

THE STATUTES OF THE REPUBLIC OF SINGAPORE

TOKYO CONVENTION ACT
(CHAPTER 327)

Act
12 of 1971

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Tokyo Convention Act

ARRANGEMENT OF SECTIONS

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An Act to make provision with a view to the ratification on behalf of the Republic of Singapore of the Convention on Offences and certain other Acts Committed on board Aircraft, signed at Tokyo on 14th September 1963.

[1st January 1972]

1. This Act may be cited as the Tokyo Convention Act. Short title.
- 2.—(1) In this Act, unless the context otherwise requires— Inter-pretation.

“aircraft” means any aircraft, whether or not a Singapore-controlled aircraft, other than —

 - (a) a military aircraft; or
 - (b) an aircraft which, not being a 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 Singapore and includes a consul-general, consul, pro-consul and consular agent of Singapore;

“Convention country” means a country which has been declared by the Minister, by notification published in the *Gazette*, 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;

“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;

“Singapore-controlled aircraft” means an aircraft —

(a) which is for the time being registered in Singapore; 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:

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

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

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

(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 —

- (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 Singapore, 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 the *Gazette*, 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.

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

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of criminal
law to
aircraft.

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 Singapore.

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(2) No proceedings for any offence under the law in force in Singapore committed on board an aircraft while in flight elsewhere than in or over Singapore other than an offence under the Air Navigation Act or any subsidiary legislation made thereunder shall be instituted in Singapore except by or with the consent of the Attorney-General.

(3) Subsection (2) 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.

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

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as to
extradition.
Cap. 103.

4. For the purposes of the application of the Extradition Act 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) Subsections (2), (3), (4) and (5) shall have effect for the purposes of any proceeding before any court in Singapore.

(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), 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),

and for the purposes of paragraph (b) any Singapore-controlled aircraft shall be deemed to be registered in Singapore 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) 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) 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); 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 subsection (2) (a); and
 - (ii) to believe that it is necessary to do so 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 subsection (2) (b), may deliver that person —
- (i) in Singapore, 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 Singapore.
- (6) The commander of an aircraft —
- (a) if he disembarks any person in pursuance of subsection (5) (a), in the case of a Singapore-controlled aircraft, in any country or, in the case of any other aircraft, in Singapore, shall report the fact of, and the reasons 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 subsection (5) (b) in Singapore or, in the case of a Singapore-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 Singapore, 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 Singapore; 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 offence and shall be liable on conviction to a fine not exceeding \$1,000.

6.—(1) Where in any proceeding before a court in Singapore for an offence committed on board an aircraft the testimony of any person is required and the court is satisfied that the person in question cannot be found in Singapore, there shall be admissible in evidence before that court any deposition relating to the subject matter of that proceeding previously made on oath by that person —

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(a) in Singapore which was so made in the presence or absence of the person charged with the offence and before a District Judge or Magistrate; or

(b) outside Singapore which was so made in the presence or absence of the person charged with the offence and before a consular officer or a judicial officer of any foreign country.

(2) Any such deposition shall be authenticated by the signature of the District Judge, Magistrate, consular officer or judicial officer before whom it was made who shall certify that the person charged with the offence was present or absent at the taking of the deposition.

(3) It shall not be necessary in any proceeding to prove the signature or official character of the person appearing so to have authenticated any such deposition or to have given such certificate, and such certificate shall, unless the contrary is proved, be sufficient evidence in any proceeding that the person charged with the offence was present or absent (as the case may be) at the making of the deposition.

(4) If a complaint is made to a consular officer that any offence has been committed on a Singapore-controlled aircraft while in flight elsewhere than in or over Singapore, that officer may inquire into the case upon oath.

(5) In this section —

“deposition” includes any affidavit, affirmation or statement made upon oath; and

“oath” includes an affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing,

and nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.

Regulations.

7. 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.