provision of CITES are references to that provision as it appears in the version of CITES, as in force at the relevant time, that is published in the Treaty Series issued by Her Majesty's Stationery Office in the United Kingdom;

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

**import** means to bring, or cause to be brought, into the Territory, including for the purpose of export;

**introduction from the sea** means transportation into the Territory of specimens of any species which were taken from the marine environment not under the jurisdiction of any State, including the air space above the sea and the sea bed and subsoil beneath the sea;

**the Management Authority** means the Management Authority for the Territory for the purposes of CITES, as provided by section 4;

**protected goods** means any specimen of a species that is for the time being included in Appendix I, Appendix II or Appendix III to CITES;

**re-export** means the export of any specimen that has previously been imported;

**the Scientific Authority** means the Scientific Authority for the Territory for the purposes of CITES, as provided by section 5;

**species** and **specimen** have the meanings attributed to them in Article 1 of CITES.

**Restrictions on exportation or importation of protected goods.**

3. (1) Save in accordance with a licence issued by the Management Authority under this Ordinance –

(a) the export, import, and re-export; and

(b) the introduction from the sea,

of any protected goods is prohibited.

(2) A licence issued under this Ordinance shall be –

(a) substantially in conformity with the provisions of CITES;

(b) in the form agreed by resolutions of the Conference of the Parties to CITES; and

(c) issued in conformity with the procedures and subject to the conditions, exemptions and special procedures set out in Articles III, IV, V, VI and VII of CITES and any agreed amendments thereto,

and may be –

(i) general or specific;

(ii) expressed to be valid for such period as may be stated in it; and

(iii) modified or revoked at any time by the Management Authority.

(3) The reference in subsection (1) to a licence issued under this Ordinance is a reference to such a licence issued prior to the exportation or importation to which it relates:

Provided that the Management Authority may, in exceptional cases and when satisfied that proper regard is being had to the relevant recommendations in that behalf issued by the competent authority under CITES, issue a licence in respect of an exportation or an importation that has already taken place, and that licence shall then have effect for the purpose of this Ordinance as if issued prior to that exportation or importation.

(4) Where any protected goods are being exported or imported or have been imported, a Customs Officer or a Police Officer may require any person having possession or control of those goods to furnish proof that its exportation or importation is or was not unlawful under this section, and if such proof is not furnished to the satisfaction of the Management Authority, the goods shall be forfeited to the Crown and shall be disposed of in such manner as the Commissioner may direct.

(5) Any person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine of not more than £5,000 or to imprisonment for not more than 6 months or to both such fine and such imprisonment.

(6) Where any person is convicted of an offence under subsection (5), the goods in respect of which the offence was committed shall, without further order, be forfeited to the Crown and shall be disposed of in such manner as the Commissioner may direct.

(7) Any person who, for the purpose of obtaining, whether for himself or for another, the issue of a licence under this Ordinance –

(a) makes any statement which he knows to be false in a material particular;

(b) furnishes a document or information which he knows to be false in a material particular; or

(c) recklessly makes a statement or furnishes a document or information which is false in a material particular,

commits an offence and is liable, on conviction, to a fine of not more than £5,000 or to imprisonment for not more than 6 months or to both such fine and such imprisonment.

(8) Before exercising any of its powers under this section, the Management Authority shall obtain the advice of the Scientific Authority:

Provided that the exercise of any such power shall not be invalidated by reason only of a failure to comply with this subsection.

#### **Management Authority.**

4. (1) The Management Authority for the Territory for the purposes of CITES is the Administrator.

(2) The Administrator may delegate the powers of the Management Authority to an individual or organisation that the Administrator considers has the necessary expertise to carry out the functions of the Management Authority.

(3) No such delegation shall preclude the Administrator himself exercising the powers of the Management Authority whenever he sees fit.

**Scientific Authority.**

5. (1) The Scientific Authority for the Territory for the purposes of CITES is such person or authority as the Commissioner may from time to time appoint in that behalf.

(2) The function of the Scientific Authority is to advise the Management Authority or, as appropriate, the Commissioner –

(a) on the exercise of the Management Authority’s powers under section 3;

(b) on any other matter relating to the administration of this Ordinance on which its advice is sought or on which it wishes to tender advice; and

(c) generally, on matters relating to endangered species on which its advice is sought or on which it wishes to tender advice.

**Stop and search powers.**

6. (1) The powers conferred by this section are without prejudice to the powers conferred, in any particular case, by the Police and Criminal Evidence Ordinance 2019.

(2) For the purposes of this Ordinance, any Customs Officer and any Police Officer may –

(a) stop, board and search any ship, aircraft or vehicle if he has reason to suspect that there is therein anything liable to seizure;

(b) stop and search any person and search the property of any person if he has reason to suspect that that person has in his possession anything liable to seizure; and

(c) enter and search any premises, being premises on which he has reason to suspect that an imported living specimen is being held, for the purpose of ascertaining whether any condition to which the relevant importation licence is subject and which relates to the housing or care of that specimen is being complied with.

(3) Where it appears to a judicial officer (within the meaning of the Criminal Procedure Code 2019) upon the oath of any person, that there is reasonable cause to believe that there is, in any place or premises, anything liable to seizure, he may, by warrant directed to a Customs Officer or a Police Officer,

empower him to enter, by force if necessary, and search the place or premises named in the warrant and to seize anything therein which is liable to seizure.

(4) For the purposes of this section, any protected goods imported in contravention of this Ordinance are liable to seizure.

**Offences by corporations.**

7. Where an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Saving for other provisions.**

8. Nothing in this Ordinance shall be construed as derogating from the provisions of the Protection and Preservation of Wild Life Ordinance 1970 or of the Imports and Exports Control Ordinance 2009 or of any instrument made under, or continued in force by, either of those Ordinances, but where a licence has been issued under this Ordinance for the doing of any act which, under either of those Ordinances or instrument made under, or continued in force by, either of them, may be done only in accordance with a licence or other authority issued or granted thereunder, the licence issued under this Ordinance shall be deemed also to be such a licence or authority.

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