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The following Act was passed by Parliament on 14 February 2022 and assented to by the President on 25 February 2022:—

**REPUBLIC OF SINGAPORE**

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**No. 10 of 2022.**

I assent.

HALIMAH YACOB,  
*President.*  
25 February 2022.

(LS)

An Act to amend the Hijacking of Aircraft and Protection of Aircraft and International Airports Act 1978.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act is the Hijacking of Aircraft and Protection of Aircraft and International Airports (Amendment) Act 2022 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Amendment of long title**

2. The long title to the Hijacking of Aircraft and Protection of Aircraft and International Airports Act 1978 (called in this Act the principal Act) is amended by deleting the words “and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation signed at Montreal on 24 February 1988” and substituting the words “, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation signed at Montreal on 24 February 1988, the Convention on the Suppression of Unlawful Acts relating to International Civil Aviation signed at Beijing on 10 September 2010 and the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft signed at Beijing on 10 September 2010”.

**Amendment of section 2**

3. Section 2(1) of the principal Act is amended —

(a) by inserting, immediately after the definition of “aerodrome”, the following definitions:

““air navigation facilities” includes signals, data, information or systems necessary for the navigation of an aircraft;

“BCN weapon” means any of the following:

(a) biological weapons which are —

(i) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic,

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protective or other peaceful purposes; or

- (ii) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

(b) chemical weapons which are, together or separately —

- (i) toxic chemicals and their precursors, except where intended for —

- (A) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

- (B) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

- (C) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

- (D) law enforcement, including domestic riot control purposes,

as long as the types and quantities are consistent with such purposes;

(ii) munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in sub-paragraph (i), which would be released as a result of the employment of such munitions and devices; or

(iii) equipment specifically designed for use directly in connection with the employment of munitions and devices specified in sub-paragraph (ii);

(c) nuclear weapons and other nuclear explosive devices;

“IAEA Statute” means the Statute of the International Atomic Energy Agency, being the Statute that was ratified by Singapore on 5 January 1967, and includes any amendment to, or substitution of, the Statute that is binding on Singapore;”;

(b) by inserting, immediately after the word “includes” in the definition of “military service”, the word “army,”;

(c) by inserting, immediately after the definition of “military service”, the following definitions:

““nuclear material” means —

(a) plutonium, except that with isotropic concentration exceeding 80% in plutonium-238;

(b) uranium-233;

(c) uranium enriched in the isotope 235 or 233;

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(*d*) uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue;  
or

(*e*) any material containing one or more of the materials mentioned in paragraphs (*a*) to (*d*);

“precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical, and includes any key component of a binary or multi-component chemical system;

“radioactive material” means nuclear material and other radioactive substances —

(*a*) which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionising radiation, such as alpha, beta, neutron particles and gamma rays);  
and

(*b*) which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or the environment;

“source material” has the meaning given by the IAEA Statute;

“special fissionable material” has the meaning given by the IAEA Statute;

“toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals, and includes all such chemicals, regardless of their

origin or of their method of production, and regardless of whether they are produced in facilities, munitions or elsewhere;” and

- (d) by deleting the full-stop at the end of the definition of “unlawfully” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““uranium enriched in the isotope 235 or 233” means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.”.

### **Amendment of section 3**

4. Section 3 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Subject to subsection (2), a person who unlawfully and intentionally seizes or exercises control of an aircraft in service by the use of force or by threats of any kind, or by any technological means, commits the offence of hijacking, whatever the nationality or citizenship of the person, whatever the State in which the aircraft is registered and whether the aircraft is in Singapore or elsewhere.”.

### **Amendment of section 4**

5. Section 4 of the principal Act is amended by deleting the words “in flight” and substituting the words “in service”.

### **Amendment of section 5**

6. Section 5(5) of the principal Act is amended —

- (a) by deleting the word “or” at the end of paragraph (a); and  
(b) by deleting the full-stop at the end of paragraph (b) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

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“(c) the aircraft is used in the military, customs or police service of the Republic of Singapore.”.

**New sections 5A to 5D**

7. The principal Act is amended by inserting, immediately after section 5, the following sections:

**“Using aircraft to cause death, serious bodily injury, etc.**

**5A.**—(1) Subject to subsection (3), a person who unlawfully and intentionally uses an aircraft in service for the purpose of causing death, serious bodily injury or serious damage to property or the environment shall be guilty of an offence.

(2) Except as provided in subsection (3), subsection (1) applies whether the act mentioned in subsection (1) is committed in Singapore or elsewhere, whatever the nationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.

(3) Subsection (1) does 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 Singapore;
- (b) where the act is committed outside Singapore, the person committing the act is a citizen of Singapore; or
- (c) the aircraft is used in the military, customs or police service of the Republic of Singapore.

