

THE AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS) ACT

ARRANGEMENT OF SECTIONS

PART I. *Preliminary*

1. Short title.
2. Interpretation.

PART II. *Provisions giving Effect to the Tokyo Convention*

3. Interpretation of Part II.
4. Application of criminal law to offences on aircraft.
5. Extension of Jamaican local criminal jurisdiction.
6. Powers of aircraft commander.
7. Provisions ancillary to powers under section 6.
8. Power to intervene against unlawful exercise of control of aircraft.
9. Jurisdiction of Convention countries for extradition purposes.
10. Provisions as to evidence in connection with aircraft.
11. Exemption from liability for acts against offenders under this Part.

PART III. *Provisions carrying out the Hague Convention*

12. Hijacking.
13. Violence against passengers or crew.
14. [*Deleted - vide the Extradition Act, Act 7 of 1991*]

PART IV. *Implementation of the Montreal Convention*

15. Interpretation of Part IV.
16. Destroying, damaging or endangering safety of aircraft.
17. Other acts endangering or likely to endanger aircraft.

*AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)*

- 17A. Acts endangering safety at airport.
- 18. Inducing or assisting commission of acts excepted from sections 16 and 17.
- 19. Penalties and jurisdiction.
- 20. [*Deleted – vide the Extradition Act, Act 7 of 1991.*]
- 21. No conferment of civil remedy under this Part; saving.

PART V. *General*

- 22. Extradition.
- 23. Aircraft operated by joint or international organizations.
- 24. Minister's certificate as to use of aircraft.
- 25. Fiat of Director of Public Prosecutions required for prosecution of certain offences.
- 26. Powers exercisable on suspicion of intended offence.
- 27. Restoration of aircraft and cargo to person lawfully entitled.
- 28. Regulations.
- 29. Piracy.

SCHEDULE

THE AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS) ACT

Acts
4 of 1984,
18 of 2005
2nd Sch.

[26th April, 1984.]

PART I. *Preliminary*

1. This Act may be cited as the Aircraft (Tokyo, Hague, and Montreal Conventions) Act. Short title.

2.—(1) In this Act—

Interpreta-
tion.

“aircraft” means, except as otherwise provided pursuant to subsection (4) hereof, any aircraft (whether or not a Jamaican-controlled aircraft) other than a State aircraft;

“commander”, in relation to an aircraft, means the member of the crew designated as the 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;

“constable” means a member of the Jamaica Constabulary Force, the Island Special Constabulary Force or the Rural Police;

“Jamaican-controlled aircraft” means an aircraft—

- (a) which is for the time being registered in Jamaica; or
- (b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person

*AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)*

entitled as owner to any legal or beneficial interest in it 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 Jamaica; and
 - (ii) that he resides or has his principal place of business in Jamaica; or
- (c) which, although for the time being registered in a country other than Jamaica, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements set out in paragraph (b) hereof;

“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 the person who for the time being is lawfully in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“State aircraft” means any aircraft which is used in the military, customs or police service of any country;

“the Hague Convention” means the Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on the 16th day of December, 1970;

“the Montreal Convention” means the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on the 23rd day of September, 1971;

"the Tokyo Convention" means the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Tokyo on the 14th day of September, 1963.

(2) [*Deleted – vide the Extradition Act, Act 7 of 1991.*]

(3) Any reference in this Act to military service includes a reference to naval or air force service.

(4) The Minister may, by order, direct—

(a) that this Act, subject to such modifications as may be specified in the order, shall apply to any State aircraft;

(b) that any aircraft operated by the Government be treated, to such extent and subject to such modifications of this Act as may be specified in the order, as excepted from the whole or any part of the provisions of this Act.

PART II. *Provisions giving Effect to the Tokyo Convention*

3.—(1) In this Part—

“Convention country” means a country in which the Tokyo Convention is for the time being in force, and the Minister may, by order, certify that any country specified in the order is for the time being a Convention country, and any such order for the time being in force shall be conclusive evidence that the country in question is for the time being a Convention country;

Interpreta-
tion of
Part II.

*AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)*

"immigration officer" means the Chief Immigration Officer or any immigration officer appointed by the Governor-General under the Aliens Act.

