

SCHEDULE 2
TO THIS ORDER

PROVISIONS OF THE AVIATION SECURITY ACT 1982 AS ADAPTED AND MODIFIED
WHICH ARE EXTENDED TO ALL THE TERRITORIES SPECIFIED IN SCHEDULE 1

PART I OF THE AVIATION SECURITY ACT 1982
OFFENCES AGAINST THE SAFETY OF AIRCRAFT ETC.

Hijacking

1.—(1) 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, whatever the State in which the aircraft is registered and whether the aircraft is in the Territory or elsewhere, but subject to subsection (2) below.

(2) If—

- (a) the aircraft is used in military, customs or police service, or
- (b) both the place of take-off and the place of landing are in the territory of the State in which the aircraft is registered, subsection (1) above shall not apply unless—
 - (i) the person seizing or exercising control of the aircraft is a United Kingdom national;
or
 - (ii) his act is committed in the Territory; or
 - (iii) the aircraft is registered in the United Kingdom or in the Territory or is used in the military or customs service of the United Kingdom or of the Territory or in the service of any police force in the United Kingdom or the Territory.

(3) A person who commits the offence of hijacking shall be liable on conviction to imprisonment for life.

(4) If the Secretary of State by order made by statutory instrument declares—

- (a) that any two or more States named in the order have established an organisation or agency which operates aircraft; and
- (b) that one of those States has been designated as exercising, for aircraft so operated, the powers of the State of registration, the State declared under paragraph (b) of this subsection shall be deemed for the purposes of this section to be the State in which any aircraft so operated is registered; but in relation to such an aircraft subsection (2)(b) above shall have effect as if it referred to the territory of any one of the States named in the order.

(5) For the purposes of this section the territorial waters of any State shall be treated as part of its territory.

Destroying, damaging or endangering safety of aircraft

2.—(1) It shall, subject to subsection (4) below, be an offence for any person unlawfully and intentionally—

- (a) to destroy an aircraft in service or so to damage such an aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or
- (b) to commit on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft.

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(2) It shall also, subject to subsection (4) below, be an offence for any person unlawfully and intentionally to place, or cause 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; 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) above, or
- (b) may constitute attempting or conspiring to commit, or aiding, abetting, counselling or procuring, the commission of such an offence.

(3) Except as provided by subsection (4) below, subsections (1) and (2) above shall apply whether any such act as is therein mentioned is committed in the Territory or elsewhere, whatever the nationality of the person committing the act and whatever the State in which the aircraft is registered.

(4) Subsections (1) and (2) above shall 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 the Territory, or
- (b) where the act is committed outside the Territory, the person committing it is a United Kingdom national.

(5) A person who commits an offence under this section shall be liable on conviction to imprisonment for life.

(6) In this section “unlawfully”—

- (a) in relation to the commission of an act in the Territory, means so as (apart from this Act) to constitute an offence under the law of the Territory, and
- (b) in relation to the commission of an act outside the Territory, means so that the commission of the act would (apart from this Act) have been an offence under the law of the Territory if it had been committed in the Territory.

(7) In this section “act of violence” means—

- (a) any act done in the Territory which constitutes one of the prescribed offences; and
- (b) any act done outside the Territory which, if done in the Territory, would constitute one of the prescribed offences.

Other acts endangering or likely to endanger safety of aircraft

3.—(1) It shall, subject to subsections (5) and (6) below, be an offence for any person unlawfully and intentionally to destroy or damage any property to which this subsection applies, or to interfere with the operation of any such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight.

(2) Subsection (1) above 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) It shall also, subject to subsections (4) and (5) below, be an offence for any person intentionally to communicate 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.

(4) It shall be a defence for a person charged with an offence under subsection (3) above to prove—

- (a) that he believed, and had reasonable grounds for believing, that the information was true; or

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(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) above shall not apply to the commission of any act unless either the act is committed in the Territory or, where it is committed outside the Territory—

- (a) the person committing it is a United Kingdom national; or
- (b) the commission of the act endangers or is likely to endanger the safety in flight of a civil aircraft registered in the United Kingdom or the Territory 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 the Territory; or
- (c) that act is committed on board a civil aircraft which is so registered or so chartered, or
- (d) the act is committed on board a civil aircraft which lands in the Territory with the person who committed the act still on board.

(6) Subsection (1) above shall also not apply to any act committed outside the Territory and so committed in relation to property which is situated outside the Territory 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 United Kingdom national.

(7) A person who commits an offence under this section shall be liable on conviction to imprisonment for life.

(8) In this section “civil aircraft” means any aircraft other than an aircraft used in military, customs or police service and “unlawfully” has the same meaning as in section 2 of this Act.