**Release of BCN weapon, etc., from aircraft**

**5B.**—(1) Subject to subsection (3), a person who unlawfully and intentionally releases or discharges from an aircraft in service —

- (a) any BCN weapon; or

(b) any explosive, radioactive or similar substances, in a manner that causes or is likely to cause death, serious bodily injury or serious damage to property or the environment shall be guilty of an offence.

(2) Except as provided in subsection (3), subsection (1) applies whether the act mentioned in subsection (1) is committed in Singapore or elsewhere, whatever the nationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.

(3) Subsection (1) does 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 Singapore;
- (b) where the act is committed outside Singapore, the person committing the act is a citizen of Singapore; or
- (c) the aircraft is used in the military, customs or police service of the Republic of Singapore.

### **Using BCN weapon, etc., against or on board aircraft**

**5C.**—(1) Subject to subsection (3), a person who unlawfully and intentionally uses against or on board any aircraft in service —

- (a) any BCN weapon; or
- (b) any explosive, radioactive or similar substances,

in a manner that causes or is likely to cause death, serious bodily injury or serious damage to property or the environment shall be guilty of an offence.

(2) Except as provided in subsection (3), subsection (1) applies whether the act mentioned in subsection (1) is committed in Singapore or elsewhere, whatever the nationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.

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(3) Subsection (1) does 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 Singapore;
- (b) where the act is committed outside Singapore, the person committing the act is a citizen of Singapore; or
- (c) the aircraft is used in the military, customs or police service of the Republic of Singapore.

**Transporting or facilitating transport of BCN weapon, etc., on board aircraft**

**5D.**—(1) Subject to subsections (3) and (4), a person who unlawfully and intentionally transports or causes to be transported, or facilitates the transport of, any of the following on board an aircraft shall be guilty of an offence:

- (a) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat (whether with or without a condition) to cause, death or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organisation to do or to abstain from doing any act;
- (b) any BCN weapon which the person knows to be a BCN weapon;
- (c) any source material, special fissionable material, or equipment or material specially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to a Safeguards Agreement with the International Atomic Energy Agency;

(d) any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon without lawful authorisation and with the intention that it will be used for such purpose.

(2) Except as provided in subsections (3) and (4), subsection (1) applies whether the act mentioned in subsection (1) is committed in Singapore or elsewhere, whatever the nationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.

(3) Subsection (1)(c) and (d) does not apply to, or in relation to, the transport of any item mentioned in those provisions if the transport —

(a) involves an activity undertaken by a State party to the Convention on the Suppression of Unlawful Acts relating to International Civil Aviation signed at Beijing on 10 September 2010, or any person authorised by that State party; and

(b) is consistent with, or is for a use or an activity that is consistent with, that State party's rights, responsibilities and obligations under any multilateral non-proliferation treaty which that State is party to.

(4) Subsection (1) also does 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 Singapore;

(b) where the act is committed outside Singapore, the person committing the act is a citizen of Singapore; or

(c) the aircraft is used in the military, customs or police service of the Republic of Singapore.”.

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**Amendment of section 6**

**8.** Section 6 of the principal Act is amended —

- (a) by deleting the words “subsections (5) and (6)” in subsection (1) and substituting the words “subsection (6)”;
- (b) by deleting subsection (2) and substituting the following subsection:

“(2) Subsection (1) applies —

(a) to any property used for the provision of air navigation facilities, including —

(i) any land, building or ship so used;  
and

(ii) any apparatus or equipment so used,  
whether on board an aircraft or  
elsewhere; and

(b) if the air navigation facilities are used in international air navigation.”;

(c) by deleting the words “subsections (4) and (5)” in subsection (3) and substituting the words “subsection (6)”;

(d) by deleting subsections (5), (6) and (7) and substituting the following subsections:

“(5) Except as provided in subsection (6), subsections (1) and (3) apply whether any act mentioned in those subsections is committed in Singapore or elsewhere, whatever the nationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.

(6) Subsections (1) and (3) 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 Singapore;

- (b) where the act is committed outside Singapore, the person committing the act is a citizen of Singapore; or
- (c) the aircraft is used in the military, customs or police service of the Republic of Singapore.”.

### **Amendment of section 7**

**9.** Section 7(4) of the principal Act is amended —

- (a) by deleting the word “or” at the end of paragraph (a); and
- (b) by deleting the full-stop at the end of paragraph (b) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(c) the aircraft is used in the military, customs or police service of the Republic of Singapore.”.

### **Repeal and re-enactment of section 8**

**10.** Section 8 of the principal Act is repealed and the following section substituted therefor:

#### **“Threats to commit offences and screening offenders**

**8.—**(1) A person who —

- (a) makes a threat to commit any offence under section 3, 5(1) or (2), 5A(1), 5B(1), 5C(1), 6(1) or 7(1) or (2); or
- (b) unlawfully and intentionally causes any person to receive such a threat,

under circumstances which indicate the threat to be credible, shall be guilty of an offence.