(2) For the purposes of this Part, 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 sections 6 and 8—

(i) any period from the moment when all external doors 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 a competent authority takes over responsibility for the aircraft and for the persons and property on board the aircraft; and

(c) any period when the aircraft, although on the surface of the sea or land, is not within the territorial limits of any country.

(3) In this Part, any reference to a country or the territorial limits thereof includes a reference to the territorial waters, if any, of that country.

4.—(1) Subject to subsection (2), any act taking place on board a Jamaican-controlled aircraft while in flight elsewhere than in or over Jamaica and which, if taking place

Application
of criminal
law to
offences on
aircraft.

in Jamaica, would constitute an offence under the law in force in Jamaica shall constitute that offence.

(2) Subsection (1) shall not apply to any act which is, by or under the law in force in Jamaica, expressly or impliedly authorized when taking place outside Jamaica.

5. For the purpose of conferring jurisdiction, any offence under the law in force in Jamaica, being an offence committed on board an aircraft in flight, shall be deemed to have been committed in any place in Jamaica where the offender may for the time being be.

Extension of
Jamaican
local
criminal
jurisdiction.

6.—(1) If the commander of an aircraft in flight has reasonable grounds to believe in respect of any person on board the aircraft that the person in question has committed or is about to commit any criminal offence or has done or is about to do on the aircraft any act which jeopardizes or may jeopardize—

Powers of
aircraft
commander.

(a) the safety of the aircraft or of persons or property on board the aircraft; or

(b) good order and discipline on board the aircraft, then, subject to section 7, 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; or

(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 section 7.

(2) Where the commander of an aircraft is entitled under subsection (1) to restrain any person—

*AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)*

- (a) any member of the crew of the aircraft or any other person on board the aircraft may—
- (i) at the request or with the authority of the commander, render assistance in effecting the restraint;
 - (ii) 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 (1) 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; and
- (b) any member of the crew shall, if the commander so requires, render such assistance as the commander may direct.

(3) Any member of the crew of an aircraft who wilfully and without reasonable cause fails to assist the commander of the aircraft in restraining any person when so required under paragraph (b) of subsection (2) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars.

Provisions
ancillary
to powers
under
section 6.

7.—(1) Where a person is under restraint on an aircraft pursuant to section 6, the commander of the aircraft shall as soon as practicable, and if possible before landing in any country, notify the authorities in that country of the fact that a person on board is under restraint and of the reasons for such restraint.

(2) Any restraint imposed on any person on board an aircraft under the powers conferred by section 6 shall not be continued after the time when the aircraft first thereafter ceases to be in flight other than—

- (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 (3); or
- (b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(3) The commander of an aircraft if in the case of any person on board the aircraft he has reasonable grounds—

- (a) to believe as mentioned in subsection (1) of section 6; and
- (b) to believe that it is necessary so to do 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, if convenient, deliver him to a person having the function of a constable or immigration officer.

(4) The commander of an aircraft—

- (a) if he disembarks any person in pursuance of subsection (3), in the case of a Jamaican-controlled aircraft, in any country or, in the case of any other aircraft, in Jamaica, shall report the fact of, and the reasons for, that disembarkation to the authorities in the country of disembarkation and shall also request the authorities to notify a diplomatic or consular representative of the country of nationality of that person; or
- (b) if he delivers any person in pursuance of subsection (3), shall at the time of delivery furnish to the appropriate officer such evidence and information relating to the need to take measures against that

*AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)*

person pursuant to section 6, as at the time of furnishing are lawfully in his possession.

(5) Any commander of an aircraft who wilfully and without reasonable cause fails to comply with the requirement of subsection (4) shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred dollars.

Power to intervene against unlawful exercise of control of aircraft.

8. Where a person on board an aircraft which is within the territorial limits of Jamaica unlawfully, by force or threats of any kind, commits any act of interference, seizure or other wrongful exercise of control of the aircraft in flight, or is about to commit any such act, the Minister may authorize appropriate measures to restore control of the aircraft to the commander of the aircraft or to preserve his control of the aircraft and such measures may include the use of such force as the Minister thinks necessary.

Jurisdiction of Convention countries for extradition purposes.

9. 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 may, 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.

Provisions as to evidence in connection with aircraft.

