



ST. CHRISTOPHER AND NEVIS

CHAPTER 8.02

CIVIL AVIATION (MONTREAL CONVENTION) ACT

Revised Edition

showing the law as at 31 December 2002

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CIVIL AVIATION (MONTREAL CONVENTION) ACT

Act 13 of 1982 ... in force 9th August 1982

Amended by: Act 31 of 2008

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CHAPTER 8.02

CIVIL AVIATION (MONTREAL CONVENTION) ACT

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CHAPTER 8.02

CIVIL AVIATION (MONTREAL CONVENTION) ACT

AN ACT TO GIVE EFFECT TO THE CONVENTION FOR SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION SIGNED AT MONTREAL ON 23RD SEPTEMBER, 1971 AND FOR CONNECTED PURPOSES.

Short title.

1. This Act may be cited as the Civil Aviation (Montreal Convention) Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“act of violence” means any act committed in the State or outside that constitutes the offence of murder, manslaughter, assault, theft or any similar offence;

“air navigation facility” means any building, works, apparatus or equipment—

- (a) used wholly or mainly for the purpose of assisting air traffic control; or
- (b) used as an aid to air navigation, together with any land contiguous or adjacent to any such building, works, apparatus or equipment used wholly or mainly in connection therewith;

“in flight” includes—

- (a) any period from the moment when all external doors of the aircraft are closed following embarkation for flight until the moment when any such door is opened for disembarkation after flight; and
- (b) any period during which the aircraft makes a forced landing and thereafter until the time when the competent authorities of the State in which that landing takes place take over responsibility for the aircraft and the persons and property on board that aircraft.

“in service” includes any period of time comprising the pre-flight preparation of the aircraft by ground personnel or any period during which the aircraft’s crew begins for a specific flight until 24 hours of any landing or any period during which the aircraft is in flight.

Destroying, damaging or endangering safety of aircraft.

3. (1) Any person who—

- (a) commits on board an aircraft in flight any act of violence that is likely to endanger the safety of the aircraft;
- (b) destroys an aircraft in service;
- (c) causes damage to an aircraft in service that—
 - (i) renders it incapable of flight, or
 - (ii) is likely to endanger its safety in flight;
- (d) places or causes to be placed on an aircraft in service anything likely to—
 - (i) destroy the aircraft;

- (ii) cause damage to the aircraft rendering it incapable of flight, or
- (iii) endanger the safety of the aircraft in flight;
- (e) endangers the safety of an aircraft in flight by communicating to any other person any information that the informant knows to be false,

commits an offence and shall be liable to be convicted under the provisions of this Act.

(2) Any person who attempts or aids, abets, counsels or procures the commission of anything in the State or elsewhere as specified in subsection (1), commits an offence and shall be liable to be convicted under the provisions of this Act.

(3) Subsections (1) and (2) shall not apply to an aircraft which is used in the military, customs or police service of any other State.

Destroying, damaging or interfering with air navigation facility.

4. (1) Subject to subsection (3), a person who—
- (a) in a manner likely to endanger the safety of an aircraft in flight, destroys, damages or interferes with the operation of any air navigation facility;
 - (b) attempts, aids, abets, counsels or procures the commission of any of the offences referred to in paragraph (a); or
 - (c) in Saint Christopher and Nevis, induces or assists in the commission elsewhere of an act which, but for subsection (3), would be an offence under this Act commits an offence under this Act.
- (2) Subsection (1) applies where an offence under that subsection—
- (a) has been committed in Saint Christopher and Nevis;
 - (b) has been committed outside Saint Christopher and Nevis and endangers or is likely to endanger the safety of a Saint Christopher and Nevis controlled aircraft; or
 - (c) has been committed outside Saint Christopher and Nevis and the person who committed the offence—
 - (i) is a citizen of Saint Christopher and Nevis, or
 - (ii) is a person other than a citizen of Saint Christopher and Nevis who is in Saint Christopher and Nevis

(3) Paragraphs (b) and (c) of subsection (2) do not apply where the air navigation facility is used in the military, customs or police service of a State other than Saint Christopher and Nevis, except where the aircraft likely to be endangered is a Saint Christopher and Nevis controlled aircraft.

(Substituted by Act 31 of 2008)

Extradition.

5. Any offence committed under this Act shall be deemed to be an extraditable offence.

Penalty.

6. Any person who is found guilty of an offence under this Act is liable, on conviction, to a period of imprisonment for life or to a fine of fifty thousand dollars or both such fine and imprisonment.

Prosecution of offences.

7. No proceedings for an offence under this Act shall be instituted except by or with the consent of the Director of Public Prosecutions.
