



ST. CHRISTOPHER AND NEVIS

CHAPTER 4.13 HIJACKING ACT

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HIJACKING ACT

Act 32 of 1976 ... in force 24th December 1976

Page
3

CHAPTER 4.13

HIJACKING ACT

ARRANGEMENT OF SECTIONS

1. Short title
2. Interpretation
3. Hijacking
4. Violence against passengers of crew
5. Extradition
6. Aircraft operated by joint or international organisation
7. Prosecution of offences
8. New Provisions for surrender of fugitive criminals and power to amend certain orders in Council

CHAPTER 4.13
HIJACKING ACT

AN ACT TO GIVE EFFECT TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT, TO AMEND THE LAW RELATING TO EXTRADITION AND FOR PURPOSES RELATED TO THOSE MATTERS.

Short title.

1. (1) This Act may be cited as the Hijacking Act.
- (2) This Act shall come into force on such day as the Minister may by Notice published in the *Gazette* appoint.

Interpretation.

2. In this Act—
“explosive substance” shall be deemed to include—
 - (a) any materials for making any explosive substance;
 - (b) any apparatus, for making any explosive substance;
 - (c) any apparatus, machine, implement, or materials used, or intended to be used, or adapted for causing, or aiding in causing, any explosion in or with any explosive substance;
 - (d) any part of any such apparatus, machine, or implement;“Minister” means the Minister responsible for the subject of Civil Aviation;
“State” means the State of Saint Christopher and Nevis, including its territorial waters and air space.

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, whatever his or her nationality, whatever the State in which the aircraft is registered and whether the aircraft is in the State or elsewhere, but subject to subsection (2).
- (2) 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,subsection (1) of this section shall not apply, unless—
 - (i) the person seizing or exercising control of the aircraft is a person mentioned in subsection (3) of this section;
 - (ii) that person’s act is committed in this State; or
 - (iii) the aircraft is registered in this State or is used in the military or customs service of this State or in the service of the police force of this State.

(3) The persons referred to in subsection (2) of this section are the following—

- (a) a citizen of the United Kingdom or its Colonies;
- (b) a British subject by virtue of section 2 of the British Nationality Act, 1948;
- (c) a British subject without citizenship by virtue of section 13 or section 16 of that Act;
- (d) a British subject by virtue of the British Nationality Act 1965; and
- (e) a British protected person within the meaning of the British Nationality Act, 1948.

(4) A person who—

- (a) commits the offence of hijacking; or
- (b) in this State induces or assists the commission elsewhere of an act which would be the offence of hijacking but for subsection (2) of this section,

shall be liable, on conviction on indictment, to imprisonment for life.

(5) For the purposes of this section, 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.

(6) For the purposes of this section, the territorial waters of any State shall be treated as part of its territory.

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

Violence against passengers of crew.

4. (1) Without prejudice to the provisions of any other law in force in this State, where a person (of whatever nationality) does on board an aircraft (wherever registered) and while outside the State, any act which, if done in this State would constitute the offence of murder, attempted murder, manslaughter, culpable homicide or assault or an offence under section 17, 19, 20, 21, 22, 27 or 28 of the Offences against the Person Act, Cap. 4.21 his or her act shall constitute that offence if it is done in connection with the offence of hijacking committed or attempted by him or her on board that aircraft.

(2) Without prejudice to the provisions of any other law in force in this State, where a person (of whatever nationality) on board an aircraft (wherever registered) and while outside this State unlawfully and maliciously causes by any explosive substance an explosion of a nature likely to endanger life or cause serious injury to property, his or her act, whether any injury to person or property has been actually caused or not, shall constitute the offence under this section of causing an explosion likely to endanger life or property if his or her act is done in connection with the offence of hijacking committed or attempted by him or her on board that aircraft.

(3) A person who commits the offence of causing an explosion likely to endanger life or property under subsection (2) of this section shall be liable, on conviction on indictment, to imprisonment for life.

Extradition.