10.—(1) Where, in proceedings before any court in Jamaica for an offence committed on board an aircraft, the testimony of any person is required and the court is satisfied that such person cannot be found in Jamaica, there shall be admissible in evidence before that court any deposition relating to the subject-matter of those proceedings previously made on oath by that person and which was so made—

(a) in the presence of the person charged with the offence; and

(b) before a judge or magistrate either of Jamaica or of any other State or before any authorized officer in any such State.

(2) Any such deposition shall be authenticated by the signature of the judge, magistrate or authorized officer before whom it was made, and shall be certified by him to have been taken in the presence of the person charged as aforesaid.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing to have authenticated any deposition, or to have given such a certificate as aforesaid; and such a certificate shall, unless the country is proved, be sufficient evidence in any proceedings that the person charged as aforesaid was present at the making of the deposition.

(4) If there is made to an authorized officer a complaint that any offence has been committed on a Jamaican-controlled aircraft while in flight elsewhere than in or over Jamaica, it shall be lawful for that officer to inquire into the case and for that purpose to administer an oath to any deponent.

(5) In this section—

“authorized officer” in relation to any foreign State, means any Jamaican Ambassador, Envoy, Minister, Chargé d’Affaires, Secretary of an Embassy or Legation, any Jamaican Consul-General, Consul, Vice-Consul, Acting Consul or Consular Agent exercising his functions in that foreign States;

“deposition” includes any affidavit, affirmation or statement made upon oath; and nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.

Exemption
from li-
ability for
acts against
offenders
under this
Part.

11. The commander of an aircraft, any other member of the crew, any passenger, any owner or operator of an aircraft or any person on whose behalf a flight is made who takes action against any person (hereinafter referred to as an offender) in pursuance of this Part shall be exempt from liability for any measures taken against the offender in accordance with this Part.

PART III. *Provisions carrying out the Hague Convention*

Hijacking.

12.—(1) Any person who, being on board an aircraft in flight, unlawfully, by use of force or threats of any kind, seizes the aircraft or exercises control over it shall be guilty of the felony of hijacking and, on conviction thereof, shall be liable to be imprisoned for life, with or without hard labour.

(2) Subject to subsection (3), in relation to any charge of hijacking or of an attempt to commit hijacking or of being an accomplice to either such hijacking or attempt, a court in Jamaica shall have jurisdiction to hear and determine the matter whatever the nationality of the accused, whatever the State in which the aircraft is registered and regardless of whether the aircraft is in Jamaica or elsewhere.

(3) Where, in relation to any charge of hijacking or any charge related to hijacking, the accused is not a citizen of Jamaica and the offence is not alleged to have been committed in Jamaica, then, if—

- (a) the aircraft is a State aircraft of a country other than Jamaica; or
- (b) both the place of take-off and the place of landing of the aircraft are on the territory of a country other than Jamaica in which the aircraft is registered,

a court in Jamaica shall have jurisdiction to hear and determine the matter, so, however, that the court may, if it thinks fit, exercise that jurisdiction only in so far as the court thinks necessary to permit the person charged to be transferred for trial to another country claiming jurisdiction in the matter.

(4) For the purposes of this section, 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.

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

13. Without prejudice to the provisions of section 4, where a person (of whatever nationality) does on board any aircraft (wherever registered) and while outside Jamaica any act which, if done in Jamaica, would constitute the offence of murder, attempted murder, manslaughter or assault or an offence under section 20, 22, 23, 24, 25, 29 or 30 of the Offences against the Person Act, 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.

Violence
against
passengers or
crew.

14. [*Deleted – vide the Extradition Act, Act 7 of 1991.*]

PART IV *Implementation of the Montreal Convention*

15.—(1) In this Part—

“act of violence” means—

(a) any act done in Jamaica—

Interpreta-
tion of Part
IV.

*AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)*

(i) which constitutes the offence of murder, attempted murder, manslaughter, culpable homicide, or an assault or an offence under section 20, 22, 23, 24, 25, 26, 29 or 30 of the Offences against the Person Act; or

(ii) whereby an explosion of a nature likely to endanger life, or to cause serious injury to property, is maliciously caused by means of any explosive substance, whether or not any injury to person or property is actually caused; or

(b) any act done outside Jamaica which, if done in Jamaica, would constitute an act of violence within the meaning assigned to that expression by paragraph (a);

"article" includes any substance, whether in solid or liquid form or in the form of a gas or vapour;

