



Number 9 of 1975

AIR NAVIGATION AND TRANSPORT ACT 1975

REVISED

Updated to 17 September 2020

This Revised Act is an administrative consolidation of the *Air Navigation and Transport Act 1975*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Criminal Justice (Enforcement Powers) (Covid-19) Act 2020* (14/2020), enacted 11 September 2020, and all statutory instruments up to and including the *Transport, Tourism and Sport (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 351 of 2020), made 15 September 2020, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Air Navigation and Transport Acts 1936 to 1998: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Air Navigation and Transport (Amendment) Act 1998* (24/1998), s. 1(2)). The Acts in this group are:

- *Air Navigation and Transport Act 1936* (40/1936)
- *Air Navigation and Transport (Amendment) Act 1942* (10/1942) (*Repealed*)
- *Air Navigation and Transport Act 1946* (23/1946)
- *Air Navigation and Transport Act 1950* (4/1950)
- *Air Navigation and Transport Act 1959* (1/1959)
- *Air Navigation and Transport (No. 2) Act 1959* (29/1959) (*Repealed*)
- *Air Navigation and Transport Act 1961* (25/1961) (*Repealed*)
- *Civil Liability Act 1961* (41/1961), Part VI
- *Air Navigation (Eurocontrol) Act 1963* (15/1963), in so far as it amends the *Air Navigation and Transport Acts 1936 to 1961* (*Repealed*)
- *Air Navigation and Transport Act 1965* (6/1965)
- *Air Navigation and Transport Act 1973* (29/1973)
- *Air Navigation and Transport Act 1975* (9/1975)
- *Air Navigation and Transport (No. 2) Act 1975* (21/1975)
- *Air Transport Act 1986* (4/1986)
- *Air Navigation and Transport (Preinspection) Act 1986* (18/1986)
- *Air Navigation and Transport Act 1988* (15/1988)
- *Air Navigation and Transport (Amendment) Act 1998* (24/1998)

Airports and Aviation Acts 1936 to 2016: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Public Transport Act 2016* (3/2016), s. 1(4)). The Acts in this group are:

- *Air Navigation and Transport Acts 1936 to 1998*
- *Air Navigation and Transport (International Conventions) Act 2004* (11/2004)
- *State Airports Act 2004* (32/2004), other than Part 3 and s. 25
- *State Airports (Shannon Group) Act 2014* (27/2014), other than Parts 8 and 9
- *Public Transport Act 2016* (3/2016), s. 6

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *State Airports (Shannon Group) Act 2014* (27/2014)
- *Criminal Procedure Act 2010* (27/2010)
- *Bail Act 1997* (16/1997)
- *Air Navigation and Transport Act 1988* (15/1988)

All Acts up to and including *Criminal Justice (Enforcement Powers) (Covid-19) Act 2020* (14/2020), enacted 11 September 2020, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)

All statutory instruments up to and including *Transport, Tourism and Sport (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 351 of 2020), made 15 September 2020, were considered in the preparation of this revision.



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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Trial of offences under this Act.
3. Unlawful acts against the safety of aviation.
4. Powers of arrest, etc., for offences, under this Act.
5. Application of the Extradition Act, 1965, to persons arrested under this Act.
6. Penalties for offences under section 3.
7. Amendment of section 10 of the Air Navigation (Eurocontrol) Act, 1963.
8. Expenses.
9. Short title and collective citation.

SCHEDULE

ACTS REFERRED TO

Extradition Act, 1965	1965, No. 17
Offenders Act, 1907	1907, c. 17
Air Navigation (Eurocontrol) Act, 1963	1963, No. 15



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AN ACT TO ENABLE EFFECT TO BE GIVEN TO THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION, DONE AT MONTREAL ON THE 23rd DAY OF SEPTEMBER, 1971, AND TO PROVIDE FOR MATTERS RELATED THERETO. [19th June, 1975]

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

Annotations

Modifications (not altering text):

- C1** Application of collectively cited *Airports and Aviation Acts 1936 to 2004* affected (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), regs. 42(22), 46(3), 63(2) and sch. 2, in effect as per reg. 1(3).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42. ...

