

Appendix 1: Tokyo Convention

**CONVENTION
ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED
ON BOARD AIRCRAFT**

THE STATES Parties to this Convention

HAVE AGREED as follows:

Chapter I—Scope of the Convention

ARTICLE 1

1. This Convention shall apply in respect of:

(a) offences against penal law;

(b) acts which, whether or not they are offences, may or do jeopardize the safety of the aircraft or of persons or property therein or which jeopardize good order and discipline on board.

2. Except as provided in Chapter III, this Convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a Contracting State, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State.

3. For the purposes of this Convention, an aircraft is considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.

4. This Convention shall not apply to aircraft used in military, customs or police services.

ARTICLE 2

Without prejudice to the provisions of Article 4 and except when the safety of the aircraft or of persons or property on board so requires, no provision of this Convention shall be interpreted as authorizing or requiring any action in respect of offences against penal laws of a political nature or those based on racial or religious discrimination.

Chapter II—Jurisdiction

ARTICLE 3

1. The State of registration of the aircraft is competent to exercise jurisdiction over offences and acts committed on board.

2. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction as the State of registration over offences committed on board aircraft registered in such State.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 4

A Contracting State which is not the State of registration may not interfere with an aircraft in flight in order to exercise its criminal jurisdiction over an offence committed on board except in the following cases:

- (a) the offence has effect on the territory of such State;
- (b) the offence has been committed by or against a national or permanent resident of such State;
- (c) the offence is against the security of such State;
- (d) the offence consists of a breach of any rules or regulations relating to the flight or manoeuvre of aircraft in force in such State;
- (e) the exercise of jurisdiction is necessary to ensure the observance of any obligation of such State under a multilateral international agreement.

Chapter III—Powers of the aircraft commander

ARTICLE 5

1. The provisions of this Chapter shall not apply to offences and acts committed or about to be committed by a person on board an aircraft in flight in the airspace of the State of registration or over the high seas or any other area outside the territory of any State unless the last point of take-off or the next point of intended landing is situated in a State other than that of registration, or the aircraft subsequently flies in the airspace of a State other than that of registration with such person still on board.

2. Notwithstanding the provisions of Article 1, paragraph 3, an aircraft shall for the purposes of this Chapter, be considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the provisions of this Chapter shall continue to apply with respect to offences and acts committed on board until competent authorities of a State take over the responsibility for the aircraft and for the persons and property on board.

ARTICLE 6

1. The aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act contemplated in Article 1, paragraph 1, impose upon such person reasonable measures including restraint which are necessary:

- (a) to protect the safety of the aircraft, or of persons or property therein; or
- (b) to maintain good order and discipline on board; or

(c) to enable him to deliver such person to competent authorities or to disembark him in accordance with the provisions of this Chapter.

2. The aircraft commander may require or authorize the assistance of other crew members and may request or authorize, but not require, the assistance of passengers to restrain any person whom he is entitled to restrain. Any crew member or passenger may also take reasonable preventive measures without such authorization when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

ARTICLE 7

1. Measures of restraint imposed upon a person in accordance with Article 6 shall not be continued beyond any point at which the aircraft lands unless:

- (a) such point is in the territory of a non-Contracting State and its authorities refuse to permit disembarkation of that person or those measures have been imposed in accordance with Article 6, paragraph 1(c) in order to enable his delivery to competent authorities;
- (b) the aircraft makes a forced landing and the aircraft commander is unable to deliver that person to competent authorities; or
- (c) that person agrees to onward carriage under restraint.

2. The aircraft commander shall as soon as practicable, and if possible before landing in the territory of a State with a person on board who has been placed under restraint in accordance with the provisions of Article 6, notify the authorities of such State of the fact that a person on board is under restraint and of the reasons for such restraint.

ARTICLE 8

1. The aircraft commander may, in so far as it is necessary for the purpose of subparagraph (a) or (b) of paragraph 1 of Article 6, disembark in the territory of any State in which the aircraft lands any person who he has reasonable grounds to believe has committed, or is about to commit, on board the aircraft an act contemplated in Article 1, paragraph 1 (b).

2. The aircraft commander shall report to the authorities of the State in which he disembarks any person pursuant to this Article, the fact of, and the reasons for, such disembarkation.

ARTICLE 9

1. The aircraft commander may deliver to the competent authorities of any Contracting State in the territory of which the aircraft lands any person who he has reasonable grounds to believe has committed on board the aircraft an act which, in his opinion, is a serious offence according to the penal law of the State of registration of the aircraft.

2. The aircraft commander shall as soon as practicable and if possible before landing in the territory of a Contracting State with a person on board

whom the aircraft commander intends to deliver in accordance with the preceding paragraph, notify the authorities of such State of his intention to deliver such person and the reasons therefor.

3. The aircraft commander shall furnish the authorities to whom any suspected offender is delivered in accordance with the provisions of this Article with evidence and information which, under the law of the State of registration of the aircraft, are lawfully in his possession.

ARTICLE 10

For actions taken in accordance with this Convention, neither the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.

Chapter IV—Unlawful Seizure of Aircraft

ARTICLE 11

1. When a person on board has unlawfully committed by force or threat thereof an act of interference, seizure, or other wrongful exercise of control of an aircraft in flight or when such an act is about to be committed, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated in the preceding paragraph, the Contracting State in which the aircraft lands shall permit its passengers and crew to continue their journey as soon as practicable, and shall return the aircraft and its cargo to the persons lawfully entitled to possession.

Chapter V—Powers and Duties of States

ARTICLE 12

Any Contracting State shall allow the commander of an aircraft registered in another Contracting State to disembark any person pursuant to Article 8, paragraph 1.

ARTICLE 13

1. Any Contracting State shall take delivery of any person whom the aircraft commander delivers pursuant to Article 9, paragraph 1.

2. Upon being satisfied that the circumstances so warrant, any Contracting State shall take custody or other measures to ensure the presence of any person suspected of an act contemplated in Article 11, paragraph 1, and of any person of whom it has taken delivery. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is reasonably necessary to enable any criminal or extradition proceedings to be instituted.

3. Any person in custody pursuant to the previous paragraph shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. Any Contracting State, to which a person is delivered pursuant to Article 9, paragraph 1, or in whose territory an aircraft lands following the commission of an act contemplated in Article 11, paragraph 1, shall immediately make a preliminary enquiry into the facts.

5. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft and the State of nationality of the detained person and, if it considers it advisable, any other interested State of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 4 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 14

1. When any person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and when such person cannot or does not desire to continue his journey and the State of landing refuses to admit him, that State may, if the person in question is not a national or permanent resident of that State, return him to the territory of the State of which he is a national or permanent resident or to the territory of the State in which he began his journey by air.

2. Neither disembarkation, nor delivery, nor the taking of custody or other measures contemplated in Article 13, paragraph 2, nor return of the person concerned, shall be considered as admission to the territory of the Contracting State concerned for the purpose of its law relating to entry or admission of persons and nothing in this Convention shall affect the law of a Contracting State relating to the expulsion of persons from its territory.

ARTICLE 15

1. Without prejudice to Article 14, any person who has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and who desires to continue his journey shall be at liberty as soon as practicable to proceed to any destination of his choice unless his presence is required by the law of the State of landing for the purpose of extradition or criminal proceedings.

2. Without prejudice to its law as to entry and admission to, and extradition and expulsion from its territory, a Contracting State in whose territory a person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked and is suspected of having committed an act contemplated in Article 11, paragraph 1, shall accord to such person treatment which is no less favourable for his protection and security than that accorded to nationals of such Contracting State in like circumstances.

Chapter VI—Other Provisions

ARTICLE 16

1. Offences committed on aircraft registered in a Contracting State shall be treated, for the purpose of extradition, as if they had been committed not only in the place in which they have occurred but also in the territory of the State of registration of the aircraft.

2. Without prejudice to the provisions of the preceding paragraph, nothing in this Convention shall be deemed to create an obligation to grant extradition.

ARTICLE 17

In taking any measures for investigation or arrest or otherwise exercising jurisdiction in connection with any offence committed on board an aircraft the Contracting States shall pay due regard to the safety and other interests of air navigation and shall so act as to avoid unnecessary delay of the aircraft, passengers, crew or cargo.

