

# Diego Garcia Military Base and British Indian Ocean Territory Bill

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## COMMONS REASONS

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*[The page and line references are to HL Bill 139, the Bill as first printed for the Lords]*

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### Clause 1

#### LORDS AMENDMENT 1

- 1 Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).
  - (2A) Sections 2 to 4 of this Act come into force only when the Secretary of State has sought to negotiate an amendment to Article 11 of the Treaty to ensure that the United Kingdom would cease to make payments to the government of Mauritius in the event that the use of the Base for military purposes became impossible.”

#### COMMONS REASON

*The Commons disagree to Lords Amendment 1 for the following Reason –*

- 1A *Because it is not appropriate to re-open the terms of the Treaty.*

#### LORDS AMENDMENT 2

- 2 Clause 1, page 1, line 7, at end insert “, subject to subsection (2A).
  - (2A) Sections 2 to 4 of this Act come into force only when the conditions in section (Referendum (No. 2)) have been met.”

#### COMMONS REASON

*The Commons disagree to Lords Amendment 2 for the following Reason –*

- 2A *Because the Lords Amendments would involve a charge on the public funds; and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

### After Clause 1

#### LORDS AMENDMENT 3

**3** After Clause 1, insert the following new Clause—

##### **“Referendum (No. 2)**

- (1) Subsections (2) to (6) are the conditions of this section for the purposes of section 1(2A).
- (2) Within six months of the day on which this Act is passed, the Secretary of State must conduct a referendum of the Chagossian community.
- (3) The referendum must be conducted in writing and in a format and language as considered appropriate by the Secretary of State to be satisfied the response will be valid.
- (4) The question to be put to the Chagossian community in the referendum is stated in subsection (5).
- (5) The question is—  
“In recognising the international principles of self-determination, do you agree that the implementation of the Treaty agreed between the United Kingdom and Mauritius must guarantee the rights of Chagossians in a legal right—
  - (a) of resettlement on the Islands of the Chagos Archipelago other than Diego Garcia,
  - (b) of participation in the operation in and opportunities of working in and visiting Diego Garcia, and
  - (c) to be involved in decision making on the operation of the Trust Fund for the benefit of the Chagossian Community?”
- (6) Within 30 days of the result of the referendum the Secretary of State must lay a statement before both Houses of Parliament setting out how they intend to respond to the referendum.
- (7) In this section, “Chagossian community” means those Chagossians identified by the Secretary of State who will be impacted by the Act.”

#### COMMONS REASON

*The Commons disagree to Lords Amendment 3 for the following Reason –*

**3A** *Because the Lords Amendments would involve a charge on the public funds; and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

### After Clause 5

#### LORDS AMENDMENT 5

**5** After Clause 5, insert the following new Clause—

##### **“Cost of the Treaty**

The Secretary of State must publish a statement setting out—

- (a) the total real terms cost of payments to be made to Mauritius under the Treaty;
- (b) the full methodology and justification of the discount mechanism used to calculate the total cost;
- (c) the methodology used to calculate the total cost of the Treaty by –
  - (i) the Office for Budget Responsibility,
  - (ii) the Government Actuary’s Department, and
  - (iii) the Treasury.”

#### COMMONS REASON

*The Commons disagree to Lords Amendment 5 for the following Reason –*

**5A** *Because adequate information on this issue has already been published.*

#### LORDS AMENDMENT 6

**6** After Clause 5, insert the following new Clause –

##### **“Parliamentary oversight and approval of expenditure**

- (1) The Secretary of State must, within the first financial year following the day on which this Act is passed, lay before the House of Commons, for its approval, an estimate of the expenditure that is anticipated to be incurred by the Government of the United Kingdom in connection with the commitments made under the terms of the Treaty, including, but not limited to –
  - (a) any payments made or to be made, or financial commitments entered into, with the government of the Republic of Mauritius in accordance with the Treaty; and
  - (b) the costs associated with the continued administration, maintenance, and operation of Diego Garcia.
- (2) In each fifth successive financial year after the first financial year as set out above, the Secretary of State must lay an estimate in accordance with subsection (1).
- (3) If the payments incurred by the Government of the United Kingdom are greater than those anticipated in the estimate specified in subsection (1) or (2), the Secretary of State must lay before the House of Commons, for its approval, a supplementary estimate.
- (4) If at any stage during the operation of the Treaty the Secretary of State presents to the House of Commons a report that the Republic of Mauritius has, in his or her view, not honoured the provisions of the Treaty they have undertaken to honour, and that the United Kingdom has presented to the Joint Commission a reasoned case that it believes the Republic of Mauritius has not honoured the provisions of the Treaty, and that the process in Article 14 of the Treaty has been exhausted, the Secretary of State must lay before the House of Commons, for its approval, a resolution to cease payments in connection with the Treaty.”

#### COMMONS REASON

*The Commons disagree to Lords Amendment 6 for the following Reason –*

**6A** *Because the Lords Amendment would affect the Commons' arrangements for authorising expenditure; and the Commons do not offer any further Reason, trusting that this Reason may be deemed sufficient.*

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*21 January 2026.*

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