

# Aircraft Security Act 1990

REPUBLIC OF KIRIBATI

## AIRCRAFT SECURITY ACT 1990

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**REPUBLIC OF KIRIBATI**  
(No. 11 of 1990)

I assent,

I. Tabai

Beretitenti  
31/12/1990

AN ACT TO PATRIATE PROVISIONS OF CERTAIN ORDERS IN COUNCIL RELATING TO THE SECURITY OF AIRCRAFT, MADE UNDER THE TOKYO CONVENTION ACT 1967, THE HIJACKING ACT 1971 AND THE PROTECTION OF AIRCRAFT ACT 1973 OF THE

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

**PART I  
PRELIMINARY**

**Short title and commencement**

1. (1) This Act may be cited as the Aircraft Security Act 1990.
- (2) This Act shall come into operation on such date as the Minister may appoint by notice.

**Interpretation**

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

"act of violence" means -

- (a) any act done in Kiribati which constitutes an offence under any of sections 192, 193, 208, 216 to 218, 220, 220A, 221, 222, 237, 238 or 319A of the Penal Code (which relate to murder, attempted murder, manslaughter, assaults, endangering life and causing explosions); and
- (b) any act done outside Kiribati which, if done in Kiribati, would constitute such an offence as is mentioned in paragraph (a);

"civil aircraft" means any aircraft other than a military aircraft or an aircraft used in customs or police service;

"military aircraft" means -

- (a) an aircraft of the naval, military or air forces of any country; or
- (b) any other aircraft in respect of which there is in force a certificate issued under an enactment relating to civil aviation that the aircraft is to be treated for the purposes of that enactment as a military aircraft,

and a certificate of the Minister that the aircraft is or is not a military aircraft for the purposes of this Act shall be conclusive evidence of the fact certified.

- (2) For the purposes of this Act, the period during which an aircraft is in flight is 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) 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
- (c) 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 Kiribati, the time when a police officer or an immigration 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 it is on the surface of the sea or land but not within the territorial limits of any country.

(3) For the purposes of this Act, an aircraft is taken to be in service -

- (a) 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
- (b) at any time (not falling within that period) while, in accordance with subsection (2), the aircraft is in flight.

(4) A reference in this Act to a State or a country or its territory or territorial limits shall be construed as including a reference to the territorial waters of that State or country.

(5) If the Minister by order declares -

- (a) that any 2 or more States named in the order have established an organisation or 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,

the State declared under paragraph (b) shall be deemed for the purposes of this Act to be the State in which any aircraft so operated is registered.

(6) Subject to section 76 of the Interpretation and General Clauses Ordinance (which relates to acts that constitute 2 or more offences), this Act shall not be construed as -

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

**PART II**  
**OFFENCES AGAINST THE SAFETY OF AIRCRAFT**

**Hijacking**

3. (1) 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 -

- (a) whatever his nationality;
- (b) whatever the State in which the aircraft is registered; and
- (c) whether the aircraft is in Kiribati or elsewhere.

(2) Subsection (1) does not apply if -

- (a) the aircraft is a military aircraft or is used in 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 person seizing or exercising control of the aircraft is a citizen of Kiribati; or
  - (ii) his act is done in Kiribati; or
  - (iii) the aircraft is registered in Kiribati or is used in the service of the Chief Customs Officer or of the Kiribati Police Force.

(3) Where, under section 2(5), one of 2 or more States named in an order made thereunder is deemed to be the State in which an aircraft is registered, subsection (2)(b) shall have effect, in relation to that aircraft, as if it referred to the territory of any one of those States.

**Destroying, damaging, etc, aircraft**

4. (1) Subject to subsection (5), a person is guilty of an offence who unlawfully and intentionally -

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

(2) Subject to subsections (3) and (5), a person is guilty of an offence who unlawfully and intentionally places, or causes to be placed, on an aircraft in service any device or substance which is likely -

- (a) to destroy the aircraft; or

(b) to so damage it as to -

- (i) render it incapable of flight; or
- (ii) be likely to endanger its safety in flight.

(3) Nothing in subsection (2) 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 such an offence.

(4) Subject to subsection (5), subsections (1) and (2) apply -

- (a) whatever the nationality of the person committing the act;
- (b) whether any such act as is therein mentioned is committed in Kiribati or elsewhere; and
- (c) whatever the State in which the aircraft is registered.

(5) Subsections (1) and (2) above do not apply to any act committed in relation to a military aircraft or an aircraft used in customs or police service unless -

- (a) the act is committed in Kiribati; or
- (b) where the act is committed outside Kiribati, the person committing it is a citizen of Kiribati.