ARTICLE 18

If Contracting States establish joint air transport operating organizations or international operating agencies, which operate aircraft not registered in any one State those States shall, according to the circumstances of the case, designate the State among them which, for the purposes of this Convention, shall be considered as the State of registration and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

Chapter VII—Final Clauses

ARTICLE 19

Until the date on which this Convention comes into force in accordance with the provisions of Article 21, it shall remain open for signature on behalf of any State which at that date is a Member of the United Nations or of any of the Specialized Agencies.

ARTICLE 20

1. This Convention shall be subject to ratification by the signatory States in accordance with their constitutional procedures.

2. The instruments of ratification shall be deposited with the International Civil Aviation Organization.

ARTICLE 21

1. As soon as twelve of the signatory States have deposited their instruments of ratification of this Convention, it shall come into force

between them on the ninetieth day after the date of the deposit of the twelfth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.

2. As soon as this Convention comes into force, it shall be registered with the Secretary-General of the United Nations by the International Civil Aviation Organization.

ARTICLE 22

1. This Convention shall, after it has come into force, be open for accession by any State Member of the United Nations or of any of the Specialized Agencies.

2. The accession of a State shall be effected by the deposit of an instrument of accession with the International Civil Aviation Organization and shall take effect on the ninetieth day after the date of such deposit.

ARTICLE 23

1. Any Contracting State may denounce this Convention by notification addressed to the International Civil Aviation Organization.

2. Denunciation shall take effect six months after the date of receipt by the International Civil Aviation Organization of the notification of denunciation.

ARTICLE 24

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the International Civil Aviation Organization.

ARTICLE 25

Except as provided in Article 24 no reservation may be made to this Convention.

ARTICLE 26

The International Civil Aviation Organization shall give notice to all States Members of the United Nations or of any of the Specialized Agencies:

- (a) of any signature of this Convention and the date thereof;
- (b) of the deposit of any instrument of ratification or accession and the date thereof;
- (c) of the date on which this Convention comes into force in accordance with Article 21, paragraph 1;
- (d) of the receipt of any notification of denunciation and the date thereof; and
- (e) of the receipt of any declaration or notification made under Article 24 and the date thereof.

Appendix 2CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS
COMMITTED ON BOARD AIRCRAFT, SIGNED AT TOKYO ON 14 SEPTEMBER 1963*

<u>States</u>	<u>Date of Signature</u>	<u>Date of Deposit of Instruments of Ratification or Accession</u>	<u>Effective Date</u>
Afghanistan		15 April 1977	14 July 1977
Argentina		23 July 1971	21 October 1971
Australia		22 June 1970	20 September 1970
Austria		7 February 1974	8 May 1974
Bahamas			10 July 1973(1)
Bangladesh		25 July 1978	23 October 1978
Barbados	25 June 1969	4 April 1972	3 July 1972
Belgium	20 December 1968	6 August 1970	4 November 1970
Bolivia		5 July 1979	3 October 1979
Botswana		16 January 1979	16 April 1979
Brazil	28 February 1969	14 January 1970	14 April 1970
Burundi		14 July 1971	12 October 1971
Canada	4 November 1964	7 November 1969	5 February 1970
Chad		30 June 1970	28 September 1970
Chile		24 January 1974	24 April 1974
China		14 November 1978	12 February 1979(2)(3)
Colombia	8 November 1968	6 July 1973	4 October 1973
Congo, People's Rep. of	14 September 1963	13 November 1978	11 February 1979
Costa Rica		24 October 1972	22 January 1973
Cyprus		31 May 1972	29 August 1972
Denmark	21 November 1966	17 January 1967	4 December 1969
Dominican Republic		3 December 1970	3 March 1971
Ecuador	8 July 1969	3 December 1969	3 March 1970
Egypt, Arab Rep. of		12 February 1975(2)	13 May 1975
El Salvador		13 February 1980	13 May 1980
Ethiopia		27 March 1979(2)	25 June 1979
Fiji			10 October 1970(4)
Finland	24 October 1969	2 April 1971	1 July 1971
France	11 July 1969	11 September 1970	10 December 1970
Gabon		14 January 1970	14 April 1970
Gambia		4 January 1979	4 April 1979
Germany, Federal Republic of	14 September 1963	16 December 1969	16 March 1970
Ghana		2 January 1974	2 April 1974
Greece	21 October 1969	31 May 1971	29 August 1971

* Entered into force on 4 December 1969, in accordance with Article 21, paragraph 1.

APPENDIX 2

<u>States</u>	<u>Date of Signature</u>	<u>Date of Deposit of Instruments of Ratification or Accession</u>	<u>Effective Date</u>
Grenada		28 August 1978	26 November 1978
Guatemala	14 September 1963	17 November 1970(2)	15 February 1971
Guyana		20 December 1972	19 March 1973
Holy See	14 September 1963		
Hungary		3 December 1970(2)	3 March 1971
Iceland		16 March 1970	14 June 1970
India		22 July 1975(2)	20 October 1975
Indonesia	14 September 1963	7 September 1976(2)	6 December 1976
Iran		28 June 1976	29 September 1976
Iraq		15 May 1974(5)	13 August 1974
Ireland	20 October 1964	14 November 1975	12 February 1976
Israel	1 November 1968	19 September 1969	18 December 1969
Italy	14 September 1963	18 October 1968	4 December 1969
Ivory Coast		3 June 1970	1 September 1970
Japan	14 September 1963	26 May 1970	24 August 1970
Jordan		3 May 1973	1 August 1973
Kenya		22 June 1970	20 September 1970
Kuwait		27 November 1979(6)	25 February 1980
Lao People's Democratic Republic		23 October 1972	21 January 1973
Lebanon		11 June 1974	9 September 1974
Lesotho		28 April 1972	27 July 1972
Liberia	14 September 1963		
Luxembourg		21 September 1972	20 December 1972
Libian Arab Jamahiriya		21 June 1972	19 September 1972
Madagascar	2 December 1969	2 December 1969	2 March 1970
Malawi		28 December 1972	28 March 1973
Mali		31 May 1971	29 August 1971
Mexico	24 December 1968	18 March 1969	4 December 1969
Mauritania		30 June 1977	28 September 1977
Morocco		21 October 1975(7)	19 January 1976
Nepal		15 January 1979	15 April 1979
Netherlands, Kingd. of the	9 June 1967	14 November 1969(8)	12 February 1970
New Zealand		12 February 1974	13 May 1974
Nicaragua		24 August 1973	22 November 1973
Niger	14 April 1969	27 June 1969	4 December 1969
Nigeria	29 June 1965	7 April 1970	6 July 1970

<u>States</u>	<u>Date of Signature</u>	<u>Date of Deposit of Instrument Ratification or Accession</u>	<u>Effective Date</u>
Norway	19 April 1966	17 January 1967	4 December 1969
Oman		9 February 1979(2-9)	10 May 1977
Pakistan	6 August 1965	11 September 1973	10 December 1973
Panama	14 September 1963	16 November 1970	14 February 1971
Papua New Guinea			16 September 1975(2-10)
Paraguay		9 August 1971	7 November 1971
Peru		12 May 1978(2)	10 August 1978
Philippines	14 September 1963	26 November 1965	4 December 1969
Poland		19 March 1971(2)	17 June 1971
Portugal	11 March 1964	25 November 1964	4 December 1969
Republic of Korea	8 December 1965	19 February 1971	20 May 1971
Romania		16 February 1974(2)	16 May 1974
Rwanda		17 May 1971	15 August 1971
Saudi Arabia	6 April 1967	21 November 1969	19 February 1970
Senegal	20 February 1964	9 March 1972	7 June 1972
Seychelles		4 January 1979	4 April 1979
Sierra Leone		9 November 1970	7 February 1971
Singapore		1 March 1971	30 May 1971
South Africa		26 May 1972(2)	24 August 1972
Spain	27 July 1964	1 October 1969	30 December 1969
Sri Lanka		30 May 1978	28 August 1978
Suriname			25 November 1975(11)
Sweden	14 September 1963	17 January 1967	4 December 1969
Switzerland	31 October 1969	21 December 1970	21 March 1971
Syrian Arab Republic		31 July 1980(2)	29 October 1980
Thailand		6 March 1972	4 June 1972
Togo		26 July 1971	24 October 1971
Trinidad and Tobago		9 February 1972	9 May 1972
Tunisia		25 February 1975(2)	26 May 1975
Turkey		17 December 1975	16 March 1976
United Arab Emirates		16 April 1981	15 July 1981(13)
United Kingdom	14 September 1963	29 November 1968(12)	4 December 1969
United States	14 September 1963	5 September 1969	4 December 1969
Upper Volta	14 September 1963	6 June 1969	4 December 1969
Uruguay		26 January 1977	26 April 1977
Venezuela	13 March 1964		
Viet-Nam, Socialist Republic of		10 October 1979	8 January 1980
Yugoslavia	14 September 1963	12 February 1971	13 May 1971
Zambia		14 September 1971	13 December 1971
Zaire, Republic of		20 July 1977	18 October 1977

