

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**HIJACKING AND PROTECTION OF AIRCRAFT ACT
(CHAPTER 124)**

Act
9 of 1978

REVISED EDITION 1985

PRINTED BY THE GOVERNMENT PRINTER, SINGAPORE

1986

Hijacking and Protection of Aircraft Act

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Hijacking.
4. Violence against passengers or crew.
5. Destroying, damaging or endangering safety of aircraft.
6. Other acts endangering or likely to endanger safety of aircraft.
7. Abetting the commission of acts outside Singapore.
8. Penalty.
9. Consent for prosecution.
10. Extradition.

An Act to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16th December 1970, and 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.

[8th April 1978]

1. This Act may be cited as the Hijacking and Protection of Aircraft Act. Short title.

2.—(1) In this Act, unless the context otherwise requires — Interpre-
 “act of violence” means — tation.

(a) any act done in Singapore which constitutes the offence of murder, attempted murder, culpable homicide not amounting to murder, voluntarily causing grievous hurt, voluntarily causing hurt by dangerous weapons or means, or an offence under —

(i) section 4 of the Arms Offences Act; Cap. 14.

Cap. 65.

(ii) section 3 or 4 of the Corrosive and Explosive Substances and Offensive Weapons Act;

Cap. 100.

(iii) section 3 or 4 of the Explosive Substances Act; or

Cap. 151.

(iv) section 3 of the Kidnapping Act; and

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

“landing” includes alighting on water;

“military service” includes naval and air force service;

“unlawfully”, in relation to the commission of an act —

(a) in Singapore, means an offence that is (apart from this Act) constituted under any written law in force in Singapore; and

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

(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 24 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.

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 Singapore or elsewhere. Hijacking.

(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 Singapore;
- (b) his act is committed in or over Singapore; or
- (c) the aircraft is used in the military, customs or police service of the Republic of Singapore.

(3) A person who commits the offence of hijacking shall be guilty of an offence.

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 that aircraft shall be deemed to have been committed in Singapore and shall constitute an offence punishable under the law in force in Singapore 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. Violence
against
passengers
or crew.

5.—(1) Subject to subsection (4), any person who unlawfully and intentionally — Destroying,
damaging or
endangering
safety of
aircraft.

- (a) destroys an aircraft in service or so damages the 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.

(2) Subject to subsection (4), any person who unlawfully and intentionally places or causes 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; 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 the offence.

(3) Except as provided by subsection (4), subsections (1) and (2) shall apply whether any such act therein mentioned 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.

(4) Subsections (1) and (2) 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 or over Singapore; or
- (b) where the act is committed outside Singapore, the person committing the act is a citizen of Singapore.

Other acts
endangering
or likely
to endanger
safety of
aircraft.

6.—(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 that property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight, shall be guilty of an offence.

(2) Subsection (1) shall apply 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.

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

- (a) the person committing the act is a citizen of Singapore;
- (b) the commission of the act endangers or is likely to endanger the safety in flight of a civil aircraft registered in Singapore 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 Singapore;
- (c) the 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 Singapore with the person who committed the act still on board.

(6) Subsection (1) also shall not apply to any act committed outside Singapore and so committed in relation to property which is situated outside Singapore 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 Singapore.

(7) In this section, “civil aircraft” means any aircraft other than an aircraft used in military, customs or police service.

7. Any person in Singapore who abets the commission elsewhere of any act which —

- (a) would, but for subsection (2) of section 3, be the offence of hijacking;
- (b) would, but for subsection (4) of section 5, be an offence under that section; or

Abetting the
commission
of acts
outside
Singapore.

(c) would, but for subsection (5) or (6) of section 6, be an offence under that section, shall be guilty of an offence.

Penalty.

8. Any person guilty of an offence under this Act shall be liable on conviction to be punished with imprisonment for life.

Consent for prosecution.

9.—(1) No prosecution shall be instituted under this Act without the written consent of the Public Prosecutor.

(2) Notwithstanding that a consent has not been given in relation to the offence in accordance with subsection (1) —

(a) a person may be arrested for an offence under this Act;

(b) a warrant for the arrest of any person in respect of any offence under this Act may be issued and executed;

(c) a person may be charged with an offence under this Act; and

(d) a person charged with any offence under this Act may be remanded in custody or granted bail, but no further steps in the proceedings in relation to the offence shall be taken until the Public Prosecutor's consent has been obtained.

Extradition.

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

Cap. 103.

(2) Where no extradition treaty is in force between Singapore and a state which is a party to the Convention, a notification in the *Gazette* under section 4 of the Extradition Act may be made applying that Act as if the Convention were an extradition treaty between Singapore and that state; but where the Extradition Act 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, any act, wherever committed, which —

- (a) is an offence under this Act or an attempt to commit such an offence, or would be such an offence or attempt but for section 3 (2), 5 (4), 6 (5) or 6 (6); and
- (b) is an offence against the law of any state in the case of which the Extradition Act has been applied by a notification in the *Gazette* made under section 4 of that Act, Cap. 103.

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

(4) In this section, “the Convention” means the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16th December 1970, or the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September 1971.