

**ELIZABETH II**



**1971 CHAPTER 70**

An Act to give effect to the Convention for the Suppression of Unlawful Seizure of Aircraft; and for connected purposes. [5th August 1971]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1.**—(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 nationality, whatever the State in which the aircraft is registered and whether the aircraft is in the United Kingdom or elsewhere, but subject to subsection (2) of this section.

(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 such a person as is mentioned in subsection (3) of this section; or

(ii) his act is committed in the United Kingdom;  
or

(iii) the aircraft is registered in the United Kingdom or is used in the military or customs service of the United Kingdom or in the service of any police force in the United Kingdom.

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

- (a) a citizen of the United Kingdom and Colonies ;
- 1948 c. 56. (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 ;
- 1965 c. 34. (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 the United Kingdom 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  
or crew.  
1967 c. 52.

1861 c. 100.  
1883 c. 3.

2. Without prejudice to section 1 of the Tokyo Convention Act 1967 (which makes similar provision for offences on board British-controlled aircraft), where a person (of whatever nationality) does on board any aircraft (wherever registered) and while outside the United Kingdom any act which, if done in the United Kingdom (or, as the case may be, in England, Wales or Northern Ireland or in Scotland) would constitute the offence of murder, attempted murder, manslaughter, culpable homicide or assault or an offence under section 18, 20, 21, 22, 23, 28 or 29 of the Offences Against the Person Act 1861 or section 2 of the Explosive Substances Act 1883, 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.

- 3.—(1) There shall be deemed to be included—
- (a) in the list of extradition crimes contained in Schedule 1 to the Extradition Act 1870 ; and
  - (b) among the descriptions of offences set out in Schedule 1 to the Fugitive Offenders Act 1967 ;

Extradition.

1870 c. 52.

1967 c. 68.

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

(2) Where no such arrangement as is mentioned in section 2 of the Extradition Act 1870 has been made with a State which is a party to the Convention, an Order in Council applying that Act may be made under that section 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 that Act were offences under this Act and attempts to commit such offences.

(3) For the purposes of the Extradition Act 1870 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 1(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.

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

- 4.—(1) If the Secretary of State 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,

Aircraft operated by joint or international organisation.

the State declared under paragraph (b) of this subsection 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 1(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 under this section shall be made by statutory instrument and may be varied or revoked by a subsequent order under this section.

Prosecution  
of offences.

**5.**—(1) Proceedings for an offence under this Act shall not be instituted—

(a) in England and Wales, except by or with the consent of the Attorney General; and

(b) in Northern Ireland, except by or with the consent of the Attorney General for Northern Ireland.

1952 c. 67.

(2) In section 3 of the Visiting Forces Act 1952 (restriction of trial by United Kingdom courts) the following shall be inserted after paragraph (b) of subsection (1):—

‘or

(bb) the alleged offence is the offence of hijacking on board a military aircraft in the service of that force’

and in subsection (4) for the words ‘paragraphs (b) and (c)’ there shall be substituted the words ‘paragraphs (b) to (c)’.

Application  
to Channel  
Islands, Isle  
of Man, etc.  
1870 c. 52.  
1967 c. 68.

**6.**—(1) Sections 17 and 22 of the Extradition Act 1870 and sections 16 and 17 of the Fugitive Offenders Act 1967 (application to Channel Islands, Isle of Man and United Kingdom dependencies) shall extend respectively to the provisions of this Act amending those Acts.

(2) Her Majesty may by Order in Council make provision for extending the other provisions of this Act, with such exceptions, adaptations or modifications as may be specified in the Order, to any of the Channel Islands, the Isle of Man, any colony, other than a colony for whose external relations a country other than the United Kingdom is responsible, or any country outside Her Majesty’s dominions in which Her Majesty has jurisdiction in right of Her Majesty’s Government of the United Kingdom.

(3) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

Short title  
and com-  
mencement.

**7.**—(1) This Act may be cited as the Hijacking Act 1971.

(2) This Act shall come into force on such day as Her Majesty may by Order in Council appoint.

PRINTED IN ENGLAND BY C. H. BAYLIS, C.B.

Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY’S STATIONERY OFFICE

(387436)

SBN 10 547071 6

ISBN 0 10 520172 3