

British Sovereignty Protection (Chagos Islands) Bill

[HL]

[AS INTRODUCED]

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TO

Affirm and protect the sovereignty of the United Kingdom over the Chagos Islands and the British Indian Ocean Territory; to make provision restricting the cession or transfer of sovereignty without the approval of Parliament and without the consent of the Chagossian people; to provide for the protection of the Territory's strategic and defence importance; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Approval of any transfer of British sovereignty over Chagos Islands

- (1) Any transfer of sovereignty or lease over part or the whole of the British Indian Ocean Territory ("BIOT") and its exclusive economic zone must be approved and authorised by—
 - (a) any lawfully established and elected government of BIOT that may exist at the time that the transfer or lease is proposed, 5
 - (b) a referendum of the Chagossian people held in accordance with section 4, and
 - (c) an Act of Parliament.
- (2) Notwithstanding any international court ruling or any treaty, the United Kingdom is sovereign over the Base on Diego Garcia. 10
- (3) In this Act—

"the Base" means the jointly operated United Kingdom-United States of America military facilities, installations and activities on Diego Garcia;

"Chagossians" and "Chagossian people" means British Overseas Territory citizens of BIOT. 15

2 Parliamentary oversight and approval of expenditure

- (1) The Secretary of State must lay before the House of Commons, for its approval, an estimate of any proposed expenditure that is anticipated to be incurred by His Majesty's Government in connection with any agreement with the Republic of Mauritius regarding any transfer approved and authorised under section 1. 20

- (2) The expenditure in subsection (1) includes, but is not limited to, any payments made or to be made, or financial commitments entered into, with—
- (a) the government of the Republic of Mauritius,
 - (b) Mauritian state agencies, state-owned companies, other bodies controlled by the Mauritian state, or non-governmental organisations based in Mauritius, or 5
 - (c) organisations that may in turn benefit the entities in paragraphs (a) and (b).

3 Protection and resettlement of the Chagossian people

- (1) Section 9 of the British Indian Ocean Territory (Constitution) Order 2004 is repealed. 10
- (2) For section 7 of the British Indian Ocean Territory (Immigration) Order 2004, substitute—

“Permits to visit and reside in the British Indian Ocean Territory

7.—(1) Subject to subsections (2) and (3) of this section and section 10, an immigration officer, acting in his or her entire discretion, may issue or renew a permit or may cancel a permit before its expiration. 15

(2) The following permits must be granted to British Overseas Territory citizens of the British Indian Ocean Territory unless the Immigration Officer reasonably believes they may be a threat to the security of the Base or other residents of the British Indian Ocean Territory— 20

- (a) a permit to visit, but not reside, in all islands in the British Indian Ocean Territory with the exception of Diego Garcia and the islands mentioned in paragraph (b);
- (b) a permit to visit and reside in the following islands of the British Indian Ocean Territory— 25
 - (i) Île du Coin;
 - (ii) Île Boddam;
 - (iii) Diego Garcia, in the event that it is no longer required for defence purposes; 30
- (c) a permit to work on the Base provided that the applicant has a contract of employment for such work.

(3) Permits must be granted to British citizens to visit, but not reside in, all islands in the British Indian Ocean Territory with the exclusion of Diego Garcia for purposes connected to the maintenance of those resident in the islands unless the Immigration Officer reasonably believes they may be a threat to the security of the Base or other residents of the British Indian Ocean Territory.” 35

- (3) The Secretary of State may freely select, contract, procure or employ civilian employees, contractors, personnel, services, equipment, material and supplies in relation to the Base, subject to the requirement in subsection (4). 40

- (4) The requirement is that preference must be given to suitably qualified BIOT residents and companies –
 - (a) to the maximum extent practicable, and
 - (b) in a manner consistent with the other policies, requirements, laws and regulations applying to the award of the contract. 5
- (5) The Secretary of State must conduct talks with any representatives of Chagossians wishing to resettle BIOT (including those already residing in BIOT) aimed at securing agreement on the future resettlement and administration of BIOT.
- (6) Such talks must cover the following issues – 10
 - (a) the process for resettlement of BIOT by the Chagossian people;
 - (b) representative local government for the Territory;
 - (c) a future self-determination referendum, under the terms of section 4 of this Act.
- (7) Within the context of helping to aid resettlement, such talks may also cover the following issues – 15
 - (a) the protection of the Marine Protected Area;
 - (b) the protection of Chagossian cultural heritage;
 - (c) the protection and enhancement of the natural environment and biodiversity; 20
 - (d) an economic partnership agreement;
 - (e) partnerships on skills, health and transport.
- (8) The Secretary of State must, within 12 months of the day on which this Act is passed and annually thereafter, lay before Parliament a report every 12 months on the progress of any talks conducted under this section, and the progress of resettlement of the Territory. 25

4 Approval of BIOT citizens to transfer of sovereignty

- (1) If His Majesty's Government proposes the transfer of sovereignty over BIOT to any other state, the Secretary of State must arrange a referendum on whether BIOT should – 30
 - (a) remain an overseas territory of the United Kingdom, or
 - (b) be transferred to and become the sovereign territory of the other state.
- (2) No transfer of sovereignty may take place unless the number of people voting to transfer the islands exceeds the number of people who vote for BIOT to remain an overseas territory of the United Kingdom. 35
- (3) The franchise for the referendum must consist of people holding British Overseas Territory citizenship of BIOT who are over 18 years of age, wherever they are resident.
- (4) The Secretary of State must ensure that eligible people who reside outside the United Kingdom, including in BIOT, are able to participate in the referendum. 40

- (5) The Secretary of State must lay before Parliament a statement of the result of any referendum as soon as reasonably practicable after it has been held.

5 Protection of British sovereignty: exclusive economic zone

- (1) The Secretary of State must adequately provide for the protection of British sovereignty in the British exclusive economic zone around BIOT including— 5
- (a) protection against illegal fishing, and
 - (b) protection against any security threats to the Base and outer islands.
- (2) Within 12 months of the day on which this Act is passed and annually thereafter, the Secretary of State must publish and lay before Parliament a report on the steps taken to comply with the provisions of subsection (1). 10

6 Protection of British sovereignty: biodiversity

- (1) The Secretary of State must authorise and provide for activities which affirm British sovereignty over BIOT in relation to its biodiversity, including, but not limited to—
- (a) fisheries protection patrols, and 15
 - (b) visits to outer islands by British conservation personnel to monitor habitats and species and eradicate invasive species.
- (2) Within 12 months of the day on which this Act is passed and annually thereafter, the Secretary of State must publish and lay before Parliament a report on the steps taken to comply with the provisions of subsection (1). 20

7 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the British Sovereignty Protection (Chagos Islands) Act 2026. 25

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Lord Weir of Ballyholme

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