APPENDIX 2

- (1) Declaration dated 15 May 1975 by Bahamas that it considers to be bound to the said Convention by virtue of the ratification of the United Kingdom and pursuant to customary international law. The Commonwealth of the Bahamas attained independence on 10 July 1973.
- (2) Reservation: Does not consider itself bound by Article 24, paragraph 1, of the Convention.
- (3) The Instrument of Accession contains the following statement: "The Chinese Government declares illegal and null and void the signature and ratification by the Chaing clique usurping the name of China in regard to the above mentioned Convention".
- (4) Declaration dated 18 January 1972 by Fiji that it succeeded, upon independence, (whereof the date was 10 October 1970) to the rights and obligations of the United Kingdom in respect of this Convention.
- (5) Accession by the Republic of Iraq to the Convention shall, however, in no way signify recognition of Israel or entry into any relations with it.
- (6) It is understood that the accession to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Tokyo, 1963, does not mean in any way recognition of Israel by the State of Kuwait. Furthermore, no treaty relation will arise between the State of Kuwait and Israel.
- (7) "In case of a dispute, all recourse must be made to the International Court of Justice on the basis of the unanimous consent of the parties concerned".
- (8) Declaration: "...the Convention, with respect to the Kingdom of the Netherlands, shall not enter into force for Suriname and/or the Netherlands Antilles until the ninetieth day after the date on which the Government of the Kingdom of the Netherlands will have notified the International Civil Aviation Organization that in Suriname and/or in the Netherlands Antilles the necessary steps for giving effect to the provisions of the above mentioned Convention have been taken".

Note: On 4 June 1974 a Declaration dated 10 May 1974 was deposited with the International Civil Aviation Organization by the Government of the Kingdom of the Netherlands stating that the necessary steps for giving effect to the provisions of the Convention have been taken in regard to making the Convention applicable to Suriname and the Netherlands Antilles. Accordingly, the Convention takes effect for Suriname and the Netherlands Antilles on 2 September 1974.

- (9) The accession by the Government of the Sultanate of Oman to the Convention does not mean or imply, and shall not be interpreted as recognition of Israel generally or in the context of this Convention.
- (10) Declaration dated 6 November 1975 by Papua New Guinea that "it desires to be treated as a party in its own right to the said Convention", which entered into force for Australia on the twentieth day of September 1970, and has applied to the Territory of Papua and Trust Territory of New Guinea". Papua New Guinea attained independence on 16 September 1975.
- (11) The Instrument of Succession was deposited with ICAO on 10 September 1979. Prior to that date the provisions of the Convention applied to Suriname by virtue of a declaration dated 10 May 1974 by the Government of the Kingdom of the Netherlands. The Republic of Suriname attained independence on 25 November 1975. (See also footnote 8).
- (12) Declaration: "...the provisions of the Convention shall not apply in regard to Southern Rhodesia unless and until the Government of the United Kingdom inform the International Civil Aviation Organization that they are in a position to ensure that the obligations imposed by the Convention in respect of that territory can be fully implemented."
- (13) Reservation: "In accepting the said Convention, the Government of the United Arab Emirates takes the view that its acceptance of the said Convention does not in any way imply its recognition of Israel, nor does it oblige to apply the provisions of the Convention in respect of the said Country".

Appendix 3: Draft Model Bill¹

An Act to make provision with a view to the accession on behalf of (.....)² to the Convention on Offences and certain other Acts committed on board Aircraft, signed at Tokyo on 14th September, 1963, and for purposes connected therewith.

Be it enacted as follows:-

Short title and commencement

1. This Act may be cited as the Tokyo Convention Act, 198_, and shall come into operation on (.....)³.

Interpretation

2. (1) In this Act, unless the context otherwise requires -
 - "aircraft" means any aircraft, whether or not a (.....)² - controlled aircraft, other than -
 - (a) a military aircraft; or
 - (b) an aircraft which, not being military aircraft, is exclusively employed in the service of the Government;

"commander", in relation to an aircraft, means the member of the crew designated as commander of that aircraft by the operator thereof, or, failing such a person the person who is for the time being the pilot in command of the aircraft;

"consular officer" means a consular officer of (.....)²; and includes a consul-general, consul, pro-consul and consular agent of (.....)²;

"Convention country" means a country which has been declared by the Minister, by notification published in (.....)⁴ to have ratified or acceded to the Tokyo Convention, and has not been so declared to have denounced the Tokyo Convention;

"military aircraft" means an aircraft of the naval, military or air forces of any country;

"Minister" means (.....)⁵.

"operator", in relation to any aircraft at any time, means the person who at that time has the management of that aircraft;

"pilot in command", in relation to an aircraft, means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

"Tokyo Convention" means the Convention on Offences and certain other Acts Committed on board Aircraft, signed at Tokyo on 14th September, 1963.

"(.....)²-controlled aircraft" means an aircraft -

(a) which is for the time being registered in (.....)²,
or

(b) which, being for the time being registered in some other country, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the following requirements, namely:-

(i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in (.....)², and

(ii) that he resides or has his principal place of business in (.....)²;

(2) For the purposes of this Act, the period during which an aircraft is in flight shall be deemed to include -

(a) any period from the moment when power is applied for the purpose of the aircraft taking off on a flight

until the moment when the landing run (if any) at the termination of that flight ends; and

(b) for the purposes of section 5 of this Act -

- (i) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and
- (ii) if the aircraft makes a forced landing, any period thereafter until the time when competent authorities of the country in which the forced landing takes place take over the responsibility for the aircraft and for the persons and property on board the aircraft (being, if the forced landing takes place in (.....)² the time when a police officer arrives at the place of landing),

and any reference in this Act to an aircraft in flight shall include a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(3) In this Act, unless the context otherwise requires, any reference to a country or the territorial limits thereof shall be construed as including a reference to the territorial waters, if any, of that country.

(4) If the Minister is satisfied that the requirements of Article 18 of the Tokyo Convention have been satisfied (which Article makes provision as to the country which is to be treated as the country of registration of certain aircraft operated by joint air transport organisations or international operating agencies established by two or more Convention countries) the Minister may, by notification

published in (.....)⁴ provide that for the purposes of this Act such aircraft as may be specified in the notification shall be treated as registered in such Convention country as may be so specified.

Application of criminal law to aircraft

3. (1) Any act or omission taking place on board a (.....)² controlled aircraft while in flight elsewhere than in or over (.....)² which, if taking place in (.....)² would constitute an offence under the law in force in (.....)², constitutes that offence:

Provided that this subsection shall not apply to any act or omission which is expressly or impliedly authorised by or under that law when taking place outside (.....)².

(2) No proceedings for any offence under the law in force in (.....)² committed on board an aircraft while in flight elsewhere than in or over (.....)² shall be instituted in (.....)² except by or with the consent of the Attorney-General.⁶

(3) The provisions of subsection (2) of this section shall not prevent the arrest, or the issue of a warrant for the arrest, of any person in respect of any offence, or the remanding in custody or on bail of any person charged with any offence.⁷

(4) For the purpose of conferring jurisdiction, any offence under the law in force in (.....)² committed on board an aircraft in flight shall be deemed to be committed in (.....)².

Provisions as to extradition

4. For the purposes of the application of the (Extradition Act)⁸ to crimes committed on board an aircraft in flight, any aircraft registered in a Convention country shall at any time while that aircraft is in flight be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country.