(6) For the purposes of this section, the expression "unlawfully" -

- (a) in relation to the commission of an act in Kiribati, means so as (apart from this Act) to constitute an offence under the law of Kiribati; and
- (b) in relation to the commission of an act outside Kiribati, means so that the commission of the act would (apart from this Act) have been an offence under the law of Kiribati.

### **Endangering safety of aircraft**

5. (1) Subject to subsections (5) and (6), a person is guilty of an offence who unlawfully and intentionally -

- (a) destroys or damages any property to which this subsection applies; or
- (b) interferes with the operation of any such property,

where the destruction, damage or interference is likely to endanger the safety of aircraft in flight.

(2) Subsection (1) applies to any property used for the provision of air navigation facilities, including

(a) any land, building or ship so used; and

(b) any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.

(3) Subject to subsections (4) and (5), a person is guilty of an offence 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 aircraft in flight.

(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 -

(i) when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information; and

(ii) he communicated the information in good faith in the performance of those duties.

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

(a) the person committing it is a citizen of Kiribati;

(b) the commission of the act endangers or is likely to endanger the safety in flight of a civil aircraft registered in Kiribati 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 Kiribati;

(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 Kiribati with the person who committed the act still on board.

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

(a) committed outside Kiribati; and

(b) in relation to property which -

(i) is situated outside Kiribati; and

(ii) 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 Kiribati.

(7) For the purposes of this section, the expression "unlawfully" has the meaning given in section 4 (6).

### **Ancillary offences**

6. (1) Without prejudice to section 4(1)(b) and to provisions of the Penal Code relating to offences committed on aircraft, where a person (of whatever nationality) does -

(a) on board any aircraft (wherever registered); and

(b) while outside Kiribati,

any act which, if done in Kiribati, would constitute an offence under any of the sections 192, 193, 208, 216 to 218, 220, 220A 221, 222, 237, 238 or 319A of the Penal Code (which relate to murder, attempted murder, manslaughter, assaults, endangering life and causing explosions), 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.

(2) A person is guilty of an offence who in Kiribati induces or assists in the commission outside Kiribati of any act which -

(a) would, but for subsection (2) of section 3, be an offence under that section; or

(b) would, but for subsection (5) or section 4, be an offence under that section; or

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

(3) Subsection (2) shall have effect without prejudice to the operation, in relation to an offence under section 3, 4 or 5, or –

(a) section 21(1)(b) to (d) of the Penal Code (which relates to aiding, abetting, counselling or procuring the commission of offences); and

(b) section 374 of the Penal Code (which relates to soliciting and inciting others to commit offences).

### **Penalties**

7. A person who is guilty of an offence under this Part (other than section 6(1)) shall be liable to imprisonment for life.

### **Proceedings**

8. (1) Proceedings for an offence under this Act shall not be instituted except by, or with the consent of, the Attorney General.

(2) Nothing in subsection (1) shall prevent -

(a) the arrest, or issue of a warrant of arrest, of any person in respect of an offence under this Act; or

(b) the detention in custody or the admission to bail of any person charged with such an offence.

### **Powers on suspicion of offences against aircraft**

9. (1) Where a police or immigration officer has reasonable cause to suspect that a person about to embark on an aircraft in Kiribati, or a person on board such an aircraft, intends to commit, in relation to the aircraft, an offence under this Act, the officer may prohibit him from travelling on board the aircraft; and for the purpose of enforcing that prohibition the officer -

(a) may prevent him from embarking on the aircraft or, as the case may be, may remove him from the aircraft; and

(b) may arrest him without warrant and detain him for so long as may be necessary for that purpose.

(2) Sections 20, 23 and 24 of the Criminal Procedure Code shall apply in relation to arrests made under this section by an immigration officer as they apply to such arrests made by a police officer.

## **PART III** **MISCELLANEOUS**

### **Interpretation of Part III**

10. In this Part, unless the context otherwise requires -

"aircraft" means any aircraft, whether or not a Kiribati aircraft, other than -

(a) a military aircraft; or

(b) an aircraft which, not being a military aircraft, belongs to, or is exclusively employed in the service of, Kiribati;

but the Minister may by order provide that any of the provisions of section 11 or 12 shall apply with or without modifications to aircraft such as are mentioned in paragraph (b);

"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;

"Convention State" means a State or country in which the Tokyo Convention is for the time being in force;

and any order for the time being in force certifying that any State or country specified in the order is for the time being a Convention State shall be conclusive evidence that the State or country in question is for the time being a Convention State;

"Kiribati aircraft" means an aircraft -

(a) which is for the time being registered in Kiribati; or

(b) which is not for the time being registered in any State 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

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(i) is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in Kiribati; and

(ii) resides or has his principal place of business in Kiribati; or

(c) which, being for the time being registered in some other State, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements of paragraph (b);

"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;

"Tokyo Convention" means the Convention on Offences and certain other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963.

