



# THE STATUTES OF THE REPUBLIC OF SINGAPORE

## TOKYO CONVENTION ACT 1971

### 2020 REVISED EDITION

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# Tokyo Convention Act 1971

## ARRANGEMENT OF SECTIONS

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An Act to give effect to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, and the Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Montreal on 4 April 2014, and for purposes connected with the Convention or Protocol.

*[32/2018]*

[1 January 1972]

### **Short title**

1. This Act is the Tokyo Convention Act 1971.

### **Interpretation**

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

“Montreal Protocol” means the Protocol to Amend the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Montreal on 4 April 1971;

“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;

“Protocol country” means a country which has been declared by the Minister, by notification in the *Gazette*, to have ratified or acceded to the Montreal Protocol, and has not been so declared to have denounced the Montreal Protocol;

“Singapore-controlled aircraft” means an aircraft —

- (a) which is for the time being registered in Singapore; or
- (b) which is leased without crew to a lessee whose principal place of business, or (if the lessee has no such place of business) whose permanent residence, is in Singapore;

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

[32/2018]

- (2) For the purposes of this Act, an aircraft is in flight —
- (a) from the time when all external doors of the aircraft are closed following embarkation for a flight until the time when any such door is opened for disembarkation;
  - (b) if the aircraft makes a forced landing in any country or territory other than Singapore, from the time when all external doors of the aircraft are closed following embarkation for a flight until the time when the competent authorities of the country or territory in which the forced landing takes place take over responsibility for the aircraft and for the persons and property on board the aircraft; and
  - (c) if the aircraft makes a forced landing in Singapore, from the time when all external doors of the aircraft are closed following embarkation for a flight until the time when a police officer arrives at the place of landing,

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

[32/2018]

(3) In this Act, unless the context otherwise requires, any reference to a country or the territorial limits thereof is to 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 2 or more Convention countries) the Minister may, by notification in the *Gazette*, provide that for the purposes of this Act such aircraft as

may be specified in the notification is to be treated as registered in such Convention country as may be so specified.

### **Application of criminal law to certain act or omission on aircraft**

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.

[32/2018]

(2) If —

(a) any act or omission taking place on board any aircraft (not being 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; and

(b) the aircraft subsequently lands in Singapore with the person who committed the act or omission still on board the aircraft,

the act or omission constitutes that offence.

[32/2018]

(3) Subsections (1) and (2) do not apply to any act or omission which is expressly or impliedly authorised by or under the law in force in Singapore when taking place outside Singapore.

[32/2018]

(4) 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 1966 or any subsidiary legislation made under that Act may be instituted in Singapore except by or with the consent of the Public Prosecutor.

[15/2010]

(5) Subsection (4) does 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.

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

### **Provisions as to extradition**

4.—(1) For the purposes of the application of the Extradition Act 1968 to crimes committed on board an aircraft in flight, any offence committed on board any aircraft in flight is to be treated as if it had been committed not only in the place at which the offence occurred, but also within the territory of —

- (a) a Convention country in which the aircraft is registered;
- (b) a Convention country (being also a Protocol country) in which the lessee of the aircraft leased without crew has its principal place of business or, if the lessee has no such place of business, has its permanent residence; or
- (c) a Convention country (being also a Protocol country) in which the aircraft lands, with the offender still on board.

[32/2018]

(2) For the purposes of subsection (1), it does not matter whether the aircraft mentioned in that subsection is for the time being also within the jurisdiction of any other country.

[32/2018]

### **Powers of commander of aircraft**

5.—(1) Subsections (2), (3), (7) and (8) 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,

then, subject to subsection (7), the commander may take with respect to that person such reasonable measures, including restraint of his or her person, as may be necessary —

- (c) to protect the safety of the aircraft or of persons or property on board the aircraft;
- (d) to maintain good order and discipline on board the aircraft; or
- (e) to enable the commander to disembark or deliver that person in accordance with subsection (8).

[32/2018]

(3) The commander of an aircraft may —

- (a) require or authorise any member of the crew of the aircraft; or
- (b) request or authorise (but not require) any passenger, or air marshal, on board the aircraft,

to render assistance in restraining any person whom the commander is entitled under subsection (2) to restrain.

[32/2018]

(4) At any time when an aircraft is in flight, any member of the crew of the aircraft or any passenger on board the aircraft may, without being authorised by the commander, take any measures mentioned in subsection (2) against any person on board the aircraft which the member of the crew or passenger has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft, or of persons or property on board the aircraft.

[32/2018]

(5) At any time when an aircraft is in flight, any air marshal on board the aircraft may, without being authorised by the commander,

take any measures mentioned in subsection (2) against any person on board the aircraft which the air marshal has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft, or of persons on board the aircraft from —

- (a) any act of unlawful interference; or
- (b) the commission of any serious offence.

[32/2018]

(6) The measures taken by an air marshal in relation to the commission of any serious offence mentioned in subsection (5)(b) are subject to any agreement between Singapore and a Protocol country relating to the deployment of air marshals on board an aircraft for ensuring the security of the aircraft and persons on board the aircraft.

[32/2018]

(7) Any restraint imposed on any person on board an aircraft under the powers conferred by this section must 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 (8); or
- (b) if the person under restraint agrees to continue his or her journey under restraint on board that aircraft.

(8) The commander of an aircraft —

- (a) if in the case of any person on board the aircraft the commander 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 the commander 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.

(9) The commander of an aircraft —

(a) if he or she disembarks any person pursuant to subsection (8)(a), in the case of a Singapore-controlled aircraft, in any country or, in the case of any other aircraft, in Singapore, must 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 or she intends to deliver any person in accordance with subsection (8)(b) in Singapore or, in the case of a Singapore-controlled aircraft, in any other country which is a Convention country, must before or as soon as reasonably practicable after landing give notification of his or her 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.

