

Research Briefing

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Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25



Summary

- 1 Background and purpose of the bill
- 2 Parliament's role in scrutinising and legislating to implement treaties
- 3 The bill
- 4 How bills go through Parliament

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Contents

Summary	5
Overview of the bill	5
Main provisions of the UK–Mauritius treaty	5
What does the bill do?	5
UK Government support for the treaty	6
Reaction to the treaty and the bill	6
Parliamentary scrutiny	7
1 Background and purpose of the bill	8
1.1 The treaty	8
1.2 Purpose of the bill	9
1.3 Why does the UK Government say the agreement is necessary?	9
1.4 Response to the agreement	10
2 Parliament’s role in scrutinising and legislating to implement treaties	13
2.1 Parliament’s powers to scrutinise treaties	13
2.2 Parliament’s role in legislating to implement treaties	13
2.3 Parliamentary scrutiny of the 2025 treaty on the British Indian Ocean Territory/Chagos Archipelago	14
3 The bill	19
3.1 Commencement of treaty and main provisions (clause 1)	19
3.2 Dissolution of the British Indian Ocean Territory (clause 2)	20
3.3 Continued administration of Diego Garcia (clause 3)	20
3.4 Citizenship provisions (clause 4)	21
3.5 Orders in Council and future legislation for Diego Garcia (clause 5)	24
3.6 Commencement and short title (Clause 6)	26
4 How bills go through Parliament	27

4.1	Commons stages	27
4.2	Lords stages	28
4.3	‘Ping pong’	28
4.4	Amendments	29
4.5	Further information on bill procedure	29

Summary

Overview of the bill

The [Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25](#) is a government bill (bill 285 of the 2024–25 parliamentary session). The bill was introduced on 15 July 2025. Second reading is scheduled for 9 September 2025.

The government has published explanatory notes, a delegated powers memorandum and a human rights memorandum which are available on the [bill's publications page](#).

The bill's primary purpose is to implement in UK law certain provisions of the [treaty signed in May 2025 between the UK and Mauritius](#) agreeing the status and future of the Chagos Archipelago, including the joint US–UK military base on Diego Garcia (the archipelago's largest island).

The UK currently administers the Chagos Archipelago as the British Indian Ocean Territory (BIOT), one of the UK's 14 Overseas Territories.

Main provisions of the UK–Mauritius treaty

The treaty provides for [Mauritius to exercise full sovereignty over the Chagos Archipelago](#), with the UK exercising rights on Diego Garcia during an initial 99-year period. Over the 99 years, the UK will pay Mauritius a total of around £3.4 billion in 2025/26 prices. The UK Government says this resolves [the long-standing BIOT sovereignty dispute](#) and secures the military base for continued operations in the long term.

Further details of the treaty are set out in Library briefing [2025 treaty on the British Indian Ocean Territory/Chagos Archipelago](#).

What does the bill do?

Under the UK's constitution the formal rights and duties for the UK in international law do not automatically change UK domestic law. Legislation is therefore sometimes needed to give domestic effect to new treaty-based rights and duties that the government has agreed to.

This bill contains the provisions of the treaty that require changes to UK law. These include:

- terminating the UK's sovereignty over the BIOT but providing for the continued administration of Diego Garcia by the UK
- revoking UK legislation that provides the BIOT's constitution and certain provisions relating to citizenship status of those connected to the BIOT
- providing powers to implement the treaty using the Crown's prerogative powers through Orders in Council
- saving existing laws applying to the BIOT and applying them to Diego Garcia, except for British nationality law
- removing the ability of people to acquire British Overseas Territories citizenship on the basis of connection to the BIOT, while preserving a route to full British citizenship for Chagossian descendants

UK Government support for the treaty

Announcing the agreement on 22 May 2025, Prime Minister [Sir Keir Starmer said the deal was “absolutely vital”](#) for the “safety and security of the British people”. He said it was needed to end the ongoing UK–Mauritius sovereignty dispute and to guarantee the military base. The government has also pointed to the [US's support for the deal](#), and argued that there is a [risk of a future binding legal judgment](#) affecting the UK's ability to use the military base.

Reaction to the treaty and the bill

The [Conservative Party is opposed to the UK–Mauritius treaty](#). It has said that the costs to be paid to Mauritius are unacceptable, that the agreement puts the Diego Garcia base at risk, with Mauritius having ties to China, and has described the government's concerns for potential legal judgments as “overblown”.

The [Liberal Democrats say they support the UK acting in line with international law](#), but have called for more information on the payments and for reassurance that the US will only use the base in line with UK foreign policy interests and principles.

Some Chagossian campaign groups such as [Chagossian Voices oppose the agreement](#) and are in favour of the right of self-determination and the full right of return to the archipelago, including Diego Garcia. The group, alongside Bernadette Dugasse and Bertrice Pompe, both born on the Chagos Archipelago but now living in the UK, [unsuccessfully sought to stop the agreement](#) through an injunction in the High Court.

In Mauritius, Olivier Bancoult, leader of the Chagos Refugees Group, said that [the agreement represented “a historic day for us”](#) and welcomed the opportunity for Chagossians to return to the archipelago.

Parliamentary scrutiny

In a June 2025 report, the [House of Lords International Agreements Committee examined the UK–Mauritius treaty](#), saying the agreement was a “compromise between the views of the two Parties” and “it is not perfect”. It raised concerns over the costs to UK taxpayers, and the lack of guarantees that Chagossians can return the outer islands, and that the initial 99-year lease can be extended. The committee argued however, that the risks of not coming to an agreement were high and could affect the future of the military base, which it called a “vital UK national asset”.

