

HIJACKING ACT

CHAPTER 11:22

Act
3 of 1978
Amended by
36 of 1985

Current Authorised Pages

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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HIJACKING ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 11:22

HIJACKING ACT

3 of 1978. **An Act to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft; and for connected purposes.**

Commencement.
65/1978.

[7TH MAY 1978]

Short title.

1. This Act may be cited as the Hijacking Act.

Interpretation.

2. In this Act—

“operator”, in relation to an aircraft at any time, means the person who at that time has the management of that aircraft;

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

“Trinidad and Tobago controlled aircraft” means an aircraft which—

- (a) is registered in Trinidad and Tobago;
- (b) is not registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it—
 - (i) is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in Trinidad and Tobago; and
 - (ii) resides or has his principal place of business in Trinidad and Tobago; or
- (c) being registered in some other country is demised, let or hired out to a person who or to persons each of whom satisfies the requirements mentioned in paragraph (b)(i) and (ii).

Hijacking.

3. (1) Subject to subsection (2), a person on board an aircraft in flight who unlawfully, by the use of force or threats of any kind, seizes the aircraft or exercises control of it commits the offence of

hijacking, whatever his nationality, whatever the State in which the aircraft is registered and whether the aircraft is in Trinidad and Tobago or elsewhere.

- (2) Subsection (1) does not apply if—
- (a) the aircraft is used in military, Customs or police service; or
 - (b) both the place of take-off and the place of landing are in the territory of the State in which the aircraft is registered,

unless—

- (i) the act is committed in Trinidad and Tobago; or
- (ii) the aircraft is a Trinidad and Tobago controlled aircraft or is used in the military, Customs or police service of Trinidad and Tobago.

- (3) A person who—
- (a) commits the offence of hijacking; or
 - (b) in Trinidad and Tobago induces or assists the commission of an act elsewhere which, but for subsection (2), would be the offence of hijacking,

is liable on conviction on indictment to imprisonment for life.

- (4) For the purposes of this section—
- (a) the period during which an aircraft is in flight includes—
 - (i) any period from the moment when all the external doors, if any, of the aircraft are closed following embarkation for a flight until the moment any such door is opened for disembarkation after that flight; and
 - (ii) if the aircraft makes a forced landing, any period until the time when the competent authorities of the State in which that landing takes place take over responsibility for the aircraft and for persons and property on board the aircraft;

(b) the territorial waters of any State shall be treated as part of its territory.

(5) In this section “military service” includes naval and air force service.

Violence against
passengers or
crews.
Ch. 11:21.

4. Without prejudice to section 3 of the Civil Aviation (Tokyo Convention) Act, where a person (of whatever nationality) does on board any aircraft (wherever registered) and while outside Trinidad and Tobago any act which, if done in Trinidad and Tobago, would constitute an offence of murder, manslaughter, culpable homicide or assault or an offence under section 12, 14, 15, 16, 17, 18, 22 or 23 of the Offences Against the Person Act, his act constitutes that offence if it is done in connection with the offence of hijacking committed or attempted by him on board that aircraft.

Ch. 11:08.

Extradition.
[36 of 1985].

Ch. 12:04.

5. (1) There shall be deemed to be included in the list of extraditable offences contained in the First Schedule to the Extradition (Commonwealth and Foreign Territories) Act any offence under this Act.

(2) Where no such treaty as is mentioned in section 4 of the said Extradition (Commonwealth and Foreign Territories) Act has been made with a State which is a party to the Convention, an Order of the Attorney General applying that Act may be made under that section as if the Convention were such a treaty with that State; but where that Act is so applied it shall have effect as if the only extraditable offences within the meaning of that Act were offences under this Act and attempts to commit such offences.

(3) For the purposes of the said Extradition (Commonwealth and Foreign Territories) Act, any act, wherever committed, which—

- (a) is an offence under this Act or would be such an offence but for section 3(2); and
- (b) is an offence against the law of any State in the case of which that Act has been applied by an Order under section 4 thereof,

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

6. If the Minister by Order declares—

(a) that any two or more States named in the Order have established a joint air transport organisation or an international operating agency, which operates aircraft; and

(b) that one of those States has been designated as exercising, for aircraft so operated, the powers of the State of registration,

Aircraft operated by joint air transport organisation or agency.

the State declared under paragraph (b) is deemed for the purposes of this Act to be the State in which any aircraft so operated is registered; but in relation to such aircraft section 3(2)(b) has effect as if it referred to the territory of any one of the States named in the Order.

7. (1) Proceedings for an offence under this Act shall not be instituted except by or with the consent of the Director of Public Prosecutions.

Prosecution of offences.

(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.