Offences in relation to certain dangerous articles

4.—(1) It shall be an offence for any person without lawful authority or reasonable excuse (the proof of which shall lie on him) to have with him—

- (a) in any aircraft registered in the United Kingdom or the Territory, whether at a time when the aircraft is in the Territory or not, or
- (b) in any other aircraft at a time when it is in, or in flight over, the Territory, or
- (c) in any part of an aerodrome in the Territory, or
- (d) in any air navigation installation in the Territory which does not form part of an aerodrome,

any article to which this section applies.

(2) This section applies to the following articles, that is to say—

- (a) any firearm, or any article having the appearance of being a firearm, whether capable of being discharged or not;
- (b) any explosive, any article manufactured or adapted (whether in the form of a bomb, grenade or otherwise) so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains an explosive; and
- (c) any article (not falling within either of the preceding paragraphs) made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property, or intended by the person having it with him for such use, whether by him or by any other person.

(3) For the purposes of this section a person who is for the time being in an aircraft, or in part of an aerodrome, shall be treated as having with him in the aircraft, or in that part of the aerodrome, as the case may be, an article to which this section applies if—

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- (a) where he is in an aircraft, the article, or an article in which it is contained, is in the aircraft and has been caused (whether by him or by any other person) to be brought there as being, or as forming part of, his baggage on a flight in the aircraft or has been caused by him to be brought there as being, or as forming part of, any other property to be carried on such flight, or
- (b) where he is in part of an aerodrome (otherwise than in an aircraft), the article, or an article in which it is contained, is in that part or any other part of the aerodrome and has been caused (whether by him or by any other person) to be brought into the aerodrome as being, or as forming part of, his baggage on a flight from that aerodrome or has been caused by him to be brought there as being, or forming part of, any other property to be carried on such a flight on which he also is to be carried,

notwithstanding that the circumstances may be such that (apart from this subsection) he would not be regarded as having the article with him in the aircraft or in a part of the aerodrome, as the case may be.

(4) A person guilty of an offence under this section shall be liable on conviction to a fine or to imprisonment for a term not exceeding five years or both.

(5) Nothing in subsection (3) above shall be construed as limiting the circumstances in which a person would, apart from that subsection, be regarded as having an article with him as mentioned in subsection (1) above.

Jurisdiction of courts in respect of air piracy

5.—(1) Any court in the Territory having jurisdiction in respect of piracy committed on the high seas shall have jurisdiction in respect of piracy committed by or against an aircraft, wherever that piracy is committed.

(2) In subsection (1) above, “aircraft” means any aircraft other than an aircraft in military service or an aircraft belonging to and exclusively employed in the service of the Crown in right of the United Kingdom.

Ancillary offences

6.—(1) Without prejudice to section 2(1)(b) of this Act, where a person (of whatever nationality) does on board any aircraft (wherever registered) and while outside the Territory any act which, if done in the Territory would constitute one of the prescribed offences, his act shall constitute that offence if it is done in connection with the offence of hijacking committed or attempted by him on board that aircraft.

(2) It shall be an offence for any person in the Territory to induce or assist the commission outside the Territory of any act which—

- (a) would, but for subsection (2) of section 1 of this Act, be an offence under that section; or
- (b) would, but for subsection (4) of section 2 of this Act, be an offence under that section; or
- (c) would, but for subsection (5) or (6) of section 3 of this Act, be an offence under that section.

(3) A person who commits an offence under subsection (2) above shall be liable on conviction to imprisonment for life.

(4) Subsection (2) above shall have effect without prejudice to the operation, in relation to any offence under section 1, 2 or 3 of this Act, of any enactment or rule of law relating to accessories or abettors.

Powers exercisable on suspicion of intended offence under Part I

7.—(1) Where a police officer has reasonable cause to suspect that a person about to embark on an aircraft in the Territory, or a person on board such an aircraft, intends to commit, in relation to the aircraft, an offence under any of the preceding provisions of this Part of this Act (other than section 4), the police officer may prohibit him from travelling on board the aircraft, and for the purpose of enforcing that prohibition the police officer—

- (a) may prevent him from embarking on the aircraft or, as the case may be, may remove him from the aircraft; and
- (b) may arrest him without warrant and detain him for so long as may be necessary for that purpose.

(2) Any person who intentionally obstructs a person acting in the exercise of a power conferred on him by subsection (1) above shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a term not exceeding two years or to both.

(3) Subsection (1) above shall have effect without prejudice to the operation in relation to any offence under this Act of any enactment or rule of law relating to the power of arrest without warrant.

Prosecution of offences and proceedings

8. Proceedings for an offence under any of the preceding provisions of this Act (other than sections 4 and section 7) shall not be instituted in the Territory except by or with the consent of the person for the time being performing the functions of Attorney-General of the Territory.