On 10 June 2025, the Shadow Foreign Secretary, Priti Patel, introduced a presentation bill that includes provisions to prohibit the payment of public funds to another government in connection with the BIOT without parliamentary approval, and to require the government to consult with British Chagossians. [Presentation bills are unlikely to become law](#).

On 30 June 2025, the House of Lords debated two motions against the ratification of the treaty.

The first, [put down by the Conservative Lords Foreign Affairs spokesperson](#), Lord Callanan, declined to ratify the treaty. This was disagreed on division.

The second motion, put forward by the Liberal Democrat Lords Foreign Affairs spokesperson, Lord Tweed, required further detail on the effects of the treaty on Chagossians. [Lord Tweed withdrew the motion](#) after the [government committed to making a ministerial statement before ratification](#) “providing a factual update on eligibility for resettlement and the modalities of the trust fund”.

1

Background and purpose of the bill

The [Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25](#) was introduced into the House of Commons on 15 July 2025. Second Reading is scheduled for 9 September 2025.

On 22 May 2025, the [governments of the UK and Mauritius signed an international treaty](#), in which they reached agreement on the sovereignty and future of the Chagos Archipelago, governed by the UK as the British Indian Ocean Territory (BIOT). The archipelago includes the US–UK military base, Diego Garcia.

The BIOT is currently one of 14 [UK Overseas Territories](#).

The bill's main purpose is to implement certain provisions of the treaty in UK law.

1.1

The treaty

Details of the treaty are set out in Library briefing [2025 treaty on the British Indian Ocean Territory/Chagos Archipelago](#).

The main provisions of the treaty:

- State that Mauritius is sovereign over all the Chagos Archipelago.
- Give the UK the right to exercise authority over the Diego Garcia military base, and state that Mauritius will allow the US and UK to access, maintain, and invest in the base for an initial 99-year period.
- State that the 99-year period can be extended by a further 40 years, if both parties agree, and extended again after this.
- Oblige Mauritius not to allow other powers to use the outer islands around Diego Garcia without agreement with the UK.
- State that the UK will pay Mauritius an annual average of £101 million for 99 years in 2025/26 prices, totalling around £3.4 billion. The [estimate has been verified by the government's actuary department](#).
- State that Mauritius will be free to arrange for resettlement of Chagossians on all the islands of the archipelago except Diego Garcia.

- State that Mauritius will establish a marine protected area, with UK support, to protect the environment.

1.2 Purpose of the bill

The bill implements the treaty by:

- terminating the UK’s sovereignty over the BIOT but providing for the continued administration of Diego Garcia by the UK
- revoking UK legislation that provides the BIOT’s constitution and certain provisions relating to the citizenship status of those connected to the BIOT
- providing powers to implement the treaty using the Crown’s prerogative powers through Orders in Council
- saving existing laws applying to the BIOT and applying them to Diego Garcia
- removing the ability of people to acquire British Overseas Territories citizenship on the basis of connection to the BIOT, while preserving a route to full British citizenship for Chagossian descendants

The bill’s clauses are explored in detail in section 3.

1.3 Why does the UK Government say the agreement is necessary?

Announcing the agreement on 22 May 2025, Prime Minister Sir Keir Starmer said the deal was “absolutely vital” for the “safety and security of the British people”.¹ He said it was needed to end the ongoing UK–Mauritius sovereignty dispute and to guarantee the military base. The government has also pointed to the US’s support for the deal.²

Mr Starmer cited three main reasons for the agreement:³

1. to guarantee the joint US–UK military base for the long term

¹ Prime Minister’s Office, [PM’s remarks at press conference on Diego Garcia: 22 May 2025](#), 22 May 2025

² US State Department, [U.S. Support for UK and Mauritius Agreement on Chagos Archipelago](#), 22 May 2025

³ Prime Minister’s Office, [PM’s remarks at press conference on Diego Garcia: 22 May 2025](#), 22 May 2025

2. to avert the risk of a future binding legal judgment affecting the UK's ability to use the military base (for example, the management of satellite communications from the base or access for contractors)
3. to secure the base and the surrounding archipelago against China or other states setting up a presence there

The government has said the costs represent less than 0.2% of the annual defence budget,⁴ and are in line with wider practice for paying to maintain overseas military bases.⁵ It has also said that there are no lease costs in current arrangements.⁶

1.4 Response to the agreement

Political parties

Conservative Shadow ministers have expressed opposition to the agreement.⁷ They have said that the costs to be paid to Mauritius are unacceptable, that the agreement puts the Diego Garcia base at risk, with Mauritius having ties to China, and have described the government's concerns for potential legal judgments as "overblown".⁸

In June 2025, the Conservative Party's Lords Foreign Affairs spokesperson, Lord Callanan, put forward a motion against the ratification of the treaty. This was disagreed on division. See section 1.5 for more.

On 10 June 2025, the Shadow Foreign Secretary, Priti Patel, introduced a presentation bill, [British Indian Ocean Territory \(Sovereignty and Constitutional Arrangements\) Bill](#). This includes provisions to prohibit the payment of public funds to another government in connection with the British Indian Ocean Territory without parliamentary approval, and to require the government to consult with British Chagossian in relation to any proposed changes affecting sovereignty and constitutional arrangements. Presentation bills are unlikely to become law.⁹

The Liberal Democrats back the UK acting in line with international law, but have called for more information on the payments and for reassurance that the US will only use the base in line with UK foreign policy interests and principles.¹⁰

⁴ [HC Deb \[Diego Garcia Military Base\]](#), Vol 767, 22 May 2025, c1283

⁵ [PQ 25403 \[Diego Garcia: Military Bases\]](#), 21 January 2025

⁶ [PQ 36670 \[Diego Garcia: Military Bases\]](#), 10 March 2025

⁷ Kemi Badenoch (@KemiBadenoch, [X \(Twitter\)](#), 22 May 2025 [accessed 4 September 2025]

⁸ [HC Deb \[Diego Garcia Military Base\]](#), Vol 767, 22 May 2025, c1286

⁹ UK Parliament, MPs' guide to procedure: [Presentation Bills](#) [accessed 5 September 2025]

¹⁰ As above, [C1289](#)

In May 2025, the Leader of Reform UK, Nigel Farage, said of the agreement that “there is no legal need, it will cost us approximately £52 billion, and play into the hands of China”.¹¹

The SNP and Greens have both previously welcomed the agreement, when it was announced in October 2024, but criticised the lack of engagement with Chagossians.¹²

Further details of the comments made by political parties in response to the agreement’s announcement can be found in section 2.2 of the [Library briefing on the treaty](#).