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

11. (1) The provisions of subsections (2) to (6) have effect for the purposes of any proceedings before any court.

(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 under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination,

then, subject to subsection (5), 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;
- (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 subsection (6);

and for the purposes of paragraph (b) a Kiribati aircraft shall be deemed to be registered in Kiribati whether or not it is in fact so registered and whether or not it is in fact registered in some other State.

(3) Any -

- (a) member of the crew of an aircraft; and
- (b) other person on board the aircraft,

may, at the request or with the authority of the commander of the aircraft, render assistance in restraining any person whom the commander is entitled under subsection (2) to restrain; and any such member shall render such assistance if so required by that commander.

(4) At any time when the aircraft is in flight any member of the crew or other person on board may, 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 (2) 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.

(5) Any restraint imposed on any person on board an aircraft under the powers conferred by subsections (2) to (4) -

- (a) shall 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 -
  - (i) the fact that a person on board the aircraft is under restraint; and

(ii) the reasons therefor,

to be sent to an appropriate authority of the country in which the aircraft so ceases to be in flight; but

(b) subject to such notification, may be continued after that time -

(i) 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 (6); or

(ii) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(6) The commander of an aircraft -

(a) if, in the case of any person on board the aircraft, he has reasonable grounds -

(i) to believe as mentioned in subsection (2)(a); and

(ii) 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

(b) if, in the case of any person on board the aircraft, he has reasonable grounds to believe as mentioned in subsection (2)(b), may deliver that person -

(i) in Kiribati, to a police officer or immigration officer; or

(ii) in any State or country which is a Convention State, to an officer having functions corresponding to the functions in Kiribati either of a police officer or of an immigration officer.

(7) The commander of an aircraft -

(a) if he disembarks any person in pursuance of subsection (6)(a), in the case of a Kiribati aircraft, in any country or, in the case of any other aircraft, in Kiribati, shall 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 intends to deliver any person in accordance with subsection (6)(b)

in Kiribati or, in the case of a Kiribati aircraft, in any other Convention State, shall, before or as soon as reasonably practicable after landing, give notification of his intention and of the reason therefor

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- (i) in the case of Kiribati, to a police officer or an immigration officer or, in other cases, to an officer having functions corresponding to the functions in Kiribati either of a police officer or of an immigration officer;
- (ii) in either case, to the appropriate diplomatic or consular office of the State of nationality of that person;

and any commander of an aircraft who without reasonable cause fails to comply with the requirements of this subsection is guilty of an offence and shall be liable to a fine of \$250.

Documentary evidence

12. (1) In any legal proceedings -

(a) a document purporting to be certified by such authority or person as may be designated for the purpose by regulations made by the Minister, or being a true copy of, or part of, a document issued or record kept in pursuance of -

- (i) this Act;
- (ii) an Air Navigation Order made, or deemed to be made, under any law relating to civil aviation;
- (iii) the Aerodromes and Navigation Aids Ordinance; or
- (iv) the Air Transport (Licensing of Air Services) Regulations 1964,

by the Minister, by a public officer who is specified for the purpose in any such Order or by the Air Transport Licensing Authority; or

(b) a publication by exhibition at the Public Office of the Beretitenti of a notice similar to a publication of the series known as "Notam-United Kingdom" but notifying matters related to Kiribati,

shall be evidence of the matters appearing from that document.

(2) In any legal proceedings, a record made by any such authority or person as may be designated for the purposes of this subsection by regulations made by the Minister, or by a person acting under the control of such an authority or person, being a record purporting to show -

- (a) the position of an aircraft at any material time; or
- (b) the terms or contents of any message or signal transmitted to any aircraft, either alone or in common with other aircraft or received

from any aircraft, by the first mentioned authority or person or by a person acting under the control of that authority or person,

shall, if produced from the custody of that authority or person, be evidence of the matters appearing from the record.

(3) The references in subsection (2) to a record made by or under the control of any authority or person include references to a document or article purporting to be a copy of a record so made, and certified to be a true copy by or on behalf of that authority or person; and in relation to such a copy, subsection (2) shall have effect as if the words "if produced from the custody of that authority or person" were omitted.