Powers of commander of aircraft

5. (1) The provisions of subsections (2), (3), (4) and (5) of this section shall have effect for the purposes of any proceeding before any court in (.....)².
- (2) If the commander of an aircraft in flight, wherever that aircraft may be, has reasonable grounds to believe in respect of any person on board the aircraft -
- (a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardises or may jeopardise -
- (i) the safety of the aircraft or of persons or property on board the aircraft; or
- (ii) good order and discipline on board the aircraft; or
- (b) that the person in question has done on the aircraft while in flight any act which in the opinion of the commander is a serious offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination,

then, subject to subsection (4) of this section, the commander may take with respect to that person such

reasonable measures, including restraint of his person, as may be necessary -

- (i) to protect the safety of the aircraft or of persons or property on board the aircraft;
- (ii) to maintain good order and discipline on board the aircraft; or
- (iii) to enable the commander to disembark or deliver that person in accordance with subsection (5) of this section,

and for the purposes of paragraph (b) of this subsection any (.....)² controlled aircraft shall be deemed to be registered in (.....)² whether or not it is in fact so registered and whether or not it is in fact registered in some other country.

(3) Any member of the crew of an aircraft and any other person on board the aircraft may, at the request or with the authority of the commander of the aircraft, and any such member shall if so required by that commander, render assistance in restraining any person whom the commander is entitled under subsection (2) of this section to restrain; and at any time when the aircraft is in flight any such member or other person may, without obtaining the authority of the commander, take with respect to any person on board the aircraft any measures such as are mentioned in subsection (2) of this section which he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

(4) Any restraint imposed on any person on board an aircraft under the powers conferred by this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless before or as soon as is

reasonably practicable after that time the commander of the aircraft causes notification of the fact that a person on board the aircraft is under restraint and of the reasons therefor to be sent to an appropriate authority of the country in which the aircraft so ceases to be in flight, but subject to such notification may be continued after that time -

(a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (5) of this section; or

(b) If the person under restraint agrees to continue his journey under restraint on board that aircraft.

(5) The commander of an aircraft -

(a) if in the case of any person on board the aircraft he has reasonable grounds -

(i) to believe as mentioned in paragraph (a) of subsection (2) of this section; and

(ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft,

may disembark that person in any country in which that aircraft may be; and

(b) if in the case of any person on board the aircraft he has reasonable grounds to believe as mentioned in paragraph (b) of subsection (2) of this section, may deliver that person -

(i) in (.....)² to a police officer or immigration officer; or

(ii) in any other country which is a Convention country, to an officer having functions corresponding to the functions either of a police officer or of an immigration officer in (.....)².

(6) The commander of an aircraft -

(a) if he disembarks any person in pursuance of paragraph (a) of subsection (5) of this section, in the case of a (.....)²-controlled aircraft, in any country or, in the case of any other aircraft, in (.....)², shall report the fact of, and the reason for, that disembarkation to -

(i) an appropriate authority in the country of disembarkation; and

(ii) the appropriate diplomatic or consular office of the country of nationality of that person;

(b) if he intends to deliver any person in accordance with paragraph (b) of subsection (5) of this section in (.....)² or, in the case of a (.....)²-controlled aircraft, in any other country which is a Convention country, shall before or as soon as reasonably practicable after landing give notification of his intention and of the reasons therefor -

(i) where the country in question is (.....)² to a police officer or immigration officer or, in the case of any other country, to an officer having functions corresponding to the functions either of a police officer or of an immigration officer in (.....)², and

(ii) in either case to the appropriate diplomatic or consular office of the country of nationality of that person,

and any commander of an aircraft who without reasonable cause fails to comply with the requirements of this subsection shall be guilty of an offence⁹ under this Act and shall be liable on conviction to a fine not exceeding (.....)¹⁰.

Regulations

6. The Minister may make such regulations as appear to him to be necessary for carrying out or giving effect to the provisions of the Tokyo Convention.

NOTES

1. This Draft Model Bill is based on the Statute currently in force in the Republic of Singapore.
2. Name of acceding State.
3. Date of commencement or procedure by which the Statute is to be brought into force.
4. Name of official government publication.
5. Title or designation of Minister responsible for Civil Aviation.
6. Or other responsible Law Officer. The purpose of this provision is to prevent prosecutions for infringement of this Statute, without the consent of the Government.
7. The purpose of this subsection is to make provision for the detention or other means of control over a person alleged to have committed an offence under this Statute, pending a Governmental decision as to whether he should be prosecuted in respect of the alleged offence.
8. Or other relevant Statute or law.
9. This provision creates an offence, not required by the Convention, which may be committed by an aircraft commander.
10. Maximum penalty.

Appendix 4: Hague Convention

**CONVENTION
FOR THE SUPPRESSION OF
UNLAWFUL SEIZURE OF AIRCRAFT**

PREAMBLE

THE STATES PARTIES TO THIS CONVENTION

CONSIDERING that unlawful acts of seizure or exercise of control of aircraft in flight jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

CONSIDERING that the occurrence of such acts is a matter of grave concern;

CONSIDERING that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Any person who on board an aircraft in flight:

- (a) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or
- (b) is an accomplice of a person who performs or attempts to perform any such act

commits an offence (hereinafter referred to as "the offence").

ARTICLE 2

Each Contracting State undertakes to make the offence punishable by severe penalties.

ARTICLE 3

1. For the purposes of this Convention, an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

2. This Convention shall not apply to aircraft used in military, customs or police services.

3. This Convention shall apply only if the place of take-off or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.

4. In the cases mentioned in Article 5, this Convention shall not apply if the place of take-off and the place of actual landing of the aircraft on board which the offence is committed are situated within the territory of the same State where that State is one of those referred to in that Article.

5. Notwithstanding paragraphs 3 and 4 of this Article, Articles 6, 7, 8 and 10 shall apply whatever the place of take-off or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registration of that aircraft.

ARTICLE 4

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

- (a) when the offence is committed on board an aircraft registered in that State;
- (b) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;
- (c) when the offence is committed on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offence in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 5

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft, the State mentioned in Article 4, paragraph 1 (c), the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

ARTICLE 8

1. The offence shall be deemed to be included as an extraditable offence in any extradition treaty existing between Contracting States. Contracting States undertake to include the offence as an extraditable offence in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offence. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offence as an extraditable offence between themselves subject to the conditions provided by the law of the requested State.

4. The offence shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 4, paragraph 1.

ARTICLE 9

1. When any of the acts mentioned in Article 1 (a) has occurred or is about to occur, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated by the preceding paragraph, any Contracting State in which the aircraft or its passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 10

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offence and other acts mentioned in Article 4. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 11

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning:

- (a) the circumstances of the offence;
- (b) the action taken pursuant to Article 9;
- (c) the measures taken in relation to the offender or the alleged offender, and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 12

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

ARTICLE 13

1. This Convention shall be open for signature at The Hague on 16 December 1970, by States participating in the International Conference on Air Law held at The Hague from 1 to 16 December 1970 (hereinafter

referred to as The Hague Conference). After 31 December 1970, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in The Hague Conference.⁽¹⁾

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations⁽²⁾ and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).⁽³⁾

ARTICLE 14

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their Governments, have signed this Convention.

DONE at The Hague, this sixteenth day of December, one thousand nine hundred and seventy, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

⁽¹⁾ The Convention entered into force on 14 October 1971.

⁽²⁾ Treaty Series No. 67 (1946), Cmd. 7015.

⁽³⁾ Treaty Series No. 8 (1953), Cmd. 8742.