Chagossians

On the day that the agreement was signed, Bernadette Dugasse and Bertrice Pompe, both born on the Chagos Archipelago but now living in the UK, sought to stop the agreement through an injunction in the High Court. While this was unsuccessful, they and the campaign group Chagossian Voices said they would continue to contest the agreement and were in favour of the right of self-determination and the full right of return.¹³

The Labour MP Peter Lamb, who represents Crawley where many Chagossians and their descendants live, also said that the principle of self-determination had been ignored and that there is a lack of certainty over Mauritius’s plans for resettlement.¹⁴

In Mauritius, Olivier Bancoult, leader of the Chagos Refugees Group, said that the agreement represented “a historic day for us” and that Chagossians will now be able to return to the archipelago. Others welcomed the unity of Mauritian territory being achieved.¹⁵

UN panel

A UN-appointed panel of human rights experts provided an assessment of the agreement between the UK and Mauritius in June 2025. It said that it “fails to guarantee and protect the rights of the Chagossian people, including their right to return to Diego Garcia, effective remedy and reparations and their cultural rights”.¹⁶

The group said that maintaining a military presence on Diego Garcia prevented Chagossian people from returning to the island and “appears to be

¹¹ Nigel Farage on Twitter/X, “[Despite the Chagos Islands winning a High Court \[...\]](#)”, 22 May 2025

¹² HC Deb, [7 October 2024](#), c56; HL Deb, [9 October 2024](#), c2018

¹³ Chagossian Voices, [Abstract—Bernadette Dugasse](#) (PDF), 2022; The Telegraph, “[I’m proud to have delayed Starmer’s Chagos deal \[...\]](#)”, 22 May 2025; Chagossian Voices on Twitter/X, “[By meeting with Ministers Lammy and Doughty \[...\]](#)”, 22 May 2025

¹⁴ Peter Lamb for Crawley, [Chagos deal signed](#), 22 May 2025

¹⁵ BBC News, [Celebrations in Mauritius as UK hands over Chagos Islands](#), 22 May 2025

¹⁶ OHCHR, [Agreement between Mauritius and the UK fails to guarantee rights of Chagossians say UN experts](#), 10 June 2025

at variance with the Chagossians' right to return, which also hinders their ability to exercise their cultural rights in accessing their ancestral lands from which they were expelled". They called for ratification of the agreement to be suspended and a new agreement to be negotiated.¹⁷

¹⁷ As above

2

Parliament's role in scrutinising and legislating to implement treaties

This section provides a brief overview on Parliament's role in scrutinising treaties and related legislation, as well as how Parliament has scrutinised the UK-Mauritius treaty.

2.1

Parliament's powers to scrutinise treaties

The UK Government is responsible for negotiating, signing, ratifying, amending and withdrawing from all international treaties involving the UK, under its prerogative powers. It is the UK Government that is bound by international treaties under international law.

The main formal limits on the government's treaty powers are that:

1. treaties cannot automatically change domestic law or rights in the UK
2. treaties cannot make major changes to the UK's constitutional arrangements without parliamentary authorisation

Parliament (and/or the devolved legislatures) is therefore involved if domestic law needs to be changed to implement a treaty.

More information on the scrutiny of the agreement on the sovereignty and future of the Chagos Archipelago and treaty scrutiny in general is provided in the following Library briefings:

- [2025 treaty on the British Indian Ocean Territory/Chagos Archipelago](#)
- [Treaty-making and parliamentary scrutiny: recent developments](#)
- [How Parliament treats treaties](#)

2.2

Parliament's role in legislating to implement treaties

The UK is a 'dualist' state, in which treaties create formal rights and duties for the government in international law, but do not automatically change UK domestic law. Legislation is therefore sometimes needed to give domestic

effect to new treaty-based rights and duties that the government has agreed to.

Where legislation is needed, its provisions will be predetermined by the contents of the treaty. [This legislation can be secondary](#) (government-made) rather than primary (Parliament-made).

2.3

Parliamentary scrutiny of the 2025 treaty on the British Indian Ocean Territory/Chagos Archipelago

On 22 May 2025, the [Chagos Archipelago agreement was laid before both Houses of Parliament](#).

Under part 2 of the [Constitutional Reform and Governance Act 2010 \(CRAG\)](#), both Houses had 21 sitting days (running to 3 July 2025) in which to pass a resolution to oppose the treaty's ratification.

Early day motions

On 4 June 2025, two early day motions were tabled, both expressing opposition to ratifying the UK-Mauritius treaty.

The [first early day motion, sponsored by the Leader of the Opposition, Kemi Badenoch](#), received 107 signatures. The [second early day motion, sponsored by Jim Allister \(TUV\)](#), received 10 signatures.

However, early day motions carry no entitlement to a House of Commons debate or vote within the CRAG scrutiny period.¹⁸ No motion was passed to oppose ratification.