### **Amendment of Cap. 67**

13. The Penal Code is amended -

(a) by the addition, after section 220, of the following section -

#### **"Causing explosion endangering life**

220A Any person who wilfully and unlawfully causes by any explosive substance an explosion of a nature likely to endanger life, whether or not any injury to any person is actually caused, is guilty of a felony and shall be liable to imprisonment for life."

(b) by the addition, after section 319, of the following section -

#### **"Causing explosion endangering property**

319A Any person who wilfully and unlawfully causes by any explosive substance an explosion of a nature likely to cause serious injury to property, whether or not any injury to property is actually caused, is guilty of a felony and shall be liable to imprisonment for life."

### **Inherited law to cease to have effect**

14. (1) The provisions of the laws of England specified in the Schedule shall cease to have effect to the extent that they are part of the law of Kiribati.

(2) This Act does not affect the law applicable to, or proceedings in respect of, an offence committed before the commencement of this Act under any of the provisions repealed by this section.

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## **SCHEDULE**

(section 14)

### **Inherited provisions ceasing to have effect**

SI 1968/1864 Sections 3, 6 and 7(4) and (5) of the Tokyo Convention Act 1967, as set out in the

Tokyo Convention Act 1967 (Overseas Territories) Order 1968;  
SI 1971/1739 Hijacking Act 1971 (Overseas Territories Order 1971;  
SI 1971/2102 Extradition (Hijacking) Order 1973;  
SI 1971/2103 Extradition (Tokyo Convention) Order 1971;  
SI 1973/1756 Extradition (Protection of Aircraft) Order 1973;  
SI 1973/1757 Protection of Aircraft Act 1973 (Overseas Territories) Order 1973;  
SI 1977/1237 Extradition (Hijacking) (Amendment) Order 1973;  
SI 1977/1238 Extradition (Protection of Aircraft) (Amendment) Order 1977;  
SI 1977/1239 Extradition (Tokyo Convention) (Amendment) Order 1977;  
SI 1978/1887 Extradition (Hijacking) (Amendment) Order 1978;  
SI 1978/1888 Extradition (Protection of Aircraft) (Amendment) Order 1978;  
SI 1978/1889 Extradition (Tokyo Convention) (Amendment) Order 1978

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**AIRCRAFT SECURITY ACT 1990**

**EXPLANATORY MEMORANDUM**

The Aircraft Security Act 1990 is a replacement Act for three Orders in Council of the United Kingdom which were extended to Kiribati for the purpose of making legislation enacted in the United Kingdom to prevent serious offences against aircraft part of the law of Kiribati.

The United Kingdom Acts - the Tokyo Convention Act 1967, c.52, the Hijacking Act 1971, c.70, and the Protection of Aircraft Act 1973, c.47 - were each enacted to give effect to certain treaties to which the United Kingdom is a party:

Convention on Offences and certain other Acts committed on board Aircraft, Tokyo, 14 September 1963;

Convention for the Suppression of Unlawful Seizure of Aircraft, the Hague, 16 September 1963;

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Montreal, 23 September 1971.

The treaties were extended to Kiribati as a dependency and Kiribati has continued to accept the obligations under those treaties since Independence. This Act will facilitate the Republic becoming a party to the treaties in its own right.

The Act restates, with modifications, the following provisions:

sections 3, 6 and 7 of the Tokyo Convention Act 1967, as set out in Schedule 1 to the Tokyo Convention Act 1967 (Overseas Territories) Order 1968, SI No. 1864 (sections 1, 4, 5 and the Schedule of that Act are to be patriated in the Criminal Law and Procedure (Patriation) Bill);

sections 1, 2, 4 and 5 of the Hijacking Act 1971, as set out in Schedule 1 to the Hijacking Act 1971 (Overseas Territories) Order 1971 SI No. 1739 (section 3, and section 4 and Schedule 3 of the Order deal also with fugitive offenders);

sections 1 to 4, 6, 19 and 26 of the Protection of Aircraft Act 1973 as set out in Schedule 1 to the Protection of Aircraft Act 1973 (Overseas Territories) Order 1973, SI No. 1757 (section 5, and section 4 and Schedule 3 of the Order deal with fugitive offenders).

These provisions are repealed by section 14 and the Schedule. Also repealed are the provisions dealing with fugitive offenders and related Orders concerned with extradition for offences involving aircraft. All the latter have been rendered superfluous by the Extradition Act, Cap. 32A, which contains the necessary powers in respect of these matters.

Part II of the Act creates a series of offences affecting the safety of aircraft. The Kiribati courts are given jurisdiction over these no matter where the offence occurs, in which State the aircraft is registered or the nationality of the offender. This enables Kiribati to deal with any offender who comes within the jurisdiction, for example because the aircraft is forced to land in Kiribati. As many States have equivalent rules, provisions of this kind are part of an international scheme designed to deter aircraft terrorism.