Appendix 5CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFTSIGNED AT THE HAGUE ON 16 DECEMBER 1970*

<u>States</u>	<u>Date of Signature</u>	<u>Date of Deposit of Instrument of Ratification or Accession</u>
Afghanistan	16 December 1970	
Argentina	16 December 1970	11 September 1972(1)
Australia	15 June 1971	9 November 1972
Austria	28 April 1971	11 February 1974
Bahamas		13 August 1976
Bangladesh		28 June 1978
Barbados	16 December 1970	2 April 1973
Belgium	16 December 1970	24 August 1973
Benin	5 May 1971	13 March 1972
Bolivia		18 July 1979
Botswana		28 December 1978
Brazil	16 December 1970	14 January 1972(2)
Bulgaria	16 December 1970	19 May 1971(2)
Burundi	17 February 1971	
Byelorussian Soviet Socialist Republic	16 December 1970(2)	30 December 1971(2)
Canada	16 December 1970	20 June 1972
Cape Verde		20 October 1977
Chad	27 September 1971	12 July 1972
China		10 September 1980(2)(12)
Chile	4 June 1971	2 February 1972
Colombia	16 December 1970	3 July 1973
Costa Rica	16 December 1970	9 July 1971
Cyprus		5 July 1972
Czechoslovak Socialist Republic	16 December 1970(2)	6 April 1972
Democratic Kampuchea	16 December 1970	
Denmark	16 December 1970	17 October 1972(3)
Dominican Republic	29 June 1971	22 June 1978
Ecuador	19 March 1971(2)	14 June 1971
Egypt, Arab Republic of		28 February 1975(2)
El Salvador	16 December 1970	16 January 1973
Equatorial Guinea	4 June 1971	
Ethiopia	16 December 1970	26 March 1979
Fiji	5 October 1971	27 July 1972
Finland	8 January 1971	15 December 1971
France	16 December 1970	18 September 1972
Gabon	16 December 1970	14 July 1971
Gambia	18 May 1971	28 November 1978
German Democratic Republic	4 January 1971	3 June 1971

APPENDIX 5

<u>States</u>	<u>Date of Signature</u>	<u>Date of Deposit of Instrument of Ratification or Accession</u>
Germany, Federal Republic of	16 December 1970	11 October 1974
Ghana	16 December 1970	12 December 1973
Greece	16 December 1970	20 September 1973
Grenada		10 August 1978
Guatemala	16 December 1970(2)	16 May 1979
Guinea-Bissau		20 August 1976
Guyana		21 December 1972
Hungary	16 December 1970	13 August 1971(2)
Iceland		29 June 1973
India	14 July 1971	
Indonesia	16 December 1970	27 August 1976(2)
Iran	16 December 1970	25 January 1972
Iraq	22 February 1971	3 December 1971
Ireland		24 November 1975
Israel	16 December 1970	16 August 1971
Italy	16 December 1970	19 February 1974
Ivory Coast		9 January 1973
Jamaica	16 December 1970	
Japan	16 December 1970	19 April 1971
Jordan	9 June 1971	18 November 1971
Kenya		11 January 1977
Kuwait	21 July 1971	25 May 1979(11)
Lao People's Democratic Republic	16 February 1971	
Lebanon		10 August 1973
Lesotho		27 July 1978
Libyan Arab Jamahiriya		4 October 1978(5)
Liechtenstein	24 August 1971	
Luxembourg	16 December 1970	22 November 1978
Malawi		21 December 1972(2)
Malaysia	16 December 1970	
Mali		29 September 1971
Mauritania		1 November 1978
Mexico	16 December 1970	19 July 1972
Mongolia	18 January 1971	8 October 1971
Morocco		24 October 1975(6)
Nepal		19 January 1979
Netherlands, Kingdom of the	16 December 1970	27 August 1973(7)
New Zealand	15 September 1971	12 February 1974

<u>States</u>	<u>Date of Signature</u>	<u>Date of Deposit of Instrument of Ratification or Accession</u>
Nicaragua		6 November 1973
Niger	19 February 1971	15 October 1971
Nigeria		3 July 1973
Norway	9 March 1971	23 August 1971
Oman		2 February 1977
Pakistan	12 August 1971	28 November 1973
Panama	16 December 1970	10 March 1972
Papua New Guinea		15 December 1975(2)
Peru		28 April 1978(2)
Paraguay	30 July 1971	4 February 1972
Philippines	16 December 1970	26 March 1973
Poland	16 December 1970	21 March 1972(2)
Portugal	16 December 1970	27 November 1972
Republic of Korea		18 January 1973(4)
Romania	13 October 1971(2)	10 July 1972(2)
Rwanda	16 December 1970	
Saudi Arabia		14 June 1974(2)(8)
Senegal	10 May 1971	8 February 1978
Seychelles		29 December 1978
Sierra Leone	19 July 1971	13 November 1974
Singapore	8 September 1971	12 April 1978
South Africa	16 December 1970	30 May 1972(2)
Spain	16 March 1971	30 October 1972
Sri Lanka		2 June 1978
Sudan		18 January 1979
Suriname		25 November 1975(9)
Sweden	16 December 1970	7 July 1971
Switzerland	16 December 1970	14 September 1971
Syrian Arab Republic		10 July 1980(2)
Thailand	16 December 1970	16 May 1978
Togo		9 February 1979
Tonga		21 February 1977
Trinidad and Tobago	16 December 1970	31 January 1972
Turkey	16 December 1970	17 April 1973
Uganda		27 March 1972
Ukranian Soviet Socialist Republic	16 December 1970(2)	21 February 1972
Union of Soviet Socialist Republics	16 December 1970(2)	24 September 1971(2)
United Kingdom	16 December 1970	22 December 1971(10)

APPENDIX 5

<u>States</u>	<u>Date of Signature</u>	<u>Date of Deposit of Instrument of Ratification or Accession</u>
United States of America	16 December 1970	14 September 1971
Uruguay		12 January 1977
Venezuela	16 December 1970	
Viet Nam		17 September 1979(2)
Yugoslavia	16 December 1970	2 October 1972
Zaire, Republic of		6 July 1977

* This Convention entered into force on 14 October 1971.
This list is based on information received from depositary States.

- (1) The instrument of ratification by Argentina contains a declaration which, in translation, reads: "The application of this Convention to territories the sovereignty of which may be disputed among two or more States, whether Parties to the Convention or not, may not be interpreted as alteration, renunciation, or waiver of the position upheld by each up to the present time".
- (2) Reservation made with respect to paragraph 1 of Article 12 of the Convention.
- (3) Until later decision, the Convention will not be applied to the Faroe Islands or to Greenland.

Note: A notification was received by the Government of the United Kingdom from the Government of the Kingdom of Denmark that, with effect from 1 June 1980, Denmark withdraws its reservation, made in the following terms upon ratification, in respect of Greenland:

"Sous la réserve que jusqu'à décision ultérieure la Convention ne s'appliquera pas aux Iles Féroé et au Groënland".

- (4) The accession by the Government of the Republic of Korea to the present Convention does not, in any way, mean or imply the recognition of any territory or regime which has not been recognized by the Government of the Republic of Korea as a State or Government.
- (5) The instrument of accession deposited by the Libyan Arab Jamahiriya contains a disclaimer regarding recognition of Israel.
- (6) "In case of a dispute, all recourse must be made to the International Court of Justice on the basis of the unanimous consent of the parties concerned".
- (7) The Convention cannot enter into force for the Netherlands Antilles until thirty days after the date on which the Government of the Kingdom of the Netherlands shall have notified the depositary Governments that the necessary measures to give effect to the provisions of the Convention have been taken in the Netherlands Antilles.

Note: On 11 June 1974 a declaration was deposited with the Government of the United States of America by the Government of the Kingdom of the Netherlands stating that in the interim the measures required to implement the provisions of the Convention have been taken in the Netherlands Antilles and, consequently, the Convention will enter into force for the Netherlands Antilles on the thirtieth day after the date of deposit of this declaration.

APPENDIX 5

- (8) Approval by Saudi Arabia does not mean and could not be interpreted as recognition of Israel generally or in the context of this Convention.
- (9) Notification of Succession to the Convention was deposited with the Government of the United States of America on 27 October 1978, by virtue of the extension of the Convention to Suriname by the Kingdom of The Netherlands prior to independence. The Republic of Suriname attained independence on 25 November 1975.
- (10) The Convention is ratified "in respect of the United Kingdom of Great Britain and Northern Ireland and Territories under territorial sovereignty of the United Kingdom as well as the British Solomon Islands Protectorate".
- (11) Ratification by Kuwait was accompanied by an Understanding, stating that ratification of the Convention does not mean in any way recognition of Israel by the State of Kuwait. Furthermore, no treaty relations will arise between the State of Kuwait and Israel.
- (12) The Instrument of Accession by the Government of the People's Republic of China contains the following declaration: "The Chinese Government declares illegal and null and void the signature and ratification of the above mentioned Convention by the Taiwan authorities in the name of China".