Motions not to ratify the treaty

On 30 June 2025, the House of Lords debated two motions against the ratification of the treaty.¹⁹

The Shadow Minister for Foreign, Commonwealth and Development Affairs, Lord Callanan, put forward [the first motion, which called for the government not to ratify the treaty](#).²⁰ The motion read:

That this House resolves, in accordance with section 20 of the Constitutional Reform and Governance Act 2010 and in the light of concerns about the cost of

¹⁸ Hansard Society, [Parliamentary consent to treaty ratifications: another procedure strained by Brexit?](#), 20 November 2018

¹⁹ UK Parliament, [Lords debates UK-Mauritius treaty on the Chagos Archipelago, 1 July 2025](#)

²⁰ Lords Business, [Motion for a Resolution on a Treaty, 30 June 2025](#)

the agreement, the absence of any legal requirement to conclude such an agreement, its impact on international security, the lack of meaningful consultation of the Chagossian people, and recognising the right of Chagossians to be registered as British Overseas Territory citizens under the Nationality and Borders Act 2022, that His Majesty's Government should not ratify the agreement between the United Kingdom and the Republic of Mauritius concerning the Chagos Archipelago including Diego Garcia, laid before the House on 22 May.

The motion was put to a division but disagreed (contents 185; not content 205).

The Liberal Democrat Lords Spokesperson for Foreign and Commonwealth Affairs, Lord Purvis of Tweed, put forward the second motion, which required the government to provide further detail on the effects of the treaty on Chagossians:

That this House resolves, in accordance with section 20 of the Constitutional Reform and Governance Act 2010, that His Majesty's Government should not ratify the Agreement between the United Kingdom and the Republic of Mauritius concerning the Chagos Archipelago including Diego Garcia, laid before the House on 22 May, until they have laid a statement before each House of Parliament on (1) the design, scope and planned implementation of Article 6 (Resettlement of Chagossians), (2) the legal foundation, scope and planned implementation of Article 11(1)(b) (Trust Fund for the benefit of Chagossians), and (3) the mechanisms by which Chagossians will have their views formally represented and their rights enforced under the Agreement, and have given each House an opportunity to debate that statement.

In response to the debate, Parliamentary Under-Secretary of State, Foreign Commonwealth and Development Office, Lord Collins of Highbury acknowledged the “strength of feeling about the impact of the treaty on the Chagossians”.²¹ He said that, ahead of ratification, the government would make a ministerial statement “providing a factual update on eligibility for resettlement and the modalities of the trust fund”. In light of this commitment, Lord Purvis withdrew the motion.²²

Had the Lords passed a motion to oppose ratification, this would not have prevented the government from ratifying the bill (once the government had published a statement of reasons for proceeding).²³

End of the 21-day period on 3 July 2025

On 3 July 2025, the 21-day sitting day period ended without a resolution to oppose the treaty's ratification being passed. The government can now ratify the treaty. However, it is the long-standing practice of successive UK governments not to ratify a treaty unless and until it is able to implement that

²¹ [HL Deb \[UK-Mauritius Agreement on the Chagos Archipelago\]](#), Vol 847, 30 June 2025

²² [HL Deb \[UK-Mauritius Agreement on the Chagos Archipelago\]](#), Vol 847, 30 June 2025

²³ Commons Library, [How Parliament Treats Treaties](#), 1 June 2021, p21

treaty in domestic law.²⁴ Therefore, the government will likely wait for this bill to be passed before proceeding with ratification.

Mauritius will also need to complete its own internal processes to ratify the treaty.

Committee scrutiny

House of Commons committee scrutiny

The House of Commons Foreign Affairs Committee held an evidence session on the UK–Mauritius treaty on 23 June 2025. The committee heard evidence from the Minister of State for Europe, North America and Overseas Territories, Stephen Doughty, and the Head of the Foreign Commonwealth and Development Office’s Diego Garcia Treaty Implementation Unit, Peter Candler.

Dan Carden MP (Lab) mentioned that the government said that the bill implementing the treaty would be an opportunity to scrutinise the treaty itself. Mr Carden asked “given that it has already been agreed with the Government of Mauritius, we can only really give effect to that agreement. Is that right?”.²⁵ Mr Doughty responded by saying that the treaty had already received a significant amount of parliamentary scrutiny and that the bill would provide further opportunities for scrutiny:

The treaty has obviously received a huge amount of scrutiny in both Houses. I have lost track of the hundreds of quite detailed questions I have answered, and it has also been subject to multiple urgent questions, debates and scrutiny by your Committee and the Lords Committees. I think that is pretty standard for a treaty of this nature. Of course, the parts of it in the Bill will go through the standard procedure for any piece of legislation. I am sure the Committee will want to scrutinise that in due course when we publish the Bill.²⁶

Asked if the committee stage of this bill would take place in committee or on the floor of the House, the minister responded by saying that “I suspect that it will be on the Floor of the House because of the constitutional nature of the Bill and, of course, we want it to have wide scrutiny”, adding “that is my expectation, but that has not yet been agreed with the business managers and the Whips”.²⁷

After the evidence session, Mr Doughty wrote to the committee’s Chair, Emily Thornberry, to provide further information on the treaty, in particular the future arrangements for environmental protection across the Chagos Archipelago.

