

**Version
as at 28 October 2021**



Aviation Crimes Act 1972

Public Act	1972 No 137
Date of assent	20 October 1972
Commencement	see section 1

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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An Act to give effect to the provisions of the Hague Convention for the Suppression of Unlawful Seizure of Aircraft, the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Montreal Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, and the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, and for matters incidental thereto

Title: amended, on 1 September 1999, by section 2 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

1 Short Title and commencement

- (1) This Act may be cited as the Aviation Crimes Act 1972.
- (2) Sections 7, 8, 15, and 16 shall come into force on a date to be fixed by the Governor-General by Order in Council. Different dates may be so fixed in respect of different sections.
- (3) Except as provided in subsection (2), this Act shall come into force on the date of its passing.
- (4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 1(2): sections 7, 8, 15, and 16 brought into force, on 12 March 1974, by the Aviation Crimes Act Commencement Order 1974 (SR 1974/45).

Section 1(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2 Interpretation

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

act of violence means an act which, if committed in New Zealand, would constitute—

- (a) an assault as defined in any of sections 192, 193, 194, 194A, 196, or 202C of the Crimes Act 1961; or
- (b) any of the crimes specified in sections 188, 189, 189A, 190, 191, 197, 198, 198A, 198B, 199, 200, 202, 203, or 209 of the Crimes Act 1961

aircraft has the same meaning as in the Civil Aviation Act 1990

aviation security officer means an aviation security officer within the meaning of the Civil Aviation Act 1990

carrier and contract in relation to any contract of carriage, have the same meanings as in section 91U of the Civil Aviation Act 1990, whether the contract of carriage is for international carriage or domestic carriage; and **passenger** includes a person who has reported to a servant or agent of the carrier for the purpose of going on board an aircraft pursuant to a contract to carry him or her as a passenger

commander, in relation to an aircraft, means the pilot for the time being in lawful command of the aircraft

international airport means any airport designated as an airport of entry and departure for international air traffic where the formalities incident to customs, immigration, public health, animal and plant quarantine, and similar procedures are carried out

military service includes naval and air force service; and a certificate by the Minister of Foreign Affairs that any aircraft is or is not used in military service for the purposes of this Act shall be conclusive evidence of the fact certified

New Zealand includes all waters within the outer limits of the territorial sea of New Zealand as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

New Zealand aircraft means an aircraft that is registered or required to be registered in New Zealand under the Civil Aviation Act 1990

ordinarily resident in New Zealand has the same meaning as in section 4 of the Crimes Act 1961

passenger means a person carried under a contract for carriage other than a person—

- (a) assigned by the carrier for duty as a member of the crew of the aircraft; or
- (b) carried for the sole purpose of receiving or giving instruction in the control or navigation of aircraft in flight

security enhanced area has the same meaning as in section 2 of the Civil Aviation Act 1990

sterile area has the same meaning as in section 2 of the Civil Aviation Act 1990

the Hague Convention means the Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on 16 December 1970

the Montreal Convention means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971

the Montreal Protocol means the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, done at Montreal on 24 February 1988

the Tokyo Convention means the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Tokyo on 14 September 1963.

- (2) For the purposes of this Act, an aircraft is in flight from the time when all its external doors are closed after embarkation until the time when any external door is opened for disembarkation:

provided that in the case of a forced landing an aircraft is in flight until the time when the competent authorities of the country in which the forced landing takes place, or, in the case of a forced landing in a place that is not within the territorial limits of any country, the competent authorities of any country, assume responsibility for the aircraft and for persons and property on board the aircraft.

- (3) For the purposes of this Act, an aircraft is in service from the time when pre-flight preparation of the aircraft by ground personnel or by the aircraft's crew begins for a specific flight until either—
- (a) the flight is cancelled; or
 - (b) 24 hours after the aircraft, having commenced the flight, lands; or
 - (c) the aircraft, having commenced the flight, makes a forced landing and any competent authorities referred to in subsection (2) assume responsi-

bility for the aircraft and for persons and property on board the aircraft;
or

(d) the aircraft, having commenced the flight, ceases to be in flight,—
whichever is the latest.

Section 2(1) **act of violence**: inserted, on 1 September 1999, by section 3 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Section 2(1) **act of violence** paragraph (a): amended, on 3 December 2018, by section 31(1) of the Family Violence (Amendments) Act 2018 (2018 No 47).

Section 2(1) **act of violence** paragraph (b): amended, on 3 December 2018, by section 31(2) of the Family Violence (Amendments) Act 2018 (2018 No 47).

Section 2(1) **aircraft**: amended, on 1 September 1990, pursuant to section 101(1) of the Civil Aviation Act 1990 (1990 No 98).

Section 2(1) **aviation security officer**: inserted, on 14 December 1976, by section 6(1) of the Civil Aviation Amendment Act 1976 (1976 No 153).

Section 2(1) **aviation security officer**: amended, on 1 September 1990, pursuant to section 101(1) of the Civil Aviation Act 1990 (1990 No 98).

Section 2(1) **baggage, cargo, carrier, contract, and passenger**: repealed, on 1 June 2004, by section 41(3) of the Civil Aviation Amendment Act 2004 (2004 No 8).

Section 2(1) **carrier and contract**: inserted, on 1 June 2004, by section 41(3) of the Civil Aviation Amendment Act 2004 (2004 No 8).

Section 2(1) **conviction on indictment**: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 2(1) **international airport**: inserted, on 1 September 1999, by section 3 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Section 2(1) **New Zealand**: amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

Section 2(1) **New Zealand**: amended, on 1 October 1977, by section 33(2)(a) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (1977 No 28).

Section 2(1) **New Zealand aircraft**: amended, on 1 September 1990, pursuant to section 101(1) of the Civil Aviation Act 1990 (1990 No 98).

Section 2(1) **passenger**: inserted, on 1 June 2004, by section 41(3) of the Civil Aviation Amendment Act 2004 (2004 No 8).

Section 2(1) **security enhanced area**: inserted, on 26 September 2007, by section 4(2) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Section 2(1) **sterile area**: inserted, on 26 September 2007, by section 4(3) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Section 2(1) **the Montreal Protocol**: inserted, on 1 September 1999, by section 3 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Crimes relating to aircraft and international airports

Heading: amended, on 1 September 1999, by section 4 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

3 Hijacking

Everyone commits the crime of hijacking and is liable on conviction to imprisonment for life, who, while on board an aircraft in flight, whether in or outside New Zealand, unlawfully, by force or by threat of force or by any form of