"explosive substance" includes any material or apparatus for making any explosive substance, any apparatus, machine, implement or materials used, or intended to be used, or adapted for causing or aiding in causing, any explosion in or with any explosive substance, and any part of any such apparatus, machine or implement;

"property" includes any land, buildings or works, any aircraft or vehicle and any baggage, cargo or other article of any description;

"unlawfully"—

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

(2) For the purposes of this Part—

- (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, the flight shall be deemed to continue until the competent authorities take over responsibility for the aircraft and for persons and property on board;
- (b) an aircraft shall be taken to be in service during the whole of the period from the beginning of the pre-flight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after the aircraft lands upon completion of that flight, and also at any time (not falling within that period) while the aircraft is in flight;
- (c) the territorial waters of Jamaica shall be treated as part of its territory.

16.—(1) It shall be an offence for any person unlawfully and intentionally—

- (a) to destroy an aircraft in service; or

Destroying,
damaging
or en-
dangering
safety of
aircraft.

*AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)*

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

(2) It shall also 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); or
- (b) may constitute attempting or conspiring to commit, or aiding, abetting, counselling or procuring, the commission of such an offence.

(3) Subsections (1) and (2) apply whether any such act as is therein mentioned is committed in Jamaica or elsewhere, whatever the nationality of the person committing the act and whatever the State in which the aircraft is registered.

Other Acts
endangering
or likely to
endanger
aircraft.

17.—(1) It shall, subject to subsections (5) and (6), 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 an aircraft in flight.

(2) Subsection (1) 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 or not it is on board an aircraft.

(3) It shall also, subject to subsections (4) and (5), be an offence for any person intentionally to communicate any information which is false, misleading or deceptive in any 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) to prove that, when he communicated the information—

- (a) he believed, and had reasonable grounds for believing, the information to be true; or
- (b) he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated, in good faith in the performance of those duties, the information in question.

(5) Subsections (1) and (3) do not apply to the commission of any act unless either the act is committed in Jamaica or, where it is committed outside Jamaica—

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

(6) Subsection (1) also does not apply to any act committed—

*AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)*

- (a) outside Jamaica; and
- (b) in relation to property which is situated outside Jamaica 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 Jamaica.

(7) In this section “civil aircraft” means any aircraft, other than a State aircraft.

Acts en-
dangering
safety at
airport.
18/2005
2nd Sch.

17A.—(1) It shall be an offence for any person to unlawfully and intentionally use any weapon, device or substance to—

- (a) destroy or seriously damage the facilities of an airport or any aircraft that is not in service and is located at an airport;
- (b) disrupt the services of an airport; or
- (c) commit an act of violence against any person at an airport,

in circumstances that safety at the airport becomes or is likely to become endangered.

(2) For the purposes of this paragraph, “airport” means an airport that serves international civil aviation.

Inducing or
assisting
commission
of acts ex-
cepted from
sections 16
and 17.
18/2005
2nd Sch.

18.—(1) It shall be an offence for any person in Jamaica to induce or assist the commission outside Jamaica of any act which—

- (a) would be an offence under section 16 or 17A; or
- (b) would, but for subsection (5) or (6) of section 17, be an offence under section 17.

(2) Subsection (1) shall have effect without prejudice to the operation of section 41 of the Criminal Justice (Administration) Act (which relates to aiders and abettors) in relation to any offence under section 16, 17 or 17A of this Act.

18/2005
2nd Sch.

19. Any person who commits an offence under this Part shall be liable, on conviction on indictment, to imprisonment for life.

Penalties
and juris-
diction.

20. [*Deleted— vide the Extradition Act, Act 7 of 1991.*]

21. Subject to subsection (4) of section 49 of the Interpretation Act, nothing in the provisions of sections 16, 17 and 18—

No confer-
ment of
civil
remedy
under this
Part: saving.

- (a) confers a right of action in any civil proceedings in respect of any contravention of this Part; or
- (b) derogates from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Part.

PART V. *General*

22.—(1) [*Deleted— vide the Extradition Act, Act 7 of 1991.*]

Extradition.