(10) In this section and section 6A, “air marshal” means an individual who is appointed —

- (a) an air marshal under section 61 of the Police Force Act 2004; or
- (b) an air marshal (or by whatever name called) under the law of any Protocol country with whom Singapore has an agreement relating to the deployment of air marshals on board an aircraft for ensuring the security of the aircraft and persons on board the aircraft.

[32/2018]

(11) In this section, “act of unlawful interference” means the doing or attempting to do anything such as to jeopardise the safety of civil aviation and air transport, and includes any of the following:

- (a) unlawful taking control of an aircraft by force, or threat of force, or any other form of intimidation or by any trick or false pretence;
- (b) destroying an aircraft that is in service;
- (c) hostage-taking on board an aircraft or at an airport;
- (d) forcible intrusion on board an aircraft, at an airport or on the premises of an aeronautical facility that puts the safety of the aircraft, or any person on board or outside the aircraft, at risk;
- (e) introducing on board an aircraft or at an airport a weapon or hazardous device or material intended for criminal purposes;

- (f) use of an aircraft in service for the purpose of causing death, serious bodily injury or serious damage to property or the environment;
- (g) putting the safety of an aircraft in flight or on the ground, or of passengers, crew, ground personnel or the general public, at an airport or on the premises of a civil aviation facility at risk by communicating false or misleading information.

[32/2018]

### **Provisions as to evidence in connection with aircraft**

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 —

- (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 is not 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 is, unless the contrary is proved, 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 affects the admission as evidence of any deposition which is admissible in evidence apart from this section.

### **Protection from personal liability**

**6A.** No liability shall lie against any of the following persons on account of any treatment undergone by a person against whom any action has been taken under this Act:

- (a) the commander of an aircraft;
- (b) a member of the crew of an aircraft;
- (c) a passenger on board an aircraft;
- (d) an air marshal on board an aircraft;
- (e) an owner or operator of an aircraft;
- (f) a person on whose behalf the flight of an aircraft was performed.

[32/2018]

### **Act not to be interpreted as authorising action in certain cases**

**6B.** Except for the purpose of protecting the safety of an aircraft or of persons or property on board an aircraft, nothing in this Act is to be interpreted as authorising or requiring any action in respect of an offence under any law of a political nature, or based on discrimination on any ground such as race, religion, nationality, ethnic origin, political opinion or gender.

[32/2018]

**Regulations**

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

## LEGISLATIVE HISTORY

### TOKYO CONVENTION ACT 1971

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

#### **1. Act 12 of 1971 — Tokyo Convention Act, 1971**

|                           |   |                 |
|---------------------------|---|-----------------|
| Bill                      | : | 4/1971          |
| First Reading             | : | 30 July 1971    |
| Second and Third Readings | : | 19 October 1971 |
| Commencement              | : | 1 January 1972  |

#### **2. 1985 Revised Edition — Tokyo Convention Act (Chapter 327)**

|           |   |               |
|-----------|---|---------------|
| Operation | : | 30 March 1987 |
|-----------|---|---------------|

#### **3. Act 15 of 2010 — Criminal Procedure Code 2010**

(Amendments made by section 430 read with item 108 of the Sixth Schedule to the above Act)

|                |   |   |
|----------------|---|---|
| Bill           | : | 11/2010   |
| First Reading  | : | 26 April 2010   |
| Second Reading | : | 18 May 2010   |
| Third Reading  | : | 19 May 2010   |
| Commencement   | : | 2 January 2011 (section 430 read with item 108 of the Sixth Schedule) |

#### **4. Act 32 of 2018 — Tokyo Convention (Amendment) Act 2018**

|                           |   |  |
|---------------------------|---|--|
| Bill                      | : | 22/2018  |
| First Reading             | : | 17 May 2018  |
| Second and Third Readings | : | 9 July 2018  |
| Commencement              | : | 15 September 2018 (except sections 6 and 7)<br>1 January 2020 (sections 6 and 7) |

Abbreviations

|                   |   |
|-------------------|---|
| C.P.              | Council Paper   |
| G.N. No. S (N.S.) | Government Notification Number Singapore (New Series)         |
| G.N. No.          | Government Notification Number                                |
| G.N. No. S        | Government Notification Number Singapore                      |
| G.N. Sp. No. S    | Government Notification Special Number Singapore              |
| L.A.              | Legislative Assembly  |
| L.N.              | Legal Notification (Federal/Malaysian Subsidiary Legislation) |
| M. Act            | Malayan Act/Malaysia Act                                      |
| M. Ordinance      | Malayan Ordinance   |
| Parl.             | Parliament  |
| S.S.G.G. (E) No.  | Straits Settlements Government Gazette (Extraordinary) Number |
| S.S.G.G. No.      | Straits Settlements Government Gazette Number                 |

**COMPARATIVE TABLE**  
**TOKYO CONVENTION ACT 1971**

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

| <b>2020 Ed.</b> | <b>1985 Ed.</b> |
|-----------------|-----------------|
| <b>3—(2)</b>    | <b>3—(1A)</b>   |
| (3)             | (1B)            |
| (4)             | (2)             |
| (5)             | (3)             |
| (6)             | (4)             |
| <b>5—(4)</b>    | <b>5—(3A)</b>   |
| (5)             | (3B)            |
| (6)             | (3C)            |
| (7)             | (4)             |
| (8)             | (5)             |
| (9)             | (6)             |
| (10)            | (7)             |
| (11)            | (8)             |