²⁴ Commons Library, [How Parliament Treats Treaties](#), 1 June 2021, p38

²⁵ Foreign Affairs Committee, [Oral evidence: The Chagos Agreement](#), HC 1097, 23 June 2025, Q4

²⁶ Foreign Affairs Committee, [Oral evidence: The Chagos Agreement](#), HC 1097, 23 June 2025, Q4

²⁷ Foreign Affairs Committee, [Oral evidence: The Chagos Agreement](#), HC 1097, 23 June 2025, Q7

The minister clarified that “the terms of the UK support to Mauritius [for environmental protection] are to be recorded in a separate written instrument, which will likely be an environmental cooperation Memorandum of Understanding”. He added “the detail shall be reached with Mauritius in the coming months”.²⁸

He also said that the “package” of UK support for Mauritius to protect the environment would be “supplemented by arrangements to cooperate on maritime security, referenced in Article 3 of the Treaty”.²⁹

House of Lords committee reports

The House of Lords International Agreements Committee examined the UK–Mauritius treaty. The committee said the treaty “reflects a compromise between the views of the two Parties. It is not perfect”.³⁰

The cost to the UK taxpayer is high. The Agreement does not guarantee that Chagossians can return to the islands. There are some uncertainties around the future of the marine protected area. There is no guarantee of an extension to the Agreement after the initial 99-year period and questions have been raised about the enforceability of the right of first refusal.³¹

It went onto argue that the risks of not coming to an agreement were high and could affect the future of the military base which it called a “vital UK national asset”.³²

Nevertheless, it is clear that if the Agreement is not ratified, and if a future Government attempted to go on resisting international pressure to transfer sovereignty over the Chagos Archipelago, Mauritius is likely to resume its campaign through international courts with a view to obtaining a legally binding judgment on sovereignty against the UK. We heard that there are ways in which Mauritius could bring that issue before an international court. We also heard that any international court looking at this issue would be unlikely to find in favour of the UK. In that circumstance, the future of the Base on Diego Garcia would be at greater risk.³³

In a press release published alongside the report, the committee said that it regretted “that members of the Chagossian community feel that their interests were not sufficiently taken account of in the negotiation of this

²⁸ Foreign Affairs Committee, [Correspondence from the Minister of State for Europe, North America and UK Overseas Territories following up on the oral evidence session on 23 June 2025, dated 07.07.25](#) [PDF], 7 July 2025

²⁹ As above

³⁰ House of Lords International Agreements Committee, [‘UK-Mauritius agreement on the Chagos Archipelago including Diego Garcia’](#) (PDF), 25 June 2025, HL Paper 146 of session 2024–25, Para 62

³¹ As above

³² As above, Para 61

³³ House of Lords International Agreements Committee, [‘UK-Mauritius agreement on the Chagos Archipelago including Diego Garcia’](#) (PDF), 25 June 2025, HL Paper 146 of session 2024–25, Para 63

Agreement and notes the regrettable perception that Chagossian interests have been subordinated to the national interests of the UK”.³⁴

The House of Lords International Relations and Defence Committee also ran an inquiry on the treaty, which focused on how the transfer of sovereignty over the Chagos Archipelago might affect the UK’s strategic interests and obligations.

In a letter to the Foreign Secretary, the committee’s chairman, Lord de Mauley, warned that the renewal provisions of the agreement could be a “potential source of future vulnerability in the face of growing military ambitions by China in the Indian Ocean”.³⁵ It called on the Foreign, Commonwealth and Development Office and the Ministry of Defence to address the issue as part of their long-term strategic planning. The committee also recommended that the government use the agreement as an “opportunity to reassess the future potential of Diego Garcia” to ensure the base meets current and future operational needs, “aligned with 21st century defence priorities”.³⁶

Like the International Agreements Committee, the International Relations and Defence Committee raised concerns over the lack of consultation with Chagossians, the protection of the marine environment and the costs of the leasing arrangement.³⁷

³⁴ House of Lords International Agreements Committee, [UK-Mauritius Chagos islands Agreement not perfect but protects critical Diego Garcia military base](#), 25 June 2025

³⁵ House of Lords International Relations and Defence Committee, [‘Letter from the chair to the foreign secretary, regarding the implications of the transfer of sovereignty of the Chagos Archipelago, dated 26 June 2025’](#), 26 June 2025, para 9

³⁶ As above, para 10

³⁷ House of Lords Library, [In Focus: UK-Mauritius treaty on the Chagos Archipelago](#), 26 June 2025, section 3.4

3

The bill

The [Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25](#) is a government bill (bill 285 of the 2024–25 parliamentary session). The bill was introduced on 15 July 2025. Second reading is scheduled for 9 September 2025.

The government has published explanatory notes, delegated powers and human rights memorandums which are available on the [bill's publications page](#).

The bill's primary purpose is to implement in UK law certain provisions of the [treaty signed in May 2025 between the UK and Mauritius](#) agreeing the status and future of the Chagos Archipelago, including the joint US–UK military base on Diego Garcia, the archipelago's largest island.

The bill has six clauses and applies across the UK, Crown Dependencies and the Overseas Territories.

3.1

Commencement of treaty and main provisions (clause 1)

Subsection (2) of clause 1 of the bill sets out that clauses 2 to 4, which deal with the dissolution of the BIOT, the continued administration of Diego Garcia, and citizenship provisions, come into force when the UK–Mauritius treaty comes into force.

Article 18 of the treaty states that it comes into force on the first day of the first month after the date on which Mauritius and the UK notify each other that they have completed “their respective internal requirements and necessary procedures”.³⁸

Subsection (4) requires that the Foreign Secretary must publish in the London Gazette notice of when the treaty comes into force.

³⁸ Foreign Commonwealth and Development Office, [UK/Mauritius: Agreement concerning the Chagos Archipelago including Diego Garcia](#), Article 18

3.2

Dissolution of the British Indian Ocean Territory (clause 2)

Subsection (1) of clause 2 sets out that once the treaty comes into force (and so clauses 2 to 4 of the bill), the King is no longer sovereign over the BIOT, and no longer has jurisdiction over the territory other than Diego Garcia.

