

PROTECTION OF AIRCRAFT AND AIRPORTS ACT, 2002

AN ACT to provide for the implementation of the provisions of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971 and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, 1988 and for purposes connected therewith.

[9th January, 2002]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly of Saint Vincent and the Grenadines and by the authority of the same as follows:-

Short title and commencement

1. This Act may be cited as the Protection of Aircraft and Airports Act, 2002 and shall come into force on such date as the Governor General may appoint by proclamation published in the Gazette.

Interpretation

2. (1) In this Act, unless the context otherwise requires, “ act of violence” means

(a) any act done in Saint Vincent and the Grenadines which constitutes the offence of unlawful use of firearms at another person, murder of any degree, manslaughter or culpable homicide, intentionally causing grievous bodily harm or assault occasioning actual bodily harm punishable under the Criminal Code; and

(b) any act done in Saint Vincent and the Grenadines which constitutes the offence of unlawful use of firearms at another person, murder of any degree, manslaughter or culpable homicide, intentionally causing grievous bodily harm or assault occasioning actual bodily harm punishable under the Criminal Code; and

“ the Convention” means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23rd September, 1971 the text of which is set out in the First Schedule;

“ landing” includes alighting on water;

“ military service” includes naval and or air force service;

“ the Protocol” means the Protocol for the Suppression of Unlawful Acts of Violence at Airports serving Civil Aviation signed at Montreal on 24th February, 1988 the text of which is set out in the Second Schedule;

“ unlawfully” —

(a) in relation to the commission of an act in Saint Vincent and the Grenadines, means an offence that is (apart from this Act) constituted under any law in force in Saint Vincent and the Grenadines; and

(b) in relation to the commission of an act outside Saint Vincent and the Grenadines, means the commission of an act that would (apart from this Act) have been an offence under any law in force in Saint Vincent and the Grenadines had it been committed in Saint Vincent and the Grenadines.

(2) For the purposes of this Act —

(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, any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and

(b) an aircraft shall be taken to be in service during the whole of the period which begins with the pre-flight preparation of the aircraft for a flight and ends twenty-four hours after the aircraft lands having completed that flight, and also at any time (not falling within that period) while, in accordance with paragraph (a) the aircraft is in flight.

Destroying damaging or endangering safety or aircraft

3. (1) Subject to subsection (3), any person who unlawfully and intentionally –

(a) destroys an aircraft in service or so damages such aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or

(c) commits on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft,

shall be guilty of an offence under this Act.

(2) Subject to subsection (4), any person who unlawfully and intentionally places or causes 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 shall be guilty of an offence under this Act; 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 abetting the commission of such offence.

(3) Except as provided by subsection (4), subsections (1) and (2) apply whether any such act therein mentioned is committed in Saint Vincent and the Grenadines or elsewhere,

whatever the nationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.

(4) Subsections (1) and (2) do not apply to any act committed in relation to an aircraft used in military, customs or police service unless –

(a) the act is committed in or over Saint Vincent and the Grenadines; or

(b) where the act is committed outside Saint Vincent and the Grenadines, the person committing the act is a citizen of Saint Vincent and the Grenadines.

Other acts endangering or likely to endanger the safety of aircraft

4. (1) Subject to subsections (5) and (6), any person who unlawfully and intentionally destroys or damages any property to which this section applies or interferes with the operation of such property, where the destruction, damage or interference is likely to endanger the safety of aircraft in flight, shall be guilty of an offence under this Act.

(2) Subsection (1) applies to any property used for the provision of air navigation facilities including any land, building or ship so used, and includes any apparatus or equipment so used, whether it is on board an aircraft or elsewhere.

(3) Subject to subsections (4) and (5), any person 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 an aircraft in flight, shall be guilty of an offence under this Act.

(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, when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that 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 Saint Vincent and the Grenadines, or where the act is committed outside Saint Vincent and the Grenadines –

(a) the person committing the act is a citizen of Saint Vincent and the Grenadines; or

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

(c) the act is committed on board a civil aircraft which is registered or so chartered in Saint Vincent and the Grenadines; or

(d) the act is committed on board a civil aircraft which lands in Saint Vincent and the Grenadines with the person who committed the act still on board.

(6) Subsection (1) also does not apply to any act committed outside Saint Vincent and the Grenadines and so committed in relation to property which is situated outside Saint Vincent and the Grenadines 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 Saint Vincent and the Grenadines.

(7) In this section, “civil aircraft” means any aircraft other than an aircraft used in military, customs or police service.

Acts of violence at airports serving international civil aviation

5. (1) Any person who unlawfully and intentionally, using any device, substance or weapon –

(a) performs an act of violence against a person at an airport serving international civil aviation which causes or is likely to cause serious injury or death; or

(b) destroys or seriously damages the facilities of an airport serving international civil aviation or an aircraft not in service located thereon or disrupts the service of the airport

where such an act endangers or is likely to endanger safety at that airport shall be guilty of an offence under this Act.

(2) Subsection (1) applies whether any such act therein mentioned is committed in Saint Vincent and the Grenadines or elsewhere, whatever the nationality or citizenship of the person committing the act or whatever the State in which the aircraft is registered.

Abetting commission of acts outside of Saint Vincent and the Grenadines

6. Any person in Saint Vincent and the Grenadines who abets the commission outside Saint Vincent and the Grenadines of any act which

(a) would, but for subsection (4) of section 3, be an offence under that section; or

(b) would, but for subsection (5) and (6) of section 4, be an offence under that section,

shall be guilty of an offence under this Act.

Penalty

7. Any person guilty of an offence under this Act shall be liable on conviction to imprisonment for life.

Consent to prosecution

8. No prosecution shall be instituted under this Act without the written consent of the Minister of National Security.

Extradition

9. (1) All offences under this Act and attempts to commit such offences shall be deemed to be included in the descriptions of relevant offences set out in the First Schedule to the Fugitive Offenders Act

(2) Notwithstanding anything contained in sections 3 and 4 of the Fugitive Offenders Act, the Fugitive Offenders Act shall apply to:

(a) all countries State Parties to the Convention in respect of offences to which the Convention relates; and

(b) all countries State Parties to the Convention and the Protocol in respect of offences to which the Convention and the Protocol relate.

(3) For the purposes of the Fugitive Offenders Act, any act, wherever committed, which –

(a) is an offence under this Act or an attempt to commit such an offence, or would be such an offence or attempt, but for subsection (4) of section 3, or subsection (5) or (6) of section 4; and

(b) is an offence against the law of any country State Party to the Convention or the Convention and the Protocol,

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

Act No. 2 of 2002.

The First and Second Schedules, containing the text of the Convention for the Suppression of Unlawful Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, respectively, have been omitted from the present publication.