Appendix 6: Draft Model Bill¹

An Act to make provision with a view to the accession on behalf of (.....)² to the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16th December, 1970, and for purposes connected therewith.

Be it enacted as follows:-

Short title and commencement

1. This Act may be cited as the Hijacking Act, 198_, and shall come into operation on (.....)³.

Interpretation

2. (1) In this Act, unless the context otherwise requires -

"act of violence" means -

(a) any act done in (.....)² which constitutes the offence of (.....)¹⁰; and

(b) any act done outside (.....)², which, if done in (.....)², would constitute such an offence as is mentioned in paragraph (a);

"the Convention" means the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16 December 1970;

"landing" includes alighting on water;

"military service" includes naval and air force service;

"unlawfully" -

(a) in relation to the commission of an act in (.....)², means an offence that is (apart from this Act) constituted under any law in force in (.....)²; and

(b) in relation to the commission of an act outside (.....)², means the Commission of the act that would (apart from this Act) have been an offence under any law in force in (.....)² had it been committed in (.....)².

(2) For the purposes of this Act the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board.

Hijacking

3. (1) Subject to subsection (2) a person on board an aircraft in flight who unlawfully, by the use of force or by threats of any kind, seizes the aircraft or exercises control of it commits the offence of hijacking, whatever his nationality or citizenship, whatever the State in which the aircraft is registered and whether the aircraft is in (.....)² or elsewhere.

- (2) If the aircraft is used in military, customs or police service, subsection (1) shall not apply unless -
- (a) the person seizing or exercising control of the aircraft is a citizen of (.....)²; or
 - (b) his act is committed in or over (.....)²; or
 - (c) the aircraft is used in the military, customs or police service of (.....)^{2,4}.
- (3) A person who commits the offence of hijacking shall be guilty of an offence under this Act.

Violence against passengers or crew

4. Any act of violence against the passengers or crew of any aircraft in flight done by any person in connection with the offence of hijacking committed or attempted by him on board such aircraft shall be deemed to have been committed in (.....)² and shall constitute an offence punishable under the law in force in (.....)² applicable thereto, wherever the act of violence was committed, whatever the State of registration of the aircraft and whatever the nationality or citizenship of the offender.

Abetting the commission of acts outside (.....)²

5. Any person in (.....)² who abets the commission elsewhere of any act which would, but for subsection (2) of section 3, be the offence of hijacking shall be guilty of an offence under this Act.⁴

Penalty

6. Any person guilty of an offence under this Act shall be liable on conviction to be punished with (.....)⁵.

Consent for prosecution

7. No prosecution shall be instituted under this Act without the written consent of (.....)⁶.

Extradition

8. (1) There shall be deemed to be included in the list of extradition crimes described in the (Extradition Act)⁷ offences under this Act and attempts to commit such offences.
- (2) Where no extradition treaty is in force between (.....)² and a State which is party to the Convention, a notification (.....)⁸ may be made applying the (Extradition Act)⁷ as if the Convention were an extradition treaty between (.....)² and that State, but where the (Extradition Act)⁷ is so applied, it shall have effect as if the only extradition crimes within the meaning of that Act were offences under this Act and attempts to commit such offences.
- (3) For the purposes of the (Extradition Act)⁷, any act, wherever committed, which -
- (a) is an offence under this Act or an attempt to commit such an offence, or attempt but for subsection (2) of section 3; and
- (b) is an offence against the law of any State in the case of which the (Extradition Act)⁷ has been applied by (.....)⁹,
- shall be deemed to be an offence within the jurisdiction of that State.

NOTES

1. This Draft Model Bill is based on the Statute currently in force in the Republic of Singapore.
2. Name of acceding State.
3. Date of commencement or procedure by which the Statute is to be brought into force.
4. The Hague Convention is intended to apply only to civil aircraft and provides that it shall not apply to aircraft used in military, customs or police services. (Article 3(2).) This provision is, therefore, not required in order to ensure compliance with the Hague Convention. However, similar provisions have been included in enacting legislation in a number of Commonwealth States.
5. Maximum penalty.
6. The Attorney-General or other responsible Law Officer. The purpose of this provision is to prevent prosecutions for infringement of this Statute without the consent of the Government.
7. Or other relevant Statute or law.
8. Specify how notification is to be made e.g. by publication in official government publication.
9. Specify manner of application e.g. by publication in official government publication.
10. List relevant offences in law of acceding State. The Singapore Act includes, inter alia, the following - offences involving firearms; murder; manslaughter; assault occasioning actual bodily harm; battery.

Appendix 7: Montreal Convention

**CONVENTION
FOR THE SUPPRESSION OF UNLAWFUL ACTS
AGAINST THE SAFETY OF CIVIL AVIATION**

THE STATES PARTIES TO THIS CONVENTION

CONSIDERING that unlawful acts against the safety of civil aviation jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

CONSIDERING that the occurrence of such acts is a matter of grave concern;

CONSIDERING that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

HAVE AGREED AS FOLLOWS:

ARTICLE I

1. Any person commits an offence if he unlawfully and intentionally:
 - (a) performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or
 - (b) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or
 - (c) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or
 - (d) destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight; or
 - (e) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.
2. Any person also commits an offence if he:
 - (a) attempts to commit any of the offences mentioned in paragraph 1 of this Article; or
 - (b) is an accomplice of a person who commits or attempts to commit any such offence.

ARTICLE 2

For the purposes of this Convention:

- (a) an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in

the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board;

- (b) an aircraft is considered to be in service from the beginning of the preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight as defined in paragraph (a) of this Article.

ARTICLE 3

Each Contracting State undertakes to make the offences mentioned in Article 1 punishable by severe penalties.

ARTICLE 4

1. This Convention shall not apply to aircraft used in military, customs or police services.

2. In the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall apply, irrespective of whether the aircraft is engaged in an international or domestic flight, only if:

- (a) the place of take-off or landing, actual or intended, of the aircraft is situated outside the territory of the State of registration of that aircraft; or
- (b) the offence is committed in the territory of a State other than the State of registration of the aircraft.

3. Notwithstanding paragraph 2 of this Article, in the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall also apply if the offender or the alleged offender is found in the territory of a State other than the State of registration of the aircraft.

4. With respect to the States mentioned in Article 9 and in the cases mentioned in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall not apply if the places referred to in subparagraph (a) of paragraph 2 of this Article are situated within the territory of the same State where that State is one of those referred to in Article 9, unless the offence is committed or the offender or alleged offender is found in the territory of a State other than that State.

5. In the cases contemplated in subparagraph (d) of paragraph 1 of Article 1, this Convention shall apply only if the air navigation facilities are used in international air navigation.

6. The provisions of paragraphs 2, 3, 4 and 5 of this Article shall also apply in the cases contemplated in paragraph 2 of Article 1.

ARTICLE 5

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offences in the following cases:
 - (a) when the offence is committed in the territory of that State;
 - (b) when the offence is committed against or on board an aircraft registered in that State;
 - (c) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;
 - (d) when the offence is committed against or on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.
2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences mentioned in Article 1, paragraph 1 (a), (b) and (c), and in Article 1, paragraph 2, in so far as that paragraph relates to those offences, in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

ARTICLE 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary enquiry into the facts.
3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.
4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the States mentioned in Article 5, paragraph 1, the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

ARTICLE 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory,

to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

ARTICLE 8

1. The offences shall be deemed to be included as extraditable offences in any extradition treaty existing between Contracting States. Contracting States undertake to include the offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 5, paragraph 1 (b), (c) and (d).

ARTICLE 9

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organization which shall communicate the notice to all States Parties to this Convention.

ARTICLE 10

1. Contracting States shall, in accordance with international and national law, endeavour to take all practicable measures for the purpose of preventing the offences mentioned in Article 1.

2. When, due to the commission of one of the offences mentioned in Article 1, a flight has been delayed or interrupted, any Contracting State in whose territory the aircraft or passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

ARTICLE 11

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

ARTICLE 12

Any Contracting State having reason to believe that one of the offences mentioned in Article 1 will be committed shall, in accordance with its national law, furnish any relevant information in its possession to those States which it believes would be the States mentioned in Article 5, paragraph 1.