This subsection implements article 1 of the treaty, which states that “Mauritius is sovereign over the Chagos Archipelago in its entirety, including Diego Garcia”.³⁹

Subsection (2) revokes two pieces of legislation:

- the [British Indian Ocean Territory \(Constitution\) Order 2004](#) (PDF)
- the entry for the British Indian Ocean Territory in [schedule 6 to the British Nationality Act 1981](#) (a list of British Overseas Territories for the purposes of that act and the Interpretation Act 1978)

The British Indian Ocean Territory (Constitution) Order 2004 is an Order in Council (see section 3.5) which provides the constitution for the BIOT.

The British Nationality Act 1981 contains provisions that grant and define a British Overseas Territories citizen. [Schedule 6](#) of the act lists the Overseas Territories relevant to it, including the BIOT, as well as specific provision for [descendants of those born in the British Indian Ocean Territory in section 17H](#). The reference to the BIOT in schedule 6 will be removed by this bill. Section 17H is replaced by clause 4 of this bill (see below).

3.3

Continued administration of Diego Garcia (clause 3)

General ‘saving’ power of BIOT legislation

Subsection (1) of clause 3 provides that the legislation that applies to the BIOT at the time of the commencement of this clause will be “saved” and will then apply only to Diego Garcia.

Subsection (2) also saves any legislation or rule of law in the UK and any of the Crown Dependencies or the Overseas Territories which currently relates to the BIOT. The exception is the British Nationality Act 1981, clause 4, subsection 2.

³⁹ [Agreement](#) (PDF), Article 1

The explanatory notes state that this “establishes a default position of continuity in the law of and relating to Diego Garcia, to avoid legal gaps on entry into force of the Treaty”.⁴⁰

Once the treaty is in force, new laws for Diego Garcia will be made by the power in clause 5 of this bill.

Clarifications and definitions of the saving power

Subsection (3) clarifies that the King will continue to use his prerogative powers to legislate for Diego Garcia once the treaty is in force, as he currently does for the BIOT.

Subsection (4)(a) ensures that any laws that relate to the BIOT by virtue of it being listed as a British Overseas Territory in schedule 6 of the British Nationality Act 1981 will also be preserved and continue to apply to Diego Garcia, even though clause 2 of this bill will remove reference to the BIOT in schedule 6.

Subsection (4)(b), according to the explanatory notes, will mean that “laws saved by subsection (1) or (2) can be amended at or after commencement in the usual way, notwithstanding that saving”.⁴¹

Subsection (5) provides that the saving power will also apply to the BIOT (Constitution) Order 2004 (revoked by clause 2(2) of this bill). The order, including legislation made by the Commissioner for BIOT under section 3 of that order, is saved and will become part of the law of Diego Garcia.

Subsection (6) defines “Diego Garcia” in this bill as including the whole area over which the UK is entitled to exercise jurisdiction by virtue of articles 2 and 9 of the treaty.

3.4

Citizenship provisions (clause 4)

Background

Between 1968 and 1973, the UK Government removed the entire population from the Chagos Archipelago.⁴²

The Chagossians were British nationals, albeit without the automatic right to live in the UK.⁴³ For many years, they had what is now known as ‘British

⁴⁰ [Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25 Explanatory Notes](#), 15 July 2025, Para 8

⁴¹ [Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25 Explanatory Notes](#), 15 July 2025, Para 13

⁴² *Chagos Islanders v Attorney General & Her Majesty's British Indian Ocean Territory Commissioner* [2003] EWHC 2222 (QB), 9 October 2003

⁴³ As above, Annex A, paragraph 632

Overseas Territories citizenship'. In 2002, all British Overseas Territories citizens were also granted full British citizenship (see the box below), and therefore the right to live in the UK without immigration restrictions.⁴⁴

British citizens vs other British nationals

There are six different types of British nationality status:

- British citizenship
- British Overseas Territories citizen
- British overseas citizen
- British subject
- British national (overseas)
- British protected person

'British citizenship', the main British nationality status, gives the automatic right to live in the UK without immigration restrictions ([the 'right of abode'](#)). The other five forms of British nationality do not come with the right of abode.

The descendants of those born on the Chagos Islands were another matter. The second generation, born in Mauritius or the Seychelles, did not inherit British nationality unless their father was both born in the Chagos Islands and married to their mother.⁴⁵ The 2002 legislation therefore made special provision for the children of Chagos-born women to become full British citizens.⁴⁶

British nationality does not normally pass down to a third generation born overseas. In other words, if someone born on British territory moves abroad, they can pass on British nationality to their children, but not their grandchildren.

Many Chagossians and their supporters felt that this restriction was unfair in their case, given that their move was involuntary:

It is no fault of the grandchildren and other descendants of the Chagos islanders that their forebears were forcibly removed from their homeland and essentially dumped in other parts of the Indian ocean...⁴⁷

In 2022, the UK Government conceded this point and agreed to legislate for a mechanism for Chagossian descendants to acquire British nationality through a process known as registration.⁴⁸ [The British nationality application process](#)

⁴⁴ [British Overseas Territories Act 2002, section 3](#) (which excluded the Sovereign Base Areas of Akrotiri and Dhekelia)

⁴⁵ Laurie Fransman KC and Adrian Berry, *Fransman's British Nationality Law*, 2024, section 2.12

⁴⁶ [British Overseas Territories Act 2002, section 6](#)

⁴⁷ [HC Deb 7 December 2021 cc220-222](#)

⁴⁸ [HL Deb 4 April 2022 c1852; Nationality and Borders Act 2022, section 3](#)

[for Chagossian descendants is relatively straightforward](#), but the underlying legal mechanism somewhat complicated:

- Under section 17H of the British Nationality Act 1981, the direct descendant of someone born in the Chagos Islands is entitled to British Overseas Territories citizenship by registration;⁴⁹
- Under section 4K of the British Nationality Act 1981, someone entitled to British Overseas Territories citizenship through section 17H (and certain other sections) is entitled to full British citizenship by registration.⁵⁰

The registration scheme is time limited. Most Chagossian descendants must apply for nationality by 23 November 2027, although there are special rules for children (who instead have until their 23rd birthday).⁵¹

The bill

Clause 4 would repeal the existing legislation setting up the citizenship registration scheme for Chagossian descendants (section 17H) and replace it with a new section 4KA. The substance of the registration scheme would remain the same. But the legal mechanism is different: people would simply become full British citizens by registration under section 4KA, rather than via British Overseas Territories citizenship as described above.

