



BRITISH INDIAN OCEAN TERRITORY

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

**THE WILDLIFE PROTECTION
REGULATIONS 2003**

CHAPTER E.4

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 Wild Life Protection Regulations 2003 - SI No.2 of 2003

As amended by:

Ordinance No.3 of 2008

Ordinance No.1 of 2017

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CHAPTER E.4

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

Citation.

1. These regulations may be cited as the Wild Life Protection Regulations 2003, RRBIOT c.E.4.

Definitions.

2. (1) In these Regulations –

animal means any wild creature, whether found on land or in the sea, and includes crustacea and mollusca but does not include a seashell or coral;

the Ordinance means the Protection and Preservation of Wild Life Ordinance 1970.

(2) References in these Regulations to **coral, egg, nest** or **seashell** include references to, respectively, any part of a coral, any part of an egg, any part of a nest or any part of a seashell.

Prohibited acts with respect to flora and fauna.

3. (1) Subject to section 4 of the Ordinance, it is an offence for any person to do any of the following –

(a) intentionally to kill, injure or attempt to kill or injure any live animal;

(b) to take or be in possession of any live animal;

(c) to take or be in possession of any dead animal:

Provided that it shall be a defence to a prosecution for an offence under this subparagraph for the accused person to prove –

(i) that he did not kill the animal and that it was not killed with his consent or connivance or otherwise in circumstances arising from or involving his own unlawful act; or

(ii) that it was killed in such circumstances, not arising from or involving his own unlawful act, that the killing was not an offence under subparagraph (a);

(d) to take or be in possession of –

(i) any seashell;

(ii) any live coral or dead coral that has been taken alive; or

(iii) any specified dead coral, whether taken alive or not;

Provided that it shall be a defence to a prosecution for being in possession of any dead coral that has been taken alive for the accused person to prove that it was not taken alive by him or with his consent or connivance or otherwise in circumstances arising from or involving his own unlawful act;

(e) intentionally to destroy, damage or take any wild bird's nest while the nest is in use or is being built;

(f) intentionally to destroy, damage or take any wild bird's egg or turtle's egg;

(g) intentionally to disturb dependent young of a wild bird; or

(h) to take or be in possession of any specified flora.

(2) Nothing in this regulation applies to the lawful taking of fish or to the possession of fish lawfully taken.

(3) For the purposes of paragraph (2), this paragraph and paragraph (4), **fish** has the same meaning as in the Fisheries (Conservation and Management) Ordinance 2007 and fish is deemed to be lawfully taken if –

(a) it is taken or caught in accordance with a fishing licence granted under that Ordinance;

(b) except in the case of shellfish or a marine plant, the taking was not prohibited by that Ordinance; or

(c) it was taken or caught outside the fishing waters of the Territory (as defined in that Ordinance).

(4) In any prosecution under this regulation for the unlawful taking of fish or for the possession of fish not lawfully taken, the onus of proving that the fish was lawfully taken shall lie on the accused.

(5) Nothing in this regulation applies to any act done with respect to any vermin or other pest or insect in the interests of public health or the amenity of human life or to any act done to a disabled animal (not being an animal unlawfully disabled by, or with the consent or connivance of, the person doing that act) for humanitarian purposes.

(6) Any person who is convicted of an offence under this regulation is liable to imprisonment for not more than 6 months or to a fine not exceeding £5,000 or to both such imprisonment and such fine.

(7) Without prejudice to any other powers vested in him in that behalf, a Police Officer may seize any thing that is or that might be protected by this regulation, that is to say –

- (a) any animal (including any dead animal or any part of an animal or of a dead animal);
- (b) any seashell or coral (whether live or dead and, if dead, whether or not specified);
- (c) any wild bird's nest;
- (d) any wild bird's egg or turtle's egg; or
- (e) any flora (whether or not specified),

in respect of which he has reason to suspect that an offence under this regulation may have been committed or which he believes may be evidence of such an offence and may detain the thing seized pending the conclusion of the investigation into the suspected offence or, as the case may require, until the conclusion of any proceedings for such an offence:

Provided that, whether or not any such proceedings have been instituted or have been concluded, a Magistrate may at any time order any thing which has been so seized to be destroyed if it appears to him to be necessary so to do in the interests of public health or the amenity of human life or for humanitarian purposes, and any thing so destroyed shall then be disposed of as the Commissioner's Representative may direct.

(8) Without prejudice to paragraph (7), any thing protected by this regulation (as specified in that paragraph) in respect of which any person has been convicted of an offence under this regulation may be ordered by a Magistrate to be forfeited to the Crown and shall then be dealt with as the Commissioner's Representative may direct.

(9) In paragraphs (1)(d)(ii), (1)(h), (7)(b) and (7)(e) **specified** means specified by the Commissioner's Representative by his posting a notice to that effect in a part of his office to which the public have access and his sending a copy of that notice to the Commanding Officer; and for the purposes of this definition **the Commanding Officer**

means the United States Navy Officer in command of the facility and **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.

Commissioner's Representative to be authorised officer under section 4 of Ordinance.

4. (1) The Commissioner's Representative is hereby authorised under section 4 of the Ordinance to grant, in accordance with this regulation, written permission to do or omit to do any act which, or the omission of which, would otherwise be unlawful or an offence under these Regulations or any other regulations made under the Ordinance.

(2) Any permission granted by the Commissioner's Representative may be general or restricted to such person or persons or such class or classes of persons as it may specify.

(3) Without prejudice to section 27 of the Interpretation and General Provisions Ordinance 1993, any permission granted by the Commissioner's Representative may be subject to such conditions as it may specify and may be subject to quantitative or other limitations or restrictions.

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.