(22) Notwithstanding any provision of any statute listed in the Second Schedule that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies

...

Review of existing plans

46. ...

(3) For the purposes of this Regulation, a decision, including a decision to adopt or undertake, or give approval for a plan, may include those adopted, undertaken or approved pursuant to any of the enactments set out in the Second Schedule to these Regulations.

...

General provisions regarding licences etc

63. ...

(2) A licence, consent, permission, permit, derogation or other authorisation given under these Regulations or under any of the enactments referred to in the Second Schedule may include conditions requiring compliance with any guideline or code of practice issued under Regulation 71 or such provisions thereof as may be specified in the conditions.

...

SECOND SCHEDULE

Number	Year	Short Title/Citation
...
...	...	Airports and Aviation Acts 1936 to 2004
...

C2 Authorised officer of the Irish Aviation Authority authorised to exercise powers under *Air Navigation and Transport Act 1988* (15/1988), s. 18 in relation to enforcement of any provisions of collectively cited *Air Navigation and Transport Acts* as provided (8.12.1993) by *Irish Aviation Authority Act 1993* (29/1993), s. 72(4), (5), S.I. No. 355 of 1993.

Miscellaneous amendments of Acts.

72.— ...

(4) An authorised officer of the company may for the purposes of the enforcement of any provisions of—

- (a) the Acts or this Act or an instrument made or given thereunder and relating to a matter to which a function of the company relates,
- (b) the Annexes to the Chicago Convention specified in the Schedule, or
- (c) the Eurocontrol Convention,

exercise any of the powers conferred by section 18 of the Act of 1988 on an authorised person within the meaning of that section and, for the purposes of such exercise, subsections (2) and (4) of that section shall apply in relation to an authorised officer of the company as they apply in relation to an authorised person within the meaning aforesaid.

(5) The powers conferred on an authorised officer within the meaning of section 33 of the Act of 1988 by subsection (1) (b) of that section may be exercised by an authorised person within the meaning of section 18 of that Act.

C3 Application of collectively cited *Air Navigation and Transport Acts* extended in so far as an instrument made under the collectively cited *Air Navigation and Transport Acts* relates to a matter to which a function of the Irish Aviation Authority relates (8.12.1993) by *Irish Aviation Authority Act 1993* (29/1993), s. 74, S.I. No. 355 of 1993.

Offences.

74.—(1) Without prejudice to subsection (2), if in relation to an aircraft there is a contravention of a provision of this Act or an instrument to which this section applies, the operator of the aircraft (not being the State) and the pilot in command thereof shall be deemed to have contravened the provision or instrument, as the case may be.

(2) A person who contravenes or is deemed to have contravened an instrument to which this section applies or fails to comply with a condition thereof shall be guilty of an offence.

...

C4 Power of Minister to refuse to cancel the registration of an aircraft under collectively cited *Air Navigation and Transport Acts* extended (22.06.1988) by *Air Navigation and Transport Act 1988* (15/1988), s. 15, commenced on enactment.

Extension of power of Minister to refuse or cancel registration of aircraft.

15.—(1) Any power conferred on the Minister under the Acts to refuse or cancel the registration of an aircraft shall include the power, if it appears to him that an aircraft does not, or has ceased

to, comply with any security or safety requirements specified by the Minister in a direction under section 13 , to refuse or to cancel the registration of that aircraft.

...

Editorial Notes:

- E1** Power to appoint an authorised officer under *Air Navigation and Transport (Amendment) Act 1998* (24/1998), s. 48 as authorised officer under collectively cited *Airports and Aviation Acts* or for specific purposes provided (27.07.2014) by *State Airports (Shannon Group) Act 2014* (27/2014), s. 48(10), commenced on enactment.
- E2** Certain immunity of authorised officer under collectively cited *Airports and Aviation Acts* provided (27.07.2014) by *State Airports (Shannon Group) Act 2014* (27/2014), s. 49, commenced on enactment.