(2) For the purposes of the Extradition Act, any act (wherever committed)—

- (a) which is an offence under Part III or IV, or an attempt to commit such an offence, or would be such an offence or attempt but for subsection (3) of section 12 or subsection (5) or (6) of section 17; and
- (b) which is an offence against the law of any foreign State in the case of which the Extradition Act applies,

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

23. If the Minister by order declares—

- (a) that any two or more States named in the order have established an organization or agency which operates aircraft; and

Aircraft
operated by
joint or
inter-
national
organiza-
tions.

*AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)*

- (b) that one of those States has been designated to exercise the powers of the State of registration, or to be considered as the State thereof, in relation to all or any aircraft so operated,

then, for the purposes of such provisions of this Act as the order may prescribe, the State so designated or considered under paragraph (b) shall be deemed to be the State in which all aircraft so operated, or (as the case may be) any such aircraft specified in the order, are registered.

Minister's
certificate as
to use of
aircraft.

24.—(1) A certificate of the Minister stating whether or not—

- (a) an aircraft is or was at any time a State aircraft;
(b) an aircraft is or was at any time operated by the Government,

for the purposes of any provisions of this Act, shall be conclusive evidence of the matter so certified.

(2) Any document purporting to be such a certificate as is mentioned in subsection (1) shall be deemed to be such a certificate, unless the contrary is proved.

Fiat of
Director of
Public Pro-
secutions
required for
prosecution
of certain
offences.

25.—(1) No proceedings—

- (a) pursuant to Part II for an offence under the law in force in Jamaica committed on board an aircraft while in flight elsewhere than in or over Jamaica (other than an offence against the Civil Aviation Act, or any orders or regulations made thereunder);
or
(b) for any offence under Part III or IV,

shall be instituted except by or with the consent of the Director of Public Prosecutions.

(2) Nothing in subsection (1) shall prevent the arrest, or the issue of a warrant for the arrest, of any person in respect of any offence under this Act, or the remanding in custody or on bail of any person charged with any such offence.

26. Where a Constable has reasonable cause to suspect that a person about to embark on an aircraft in the Island or its territorial waters, or a person on board such an aircraft, intends to commit an offence under Part III or IV in relation to the aircraft, the Constable may prohibit him from travelling on board the aircraft; and for the purpose of enforcing such prohibition may—

Power exercisable on suspicion of intended offence.

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

27. Where any person by force, threat, intimidation or interference exercises wrongful control of any aircraft or commits any act of violence against any person on board an aircraft or attempts to destroy or damage any aircraft and, after steps have been taken to restore control of the aircraft to the commander, the aircraft lands in Jamaica, then, as soon as practicable thereafter the passengers and crew shall be permitted to continue their journey and steps shall be taken to return the aircraft and its cargo to the persons lawfully entitled to possession.

Restoration of aircraft and cargo to person lawfully entitled.

28. The Minister may make regulations for the purpose of giving effect to this Act and, without prejudice to the generality of the foregoing, may provide for—

Regulations.

- (a) the procedure in assisting an offender to communicate with a representative of the State of which he is a national;

*AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)*

- (b) the notification to any foreign State of any matter to be notified under this Act;
- (c) the restoration and preservation of control of an aircraft to the commander of the aircraft;
- (d) the return of an aircraft and its cargo, after such aircraft and cargo have been unlawfully seized, to any person lawfully entitled to possession;
- (e) assisting passengers and crew to continue their journey after the unlawful seizure of an aircraft; and
- (f) the holding of any investigation into unlawful or dangerous acts on board an aircraft.

Piracy.

29. For the avoidance of doubt, it is hereby declared that for the purposes of any proceedings before any court in Jamaica in respect of piracy, the provisions set out in the Schedule, being provisions of the Convention on the High Seas done at Geneva on the 29th April, 1958, shall be treated as constituting part of the law of nations; and any such court 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.

Schedule.

AIRCRAFT (TOKYO, HAGUE AND MONTREAL
CONVENTIONS)

23

SCHEDULE

(Section 29)

*Provisions of Geneva Convention on the High Seas to be treated
as Part of the Law of Nations*

ARTICLE 15

Piracy consists of any of the following acts:

1. Any illegal acts of violence, detention or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

- (a) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
- (b) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State.

2. Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft.

3. Any act of inciting or of intentionally facilitating an act described in sub-paragraph (1) or sub-paragraph (2) of this article.

ARTICLE 16

The acts of piracy, as defined in article 15, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship.

ARTICLE 17

A ship or aircraft is considered a private ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 15. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.