This appears to be considered necessary because the Chagos Archipelago will no longer be an Overseas Territory (see section 3.2 above). The explanatory notes state a principle that the acquisition of British Overseas Territories citizenship should require a “close and continuing connection with a British overseas territory”.⁵² Therefore, the section 17H route to acquiring British Overseas Territories citizenship is being closed off (while providing an alternative route for those eligible to acquire full British citizenship on the same terms as before).

Similarly:

- Clause 4(6) would prevent British Overseas Territories citizenship from being automatically inherited from a parent who acquired it “by virtue of a connection with the British Indian Ocean Territory”.
- Clause 2(2)(b) would prevent anyone born in the Chagos Archipelago from automatically being a British Overseas Territories citizen.

All these measures are designed to prevent the future acquisition of British Overseas Territories citizenship in respect of the former BIOT. None of them

⁴⁹ [British Nationality Act 1981, section 17H](#)

⁵⁰ [British Nationality Act 1981, section 4K](#)

⁵¹ UK Visas and Immigration, [Registration as a British overseas territories citizen and British citizen: Chagossian descendant](#), 23 November 2022

⁵² [Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25 Explanatory Notes](#), 15 July 2025, Para 17

would affect the British nationality of anyone who acquires it before the bill comes into force: clause 4(9).

The government emphasises that while this follows from the dissolution of the British Indian Ocean Territory, “there will be no changes to the citizenship that anyone currently holds, nor to the rights of Chagossians to claim [full] British citizenship under current routes”.⁵³

3.5

Orders in Council and future legislation for Diego Garcia (clause 5)

Orders in Council and the BIOT

Clause 5 provides a power to implement the treaty and this bill through Orders in Council.

[Orders in Council](#) are a type of legislation that are made in the name of the Monarch “by and with the advice and consent” of [the Privy Council](#) (officially the “King in Council”), although the text is drafted by the relevant government department. The Privy Council is a body of advisers to the King which meets roughly once a month. Orders are verbally approved by the King at a Privy Council meeting. Orders in Council can either be statutory (issued under a “parent” Act of Parliament and usually involving parliamentary approval) or prerogative (made by the Monarch on ministerial advice but without statutory authority).

Historically, the UK’s Overseas Territories have been governed by Orders in Council issued under an Act of Parliament or the [royal prerogative](#) (residual executive powers exercised by the Monarch).

As the BIOT was a ceded territory, its Orders in Council have been made by virtue of the prerogative.⁵⁴ This [constitutional principle was upheld in 2008 by a ruling of the House of Lords](#), when it was the UK’s superior court.⁵⁵

For more, see the Commons Library Insight: [What are Orders in Council?](#).

Implementing power, scope and restrictions

Subsection (1) of clause 5 allows the King, via Orders in Council, to “make any provision that appears to His Majesty to be appropriate as a result of the Treaty”. The explanatory notes state that “this might include, for example, provision directly implementing the Treaty, or provision which needs to be

⁵³ Foreign, Commonwealth & Development Office and Home Office, [Citizenship rights for Chagossians: update](#), 15 July 2025

⁵⁴ The only other Overseas Territory governed under the prerogative is Gibraltar.

⁵⁵ [R \(On The Application of Bancoult\) v Secretary of State For Foreign and Commonwealth Affairs \[2008\] UKHL 61](#)

made as a result of the Treaty, to reflect the fact that BIOT no longer exists as an overseas territory”.⁵⁶

Subsection (1), also through Orders in Council, allows the King to make “consequential, supplementary, incidental, transitional or saving provision” in relation to the bill or the treaty.

Subsection (2) states that the scope of this implementing power includes the power to amend, repeal or revoke any existing legislation of any part of the United Kingdom, the Crown Dependencies or the Overseas Territories. This includes legislation applying to Diego Garcia through clause 3(1).

Subsection (3) states that if the Orders in Council produced under subsection (1) amend, repeal or revoke any Act of Parliament or statutory instrument, then they must be laid before Parliament as statutory orders and will be subject to the [negative procedure](#).⁵⁷ Statutory orders are a form of Order in Council that require parliamentary approval and have the same effect (and are published in the same way) as other delegated legislation, such as statutory instruments.⁵⁸

Implementing power and the royal prerogative

The explanatory notes state that subsections (4) and (6) “together will provide that the statutory power conferred by clause 5 does not limit any of His Majesty’s powers under his prerogative”.⁵⁹

Subsection (4) specifically states that the powers under this clause do “not limit the prerogative powers”.

Subsection (6) according to the explanatory notes “explain how the use of those powers after entry into force of the Treaty is to be treated under the Foreign Jurisdiction Act 1890 and the Statutory Instruments Act 1946”.⁶⁰ They add that part “of the intention is to maintain a clear distinction between prerogative and statutory orders”. Prerogative Orders in Council become primary legislation without being laid before Parliament.

Subsection (5) clarifies that the current prerogative power to legislate for the BIOT can continue to be exercised after the powers in clause 5 come into

⁵⁶ [Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25 Explanatory Notes](#), 15 July 2025, Para 29

⁵⁷ This follows the constitutional principle that primary legislation cannot be amended by virtue of the royal prerogative.