5. There shall be deemed to be included—

- (a) in the list of crimes contained in Schedule 1 to the Extradition Act 1870 of the United Kingdom;
- (b) among the descriptions of offences set out in the First Schedule to the Fugitive Offenders Act, Cap. 4.11,

any offence under this Act and (so far as not so included by virtue of the foregoing) any attempt to commit such an offence.

Aircraft operated by joint or international organization.

6. (1) If the Minister, by Order, declares—

- (a) that any two 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 to have been designated as aforesaid shall be deemed for the purposes of this Act to be the State in which any aircraft so operated is registered; but in relation to such an aircraft section 3(2)(b) of this Act shall have effect as if it referred to the territory of any one of the States named in the Order.

(2) An Order made under this section may be varied or revoked by a subsequent Order under this section.

Prosecution of offences.

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.

(2) In section 4 of the United Kingdom Forces (Jurisdiction of Civil Courts) the following shall be inserted after paragraph (b) of subsection (1):

- (bb) the alleged offence is the offence of hijacking on board a military aircraft in the service of the Crown.”

and in subsection (3) for the words “paragraphs (b) and (c)” there shall be substituted the words “paragraphs (b) to (c)”.

New Provisions for surrender of fugitive criminals and power to amend certain orders in Council.

8. (1) Where such an arrangement as is mentioned in section 2 of the Extradition Act 1870 of the United Kingdom has been made with any foreign state with respect to the surrender to that State of any fugitive criminals, the Governor-General may, by Order, direct that the Acts of the United Kingdom, known as the Extradition Acts 1870 to 1935, as extended to this State by Order in Council with such modifications as are set out in the said Acts, shall apply in the case of such foreign state and where no such arrangement has been made with a State which is a party to the Convention, the Governor-General may make an order under this section applying the said Extradition Acts as if the Convention were such an arrangement with that State; but where that Act is so applied it shall have effect as if the only extradition crimes within the meaning of the said Extradition Acts were offences under this Act and attempts to commit such offences.

(2) The Governor-General may also by the same or subsequent order, limit the operation of the said Acts, and order the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

Every such order shall recite or embody the terms of the arrangement and shall not remain in force for any longer period than the arrangement.

Every such order shall be laid before the National Assembly.

(3) The Governor-General may also by the same or any other Order amend—

- (a) the Israel (Extradition Order, 1960, Statutory Instrument 1960 No. 1660); or
- (b) any of the orders referred to in the Table containing a list of Foreign States with which the United Kingdom has concluded extradition arrangements which extend to this State and in respect of which Orders in Council have applied the Extradition Acts, 1870 to 1935,

all set forth in the Appendix to the Revised Edition of the Laws of Saint Christopher and Nevis 1961 Edition but such amendments shall extend only in so far as it is necessary to enable effect to be given to the extradition provisions contained in paragraphs one and four of Article 8 of the Convention.

(4) An Order made under subsection (1) of this section shall not be made unless the arrangement—

- (1) provides for the determination of it by either party to it after the expiration of a notice not exceeding one year; and
- (2) is in conformity with the provisions of the Extradition Acts 1870 to 1935 of the United Kingdom as they apply in this State.

(5) When an Order made under subsection (1) of this section has been published in the *Gazette*, the Extradition Act 1870 to 1935 of the United Kingdom (after the date specified in the Order or if no date is specified, after the date of the publication) shall so long as the Order remains in force, but subject to limitations, restrictions, conditions, exceptions, and qualifications, if any, contained in the Order apply in the case of the foreign State mentioned in such Order; and the Order shall be conclusive evidence that the arrangement therein referred to complies with the requisitions of the said Extradition Acts and that those Acts apply in the case of the foreign State mentioned in the Order and the validity of such order shall not be questioned in any legal proceedings.

(6) For the purposes of the Extradition Act, 1870 as extended to this State, 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 section 3(2) of this Act; and
- (b) is an offence against the law of any State in the case of which that Act has been applied by an Order in Council under section 2 thereof,

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

(7) In this section, “the Convention” means the Convention for the Suppression of Unlawful Seizure of Aircraft signed at the Hague on 16th December, 1970.