Interpretation. **1. — (1) In this Act—**

“ Act of 1965 ” means the Extradition Act, 1965;

“ aircraft ” includes any aircraft other than state aircraft;

“ commander ”, in relation to an aircraft, means the member of the crew who is designated as commander by the operator or, if there is no such designation, the pilot in command of the aircraft;

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

“ state aircraft ” means aircraft of any state used in the military, customs or police services of that state.

(2) For the purposes of this Act—

(a) the period during which an aircraft is in flight shall be deemed to include—

(i) any period from the moment when all external doors of the aircraft are closed following embarkation for a flight until the moment when any external door is opened for disembarkation after that flight, and

(ii) if the aircraft makes a forced landing, any period thereafter until the time when the competent authorities of the state in which the forced landing takes place assume responsibility for the aircraft and for the persons and property on board the aircraft (being, in the case of a forced landing which takes place in the State, the time when a member of the Garda Síochána arrives at the place of landing);

(b) the period during which an aircraft is in service shall be deemed to include any period from the beginning of the pre-flight preparations of the aircraft by ground personnel or the crew for a particular flight until 24 hours after the aircraft has landed after that flight, such period in every case to include the period during which the aircraft is in flight; and any reference in this Act to an aircraft in flight or an aircraft in service shall include a reference to an aircraft during the period when it is on the surface of sea or land but not within the territorial limits of any state.

Trial of offences under this Act.

2. — Proceedings for an offence under this Act may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the State.

Unlawful acts
against the safety
of aviation.

3. — F1[(1) A person shall be guilty of an offence if anywhere he unlawfully and intentionally—

- (a) commits on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft,
 - (b) destroys an aircraft in service or so damages it as to render it incapable of flight or to endanger its safety in flight,
 - (c) places or causes to be placed on an aircraft in service any device or substance which is likely to destroy the aircraft or so damage it as to render it incapable of flight or to endanger its safety in flight,
 - (d) destroys, damages or interferes with the operation of any air navigation facility if such act is likely to endanger the safety of aircraft in flight,
 - (e) communicates any information which he knows to be false where the communication of the information endangers, or is likely to endanger, the safety of an aircraft in flight,
 - (f) (i) performs an act of violence against a person
 - (I) at an aerodrome in the State (other than an aerodrome under the control of the Minister for Defence), or
 - (II) at an aerodrome outside the State serving international civil aviation, which causes or is likely to cause serious injury or death, or
 - (ii) destroys or seriously damages the facilities or disrupts the services of any aerodrome referred to in *subparagraph (i)* of this *paragraph* (other than an aerodrome under the control of the Minister for Defence) or destroys or seriously damages any aircraft not in service located on that aerodrome,
- if such an act endangers or is likely to endanger safety at that aerodrome.]

(2) A person who anywhere attempts to commit any act specified in subsection (1) of this section or aids, abets, counsels or procures the commission of such an act, or aids, abets, or counsels a person who anywhere attempts to commit such an act shall be guilty of an offence.

Annotations:

Amendments:

- F1** Substituted (22.06.2019) by *Air Navigation and Transport Act 1988* (15/1988), s. 51(a), commenced on enactment.

Editorial Notes:

- E3** Certain procedures in relation to retrial and acquittal of offence under subsection (1) provided (1.09.2010) by *Criminal Procedure Act 2010* (27/2010), ss. 7-14, 15-18 and sch., S.I. No. 414 of 2010.
- E4** Offence under section defined as a serious offence for purposes of *Bail Act 1997* as provided (15.05.2000) by *Bail Act 1997* (16/1997), s. 1 and sch. paras. 21, 29 and 30, S.I. No. 118 of 2000.

Powers of arrest,
etc., for offences,
under this Act.

4. — (1) A member of the Garda Síochána who has reason to believe that a person has committed an offence under this Act may arrest him without warrant.

(2) A member of the Garda Síochána who has reason to believe that a person who is about to board an aircraft in the State or is on board such an aircraft intends to commit, on or in relation to that aircraft, an offence under this Act may—

- (a) prevent the person from boarding the aircraft or travelling on board the aircraft,
- (b) without warrant enter the aircraft and remove the person from it,
- (c) without warrant arrest the person.