ARTICLE 13

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organization as promptly as possible any relevant information in its possession concerning:

- (a) the circumstances of the offence;
- (b) the action taken pursuant to Article 10, paragraph 2;
- (c) the measures taken in relation to the offender or the alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

ARTICLE 14

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

ARTICLE 15

1. This Convention shall be open for signature at Montreal on 23 September 1971, by States participating in the International Conference on Air Law held at Montreal from 8 to 23 September 1971 (hereinafter referred to as the Montreal Conference). After 10 October 1971, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in the Montreal Conference.⁽¹⁾

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations⁽²⁾ and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).⁽³⁾

ARTICLE 16

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Convention.

DONE at Montreal, this twenty-third day of September, one thousand nine hundred and seventy-one, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.⁽⁴⁾

⁽¹⁾ The Convention entered into force on 26 January, 1973.

⁽²⁾ Treaty Series No. 67 (1946), Cmd. 7015.

⁽³⁾ Treaty Series No. 8 (1953), Cmd. 8742.

⁽⁴⁾ Texts in the French, Russian and Spanish languages will be published in the United Nations Treaty Series, available through Agency Section, Her Majesty's Stationery Office, PO Box 569, London SE1 9NY. Tel. 01-928 6977, ext. 410.

Appendix 8CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS
AGAINST THE SAFETY OF CIVIL AVIATIONSIGNED AT MONTREAL ON 23 SEPTEMBER 1971*

<u>States</u>	<u>Date of Signature</u>	<u>Date of Deposit of Instrument of Ratification or Accession</u>
Argentina	23 September 1971	26 November 1973
Australia	12 October 1972	12 July 1973
Austria	13 November 1972	11 February 1974
Bangladesh		28 June 1978
Barbados	23 September 1971	6 August 1976
Belgium	23 September 1971	13 August 1976
Botswana	12 October 1972	28 December 1978
Brazil	23 September 1971(1)	24 July 1972(1)
Bulgaria	23 September 1971(1)	28 March 1973(1)
Burundi	6 March 1972	
Byelorussian Soviet Socialist Rep.	23 September 1971(1)	31 January 1973(1)
Canada	23 September 1971	19 June 1972
Cape Verde		20 October 1977
Chad	23 September 1971	12 July 1972
Chile		28 February 1974
China		10 September 1980(1)(12)
Colombia		4 December 1974
Congo, People's Republic of	23 September 1971	
Costa Rica	23 September 1971	21 September 1973
Cyprus	28 November 1972	15 August 1973
Czechoslovak Socialist Republic	23 September 1971(1)	10 August 1973(1)
Denmark	17 October 1972	17 January 1973(3)
Dominican Republic	31 May 1972	28 November 1973
Ecuador		12 January 1977
Egypt, Arab Republic of	24 November 1972	20 May 1975(1)
El Salvador		25 September 1979
Ethiopia	23 September 1971	26 March 1979(1)
Fiji	21 August 1972	5 March 1973
Finland		13 July 1973
France		30 June 1976(1)
Gabon	24 November 1971	29 June 1976
Gambia		28 November 1978
German Democratic Republic	6 March 1972	9 June 1972
Germany, Federal Republic of	23 September 1971	3 February 1978

*This Convention entered into force on 26 January 1973. This list is based on information received from depositary States.

APPENDIX 8

<u>States</u>	<u>Date of Signature</u>	<u>Date of Deposit of Instrument of Ratification or Accession</u>
Ghana		12 December 1973
Greece	9 February 1972	15 January 1974
Grenada		10 August 1978
Guatemala	9 May 1972	19 October 1978(1)
Guinea-Bissau		20 August 1976
Guyana		21 December 1972
Haiti	6 January 1972	
Hungary	23 September 1971(1)	27 December 1972(1)
Iceland		29 June 1973
India	11 December 1972	
Indonesia		27 August 1976(1)
Iran		10 July 1973
Iraq		10 September 1974
Ireland		12 October 1976
Israel	23 September 1971	30 June 1972
Italy	23 September 1971	19 February 1974
Ivory Coast		9 January 1973
Jamaica	23 September 1971	
Japan		12 June 1974
Jordan	2 May 1972	13 February 1973
Kenya		11 January 1977
Kuwait		27 November 1979(5)
Lao People's Democratic Republic	1 November 1972	
Lebanon		23 December 1977
Lesotho		27 July 1978
Libyan Arab Jamahiriya		19 February 1974
Luxembourg	29 November 1971	
Malawi		21 December 1972(1)
Mali		24 August 1972
Mauritania		1 November 1978
Mexico	25 January 1973	12 September 1974
Mongolia	18 February 1972(1)	14 September 1972(1)
Morocco		24 October 1975(6)
Nepal		19 January 1979
Netherlands, Kingdom of the	23 September 1971	27 August 1973(7)
New Zealand	26 September 1972	12 February 1974
Nicaragua	22 December 1972	6 November 1973
Niger	6 March 1972	1 September 1972
Nigeria		3 July 1973
Norway		1 August 1973

<u>States</u>	<u>Date of Signature</u>	<u>Date of Deposit of Instrument of Ratification or Accession</u>
Oman		2 February 1977(1)(8)
Pakistan		24 January 1974
Panama	18 January 1972	24 April 1972
Papua New Guinea		15 December 1975(1)
Paraguay	23 January 1973	5 March 1974
Peru		28 April 1978(1)
Philippines	23 September 1971	26 March 1973
Poland	23 September 1971(1)	28 January 1975(1)
Portugal	23 September 1971	15 January 1973
Qatar		26 August 1981(13)
Republic of Korea		2 August 1973(4)
Romania	10 July 1972(1)	15 August 1975(1)
Rwanda	26 June 1972	
Saudi Arabia		14 June 1974(1)(9)
Senegal	23 September 1971	3 February 1978
Seychelles		29 December 1978
Sierra Leone		20 September 1979
Singapore	21 November 1972	12 April 1978
South Africa	23 September 1971(1)	30 May 1972(1)
Spain	15 February 1972	30 October 1972
Sri Lanka		2 June 1978
Sudan		18 January 1979
Suriname		25 November 1975(10)
Sweden		10 July 1973
Switzerland	23 September 1971	17 January 1978
Syrian Arab Republic		10 July 1980(1)
Thailand		16 May 1978
Togo		9 February 1979
Tonga		21 February 1977
Trinidad and Tobago	9 February 1972	26 January 1973
Turkey	5 July 1972	23 December 1975
Ukranian Soviet Socialist Republic	23 September 1971(1)	26 January 1973(1)
Union of Soviet Socialist Republics	23 September 1971(1)	19 February 1973(1)
United Republic of Cameroon		11 July 1973(2)
United Kingdom	23 September 1971	25 October 1973(11)
United States	23 September 1971	1 November 1972
Uruguay		12 January 1977
Venezuela	23 September 1971	
Yemen	23 October 1972	
Yugoslavia	23 September 1971	2 October 1972
Zaire, Republic of		6 July 1977

- (1) Reservation made with respect to paragraph 1 of Article 14 of the Convention.
- (2) "In accordance with the provisions of the Convention of 23 September 1971, for the Suppression of Unlawful Acts directed against the Security of Civil Aviation, the Government of the United Republic of Cameroon declares that in view of the fact that it does not have any relations with South Africa and Portugal, it has no obligation towards these two countries with regard to the implementation of the stipulations of the Convention".
- (3) Until later decision the Convention will not be applied to the Faroe Islands or to Greenland.

Note: A notification was received by the Government of the United Kingdom from the Government of the Kingdom of Denmark that, with effect from 1 June 1980, Denmark withdraws its reservation, made in the following terms upon ratification, in respect of Greenland:

"Sous la réserve que jusqu'à décision ultérieure la Convention ne s'appliquera pas aux Iles Féroé et au Groënland".