Section 3 deals with aircraft hijacking, section 4 with destroying or damaging aircraft and with acts of violence on aircraft, section 5 with attacks upon air navigation facilities in ways which may endanger the safety of aircraft in flight, section 6 with serious acts against persons or property that occur in connection with hijackings.

Section 7 prescribes life imprisonment as the standard penalty for all these offences. Proceedings require to be instituted by or with the consent of the Attorney-General (section 8).

Powers of arrest to prevent these offences are conferred upon police officers and immigration officers (section 9).

Part III contains miscellaneous provisions concerned with the powers of the commander of an aircraft to deal with persons whom he has reasonable grounds to believe may be likely to threaten the safety of aircraft or persons or property on board (section 11) and with the provision of documentary evidence in relation to aircraft offences in the Kiribati courts (section 12).

Section 13 makes two amendments to the Penal Code which create offences of causing explosions likely to endanger persons or property. These additions are needed to enable such offences to be included in the provisions in Part II which give effect to the treaty requirements.

The Appendix contains a table of derivations and the principal modifications.

Michael Neaua Takabwebwe  
The Attorney General

## APPENDIX

The references in these notes to provisions in the Tokyo Convention Act 1967 ("TCA"), the

Hijacking Act 1971 ("HA") and the Protection of Aircraft Act 1973 ("PAA") are to those provisions as extended to Kiribati and set out in Orders SI 1968 No. 1684, SI 1971 No. 1740 and SI 1973 No. 1757.

**section derivation modifications  
etc.**

2 (interpretation)  
(1):

"act of violence" PAA, s. 1(7) Penal Code references substituted (see cl. 13)

"civil aircraft" PAA, s. 2(7)

"military aircraft" TCA, s. 7

(2)-(3)A TCA, s. 7(2); HA, s. 1(5); PAA, s. 26(3)

(4) TCA, s. 7(3);  
HA, s. 1(6)

(5) HA, s.4 (cp TCA, the power referred to in the s. 7(5) original was never exercised by the UK Government)

(6) PAA, s. 26(7) Cap. 47 reference substituted

3 (Hijacking) HA, s. 1(1), (2) modified to link with cl. 2(5) & (3) and s.4

4 (Destroying, PAA, s. 1(1) to (6) Modified in cl. 4(3)(b) to take damaging, etc., account of the Kiribati law aircraft relating to principal offenders and in (5)(b) to take account of Kiribati citizenship

5 (Endangering PAA, s. 2(1) to (6) safety of aircraft)

6 (Ancillary offences)  
(1) HA, s.2 Reference to cl. 4(1)(b) added to avoid doubt (cp. s.6 of Aviation Security Act 1982, UK);

Penal Code references substituted (cp. cl. 2)

Penal Code provisions based on TCA, s. 1(1) (offences involving aircraft) to be added by Criminal Law and Procedure (Patriation) Bill

(2) HA, s. 1(4)(b);  
PAA, s. 3(1)

(3) PAA, s. 3(2) Kiribati references substituted

7 (Penalties) HA, s. 1(4) Cl.6 implicitly requires imposition of  
PAA, s. 4(1) penalties attaching to Penal Code  
offences referred to

8 (Proceedings) HA, s. 5(1); Kiribati references substituted  
PAA, s. 4(2) & 6(2)

9 (Powers on suspicion- PAA, s. 19(1) extended to cover immigration officers  
of offences against  
aircraft (cp, 1973)  
(1) Act, s. 26(1), "constable"

(2) necessitated by conferring powers on  
immigration officers Immigration  
Ordinance, Cap. 41, s. 5(2))

10 (Interpretation) TCA, s. 27(1) Kiribati references substituted;  
redundant definitions omitted

11 (Powers of TCA, s. 3  
commander of  
aircraft)  
(7) penalty set at \$250 (original:  
100 pounds sterling)

12 (Documentary evidence TCA, s. 6 Kiribati references substituted  
in proceedings)  
the current Air Navigation Order, SI  
1977 No. 422, is to be patriated

references to United Kingdom  
documents in cl. (1)(b) have been  
retained

(2)-(3) Civil Aviation restates provisions  
(Eurocontrol) Act referentially applied  
1962, c.8, s. 5  
(via TCA, s. 6(2))

13 (Amendment to Explosive Substances additional provisions  
Cap. 67) Act 1883, c.3, s. 2  
(via HA, s. 2(2); PAA,  
s. 1(8)

14 (Inherited law additional  
to cease to have provisions  
effect)

Schedule

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