⁵⁸ See Commons Library research briefing, [The Privy Council: history, functions and membership](#), 13 August 2025, section 2.1

⁵⁹ [Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25 Explanatory Notes](#), 15 July 2025, Para 32

⁶⁰ [Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25 Explanatory Notes](#), 15 July 2025, Para 32. These mistakenly refer to subsection (5) here rather than (6)). [Section 11](#) of the Foreign Jurisdiction Act 1890 provides that every Order in Council “made in pursuance of this Act shall be laid before both Houses of Parliament”. [Sections 4, 5 and 6](#) of the Statutory Instruments Act 1946 makes provision for parliamentary consideration of Orders in Council.

force, to legislate solely for Diego Garcia. The bill’s explanatory notes state that “this is to avoid any doubt as to the ability under the prerogative to legislate in a way that anticipates the new status of Diego Garcia and can take effect together with the change in status”.⁶¹

3.6 Commencement and short title (Clause 6)

Clause 6 states that clauses 1, 5 and 6 will come into force when the bill becomes law and gives the short title of the bill.

⁶¹ [Diego Garcia Military Base and British Indian Ocean Territory Bill 2024-25 Explanatory Notes](#), 15 July 2025, Para 33

4

How bills go through Parliament

Bills can be introduced in either the House of Commons or the House of Lords. They can be amended but the entire text has to be agreed by both Houses before they can receive Royal Assent and become law. In both Houses, bills go through the same stages although there are slight differences in the practices of the two Houses.

4.1

Commons stages

A bill that is introduced in the House of Commons will go through the following stages.

- First reading sees the formal introduction of a bill, when a clerk reads out the name of the bill in the Commons chamber. This bill's first reading was 15 July 2025. There is no debate at this stage. Bills cannot be published before their introduction. Government bills are usually published immediately after introduction.
- Second reading debate is the first time MPs debate a bill. They discuss the purpose of the bill. Debates are usually scheduled to take a full day (five to six hours). The second reading for this bill is scheduled for 9 September 2025. At the end of the debate, MPs decide whether it should pass to the next stage. Sometimes a 'reasoned amendment', which sets out the reasons to reject a bill, is tabled. If this is agreed to, or if the bill is simply voted down, the bill cannot make any further progress. No amendments are made to the bill itself at this stage.
- Committee stage is usually conducted by a small number of MPs (usually 17) in a public bill committee but sometimes bills can be considered in detail in the Commons Chamber by all MPs in a Committee of the whole House. The committee debates and decides whether amendments should be made to the bill and whether each clause and schedule should be included.
- Report stage takes place in the Commons Chamber and involves MPs considering the bill as agreed at committee stage. MPs can also propose further amendments which can be voted on.
- Amendments at committee and report stage can leave out words, substitute words and add words, including whole clauses and schedules. They can be proposed by backbench and frontbench MPs. The Speaker or the chair of the committee selects and groups amendments to debate.

- Third reading, usually on the same day as report stage, is the final chance for MPs to debate the contents of a bill before it goes to the House of Lords. It's usually a short debate and changes cannot be made at this stage in the Commons. At the end of the debate, the House decides whether to approve the bill and therefore pass it onto the House of Lords.

4.2 Lords stages

Bills introduced in the Lords go through the same process, completing all stages in the Lords before being sent to the Commons.

The House of Lords respects the Commons' primacy on financial matters and does not usually amend Finance Bills (those that implement the Budget) or money bills.

Members of the House of Lords debate the bill, going through the same stages as in the Commons. Key differences between the two Houses are that in the Lords, committee stage usually takes place on the floor of the House and a bill can be amended at third reading.

Most bills are considered by a committee of the whole House in the House of Lords. Some are referred to the Lords Grand Committee – which all members can attend. However, divisions (votes) are not permitted in the Grand Committee and any amendments made have to be agreed to without a division.

The Lords can also make amendments to a bill. Major points of difference should have been resolved before third reading but amendments to “tidy-up” a bill are permitted.

No party has a majority in the House of Lords and government defeats are not uncommon. For bills that have started in the House of Commons, the Lords is essentially asking MPs to think again about the subject of the amendment.

4.3 ‘Ping pong’

If the Lords amend a bill that was sent from the Commons, the amendments are returned to the Commons and MPs debate the amendments proposed by the Lords. This is potentially the start of “ping-pong”, a process whereby amendments and messages about the amendments are sent backwards and forwards between the two Houses until agreement is reached.

Once agreement has been reached, the Bill receives Royal Assent, becoming law when both Houses have been notified that Royal Assent has been granted.

4.4

Amendments

MPs can submit amendments, via the Public Bill Office (PBO), at three different stages of a bill: committee stage, report stage, and when a bill is returned from the Lords. Once the PBO accepts the amendment, it has been 'tabled'. If an MP wants to amend a bill during committee stage but is not a member of the committee, they will need a committee member to 'move' it for debate on their behalf.

In order to be debated, the amendment must be selected by the chair. Similar amendments may be grouped for debate to avoid repetition. For committee stage, selection and grouping is carried out by MPs from the panel of chairs chosen to chair the committee. If there is a Committee of the Whole House, the chair is the

Chairman of Ways and Means (the principal Deputy Speaker). For report stage, it is the Speaker.

Amendments might not be selected for debate if they are, for example, outside the scope of a bill, vague, or tabled to the wrong part of a bill. The PBO can advise on whether an amendment is likely to be selected.

4.5

Further information on bill procedure

The [MPs' Guide to Procedure](#) has a [section on bills](#).

MPs who have questions about the procedure for bills or want advice on how to amend them should contact the [Public Bill Office](#).

The Library can provide information on the background and potential impact of a bill and of amendments but cannot help MPs with drafting amendments.

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