- (4) The accession by the Government of the Republic of Korea to the present Convention does not in any way mean or imply the recognition of any territory or regime which has not been recognized by the Government of the Republic of Korea as a State or Government.
- (5) It is understood that accession to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation done at Montreal, 1971, does not mean in any way recognition of Israel by the State of Kuwait. Furthermore, no treaty relation will arise between the State of Kuwait and Israel.
- (6) "In case of a dispute, all recourse must be made to the International Court of Justice on the basis of the unanimous consent of the parties concerned".
- (7) The Convention cannot enter into force for the Netherlands Antilles until thirty days after the date on which the Government of the Kingdom of the Netherlands shall have notified the depositary Governments that the necessary measure to give effect to the provisions of the Convention has been taken in the Netherlands Antilles.

Note: On 11 June 1974 a declaration was deposited with the Government of the United States by the Government of the Kingdom of the Netherlands stating that in the interim the measure required to implement the provisions of the Convention has been taken in the Netherlands Antilles and, consequently, the Convention will enter into force for the Netherlands Antilles on the thirtieth day after the date of deposit of this declaration.

- (8) Accession to the said Convention by the Government of the Sultanate of Oman does not mean or imply, and shall not be interpreted as recognition of Israel generally or in the context of this Convention.
- (9) Approval by Saudi Arabia does not mean and could not be interpreted as recognition of Israel generally or in the context of this Convention.
- (10) Notification of Succession to the Convention was deposited with the Government of the United States of America on 27 October 1978, by virtue of the extension of the Convention to Suriname by the Kingdom of the Netherlands prior to independence. The Republic of Suriname attained independence on 25 November 1975.
- (11) The Convention is ratified "in respect of the United Kingdom of Great Britain and Northern Ireland and Territories under territorial sovereignty of the United Kingdom as well as the British Solomon Islands Protectorate".
- (12) The Instrument of Accession by the Government of the People's Republic of China contains the following declaration: "The Chinese Government declares illegal and null and void the signature and ratification of the above mentioned Convention by the Taiwan authorities in the name of China".
- (13) The Instrument of Accession contains a reservation regarding Article 14 of the Convention.

Appendix 9: Draft Model Bill¹

An Act to make provision with a view to the accession on behalf of (.....)² to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September, 1971, and for purposes connected therewith.

Be it enacted as follows:-

Short title and commencement

1. This Act may be cited as the Protection of Aircraft Act, 198_, and shall come into operation on (.....)³.

Interpretation

2. (1) In this Act, unless the context otherwise requires - "act of violence" means -

(a) any act done in (.....)² which constitutes the offence of (.....)⁴; and

(b) any act done outside (.....)² which if done in (.....)², would constitute such an offence as is mentioned in paragraph (a);

"the Convention" means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September, 1971;

"landing" includes alighting on water;

"military service" includes naval and air force service;

"unlawfully" -

- (a) in relation to the commission of an act in (.....)², means an offence that is (apart from this Act) constituted under any law in force in (.....)², and

- (b) in relation to the commission of an act outside (.....)², means the commission of the act that would (apart from this Act) have been an offence under any law in force in (.....)² had it been committed in (.....)².
- (2) For the purposes of this Act -
 - (a) the period during which an aircraft is in flight shall be deemed to include any period from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and
 - (b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends twenty-four hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with paragraph (a) the aircraft is in flight.

Destroying, damaging or endangering safety of aircraft

- 3. (1) Subject to subsection (4), any person who unlawfully and intentionally -
 - (a) destroys an aircraft in service or so damages such aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or

- (b) commits on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft,
- shall be guilty of an offence under this Act.
- (2) Subject to subsection (4), any person who unlawfully and intentionally places or caused to be placed on an aircraft in service any device or substance which is likely to destroy the aircraft or is likely so to damage it as to render it incapable of flight or as to be likely to endanger its safety in flight shall be guilty of an offence under this Act; but nothing in this subsection shall be construed as limiting the circumstances in which the commission of any act -
- (a) may constitute an offence under subsection (1); or
- (b) may constitute attempting or conspiring to commit or abetting the commission of such offence.
- (3) Except as provided by subsection (4), subsections (1) and (2) apply whether any such act therein mentioned is committed in (.....)² or elsewhere, whatever the nationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.
- (4) Subsections (1) and (2) do not apply to any act committed in relation to an aircraft used in military, customs or police service unless -
- (a) the act is committed in or over (.....)²; or
- (b) where the act is committed outside (.....)², the person committing the act is a citizen of (.....)^{2,5}.

Other acts endangering or likely to endanger
the safety of aircraft

4. (1) Subject to subsections (5) and (6), any person who unlawfully and intentionally destroys or damages any property to which this section applies or interferes with the operation of such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight, shall be guilty of an offence under this Act.
- (2) Subsection (1) applies to any property used for the provision of air navigation facilities including any land, building or ship so used, and including any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.
- (3) Subject to subsections (4) and (5), any person who intentionally communicates any information which is false, misleading or deceptive in a material particular, where the communication of the information endangers the safety of an aircraft in flight or is likely to endanger the safety of an aircraft in flight, shall be guilty of an offence under this Act.
- (4) It shall be a defence for a person charged with an offence under subsection (3) to prove -
 - (a) that he believed, and had reasonable grounds for believing, that the information was true; or
 - (b) that, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in the performance of those duties.

- (5) Subsections (1) and (3) do not apply to the commission of any act unless either the act is committed in (.....)², or, where the act is committed outside (.....)² -
- (a) the person committing the act is a citizen of (.....)²; or
- (b) the commission of the act endangers or is likely to endanger the safety in flight of a civil aircraft registered in (.....)² or chartered by demise to a lessee whose principal place of business, or (if he has no place of business) whose permanent residence is in (.....)²; or
- (c) the act is committed on board a civil aircraft which is registered or so chartered; or
- (d) the act is committed on board a civil aircraft which lands in (.....)² with the person who committed the act still on board.
- (6) Subsection (1) also does not apply to any act committed outside (.....)² and so committed in relation to property which is situated outside (.....)² and is not used for the provision of air navigation facilities in connection with international air navigation, unless the person committing the act is a citizen of (.....)².
- (7) In this section, "civil aircraft" means any aircraft other than an aircraft used in military, customs or police service.

Abetting the commission of acts outside (.....)²

5. Any person in (.....)² who abets the commission elsewhere of any act which -

(a) would, but for subsection (4) of section 3, be an offence under that section; or

(b) would, but for subsection (5) or (6) of section 4, be an offence under that section,

shall be guilty of an offence under this Act.

Penalty

6. Any person guilty of an offence under this Act shall be liable on conviction to be punished with (.....)⁶.

Consent for prosecution

7. No prosecution shall be instituted under this Act without the written consent of (.....)⁷.

Extradition

8. (1) There shall be deemed to be included in the list of extradition crimes described in the (.....)⁸ offences under this Act and attempts to commit such offences.

(2) Where no extradition treaty is in force between (.....)² and a State which is party to the Convention, a notification (.....)⁹ may be made applying the (.....)⁸ as if the Convention were an extradition treaty between (.....)² and that State; but where the (.....)⁸ is so applied, it shall have effect as

if the only extradition crimes within the meaning of that Act were offences under this Act and attempts to commit such offences.

- (3) For the purposes of the (.....)⁸ any act, wherever committed, which -
- (a) is an offence under this Act or an attempt to commit such an offence, or attempt but for subsection (4) of section 3, or subsection (5) or (6) of section 4; and
- (b) is an offence against the law of any State in the case of which the (.....)⁸ has been applied by (.....)¹⁰,

shall be deemed to be an offence within the jurisdiction of that State.

NOTES

1. This Draft Model Bill is based on the Statute currently in force in the Republic of Singapore.
2. Name of acceding State.
3. Date of commencement or procedure by which the Statute is to be brought into force.
4. List relevant offences in law of acceding State.
5. The Montreal Convention is intended to apply only to civil aircraft and provides that it shall not apply to aircraft used in military, customs or police services. (Article 4(1).) This provision is, therefore, not required in order to ensure compliance with the Montreal Convention. However, similar provisions have been included in enacting legislation in a number of Commonwealth States.
6. Maximum penalty.
7. The Attorney General or other responsible Law Officer.
The purpose of this provision is to prevent prosecutions for infringements of this Statute without the consent of the Government.
8. Extradition Act or other relevant Statute or law.
9. Specify how notification is to be made e.g. by publication in official government publication.
10. Specify manner of application e.g. by publication in official government publication.