

# **Tokyo Convention Bill**

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**Bill No: 4/1971**

***Read the first time: 30th July 1971***

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## **Tokyo Convention Bill**

## Bill No. 4/1971

*Read the first time on 30th July 1971.*

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, and to repeal section 14 of the Air Navigation Act (Chapter 87 of the 1970 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows: —

### Short title and commencement

1. This Act may be cited as the Tokyo Convention Act, 1971, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 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 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, namely: —
  - (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 of this Act —
  - (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.

### **Application of criminal law to 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, constitute that offence:

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.

(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 (Cap. 87, 1970 Ed) or any subsidiary legislation made thereunder shall be instituted in Singapore except by or with the consent of the Attorney-General.

(3) The provisions of subsection (2) of this section 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.

### **Provisions as to extradition**

4. For the purposes of the application of the Extradition Act (Cap. 76, 1970 Ed) 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**