(2) A person who unlawfully and intentionally assists any other person to evade investigation, prosecution or punishment, knowing that the other person —

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- (a) has committed an act that constitutes —
- (i) an offence under subsection (1), or section 3, 5(1) or (2), 5A(1), 5B(1), 5C(1), 5D(1), 6(1) or (3) or 7(1) or (2); or
  - (ii) an abetment of, or an attempt or a conspiracy to commit, an offence mentioned in sub-paragraph (i); or
- (b) is wanted for any criminal prosecution, or is sentenced, in relation to any act mentioned in paragraph (a) that is committed by the other person, shall be guilty of an offence.

(3) Subsections (1) and (2) apply whether any act mentioned in those subsections is committed in Singapore or elsewhere and whatever the nationality or citizenship of the person committing the act.”.

### **Repeal and re-enactment of section 9 and new sections 9A and 9B**

**11.** Section 9 of the principal Act is repealed and the following sections substituted therefor:

#### **“Penalties**

**9.—(1)** A person guilty of an offence under this Act (other than an offence under section 8(1) or (2)) shall be liable on conviction —

(a) in the case of an individual, to imprisonment for life;  
or

(b) in any other case, to a fine not exceeding \$1 million.

(2) A person guilty of an offence under section 8(1) shall be liable on conviction —

(a) in the case of an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 10 years or to both; or

(b) in any other case, to a fine not exceeding \$1 million.

(3) A person guilty of an offence under section 8(2) shall be liable on conviction —

- (a) in the case of an individual, to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding 7 years or to both; or
- (b) in any other case, to a fine not exceeding \$1 million.

### **Offences by corporations**

**9A.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

- (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and
  - (b) the officer, employee or agent had that state of mind,
- is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

- (a) who is —
  - (i) an officer of the corporation; or
  - (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and
- (b) who —
  - (i) consented or connived, or conspired with others, to effect the commission of the offence;
  - (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act 2005;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

### **Offences by unincorporated associations or partnerships**

**9B.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is —
  - (i) an officer of the unincorporated association or a member of its governing body;
  - (ii) a partner in the partnership; or
  - (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and
- (b) who —
  - (i) consented or connived, or conspired with others, to effect the commission of the offence;

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- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or
  - (iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters 5 and 5A of the Penal Code 1871; or
- (b) the Evidence Act 1893 or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary or any member of the committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.”.

### **Repeal and re-enactment of section 11 and new section 12**

**12.** Section 11 of the principal Act is repealed and the following sections substituted therefor:

#### **“Extradition**

**11.**—(1) The relevant offences are deemed to be included in the list of extradition crimes described in the First Schedule to the Extradition Act 1968.

(2) Where no extradition treaty is in force between Singapore and a State which is a party to the Convention —

(a) a notification in the *Gazette* under section 4 of the Extradition Act 1968 may be made applying that Act as if the Convention were an extradition treaty between Singapore and that State; and

(b) the Extradition Act 1968 so applied has effect as if the only extradition crimes within the meaning of that Act were relevant offences.

(3) Subsection (2) does not affect any other notification made under section 4 of the Extradition Act 1968.

(4) For the purposes of the Extradition Act 1968, any act, wherever committed, which —

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- (a) is a relevant offence, or would be such an offence but for section 3(2), 5(5), 5A(3), 5B(3), 5C(3), 5D(3) or (4), 6(6) or 7(4); and
  - (b) is an offence against the law of any State in the case of which the Extradition Act 1968 has been applied by a notification in the *Gazette* made under section 4 of that Act,

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

(5) For the purposes of the Extradition Act 1968, any relevant offence is deemed not to be an offence of a political character.

(6) In this section and section 12 —

“relevant offence” means —

- (a) an offence under this Act (other than section 9A(2) or 9B(2)); or
- (b) an abetment of, or an attempt to commit, an offence under this Act (other than section 9A(2) or 9B(2));

“the Convention” means —

- (a) the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16 December 1970;
- (b) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23 September 1971;
- (c) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation signed at Montreal on 24 February 1988;
- (d) the Convention on the Suppression of Unlawful Acts relating to International Civil Aviation signed at Beijing on 10 September 2010; or
- (e) the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of

Aircraft signed at Beijing on 10 September 2010.

**Assistance under Mutual Assistance in Criminal Matters Act 2000**

**12.**—(1) For the purposes of the provision of assistance under Part 3 of the Mutual Assistance in Criminal Matters Act 2000 to any State which is a party to the Convention for a criminal matter involving a specified offence of that State, the specified offence is deemed not to be an offence of a political character.

(2) In this section —

“criminal matter” has the meaning given by section 2(1) of the Mutual Assistance in Criminal Matters Act 2000;

“specified offence”, in relation to a State which is a party to the Convention, means an offence against the law of that State that consists of or includes conduct which, if the conduct occurred in Singapore —

(a) would constitute a relevant offence; or

(b) would be such an offence but for section 3(2), 5(5), 5A(3), 5B(3), 5C(3), 5D(3) or (4), 6(6) or 7(4).”

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