(3) A person arrested under subsection (1) or (2) of this section may be detained in custody for a period not exceeding 48 hours and shall then be released unless before the expiration of that period either he is charged with an offence under this Act or he is brought before a justice of the District Court pursuant to the provisions of section 27 (6) of the Act of 1965 or before such a justice or a peace commissioner pursuant to the provisions of section 49 (3) or 49 (4) of that Act.

(4) (a) Where the commander or other person in charge of an aircraft which is in the State has reason to believe that a person has committed or is about to commit an offence under this Act, he may prevent the person from boarding the aircraft or, if the person is on board the aircraft, he may remove him from it.

(b) The commander or other person in charge of an aircraft shall, as soon as may be after he has, under paragraph (a) of this subsection, prevented a person from boarding an aircraft or removed him from it, notify the appropriate authority in charge of the airport both that he has prevented the person from so boarding or has so removed him and of the reasons for the prevention or removal, and the authority shall, as soon as may be after receipt of such notification, inform the Garda Síochána of such notification.

(5) If a person, who under this section is prevented from boarding or travelling on board an aircraft or is removed from an aircraft or is arrested, is not an Irish citizen or habitually resident in the State, he shall, if he is an alien who, under the law relating to aliens, could have been refused leave to land in the State, be deemed for the purposes of that law to be an alien who has been refused that leave.

(6) Where a person who is an alien who, under the law relating to aliens, could be refused leave to land in the State is in the State by reason solely of having been, under subsection (2) or (4) of this section, prevented from boarding or travelling on board an aircraft or removed from an aircraft or, under subsection (1) or (2) of this section, arrested, the person shall, for the purposes of the law relating to aliens, be deemed not to have landed in the State.

(7) A commander of an aircraft who, or an appropriate authority which, fails to comply with subsection (4) (b) of this section shall be guilty of an offence F2[...].

(8) The commander of an aircraft, a member of the crew of an aircraft, a passenger on an aircraft, the owner or operator of an aircraft or any person on whose behalf a flight was performed shall not be liable in the State—

- (a) to conviction in any criminal prosecution, or
- (b) in damages in any civil action,

brought in respect of any action taken against any person pursuant to a provision of this Act.

Annotations:**Amendments:**

- F2** Deleted (22.06.1988) by *Air Navigation and Transport Act 1988* (15/1988), s. 53 and sch. 2, commenced on enactment.

Modifications (not altering text):

- C5** Penalties prescribed and applied for purposes of *Criminal Procedure Act 1967*, extended to officers of bodies corporate and provision for offence to be prosecuted by Minister made (22.06.1988) by *Air Navigation and Transport Act 1988* (15/1988), s. 28(1)(f), (a), (b), (4)-(6), commenced on enactment. The fine mentioned in para. (a) translates into a class C fine of between €1,000 and €2,500 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6, S.I. No. 662 of 2010. The fine mentioned in para. (b) translates into €63,487.

Increase in penalties for certain offences.

28.—(1) A person who is guilty of an offence under— ...

(e) section 15 of the Air Navigation and Transport Act, 1973, or

...

shall, in lieu of the penalty prescribed by the section concerned, be liable—

(a) on summary conviction, to a fine not exceeding £1,000, or to imprisonment for a term not exceeding six months, or, at the discretion of the Court, to both such fine and such imprisonment, or

(b) on conviction on indictment, to a fine not exceeding £50,000, or to imprisonment for a term not exceeding three years, or, at the discretion of the Court, to both such fine and such imprisonment.

...

(4) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence to which subsection (1), (2) or (3) relates as if, in lieu of the penalties provided for in subsection (3) of that section, there were specified the penalties provided for in subsections (1), (2) and (3), and the reference in subsection (2) (a) of that section to the penalties provided for in the said subsection (3) shall be construed and have effect accordingly.

(5) Where an offence to which subsection (1), (2) or (3) relates is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any person (or any person acting on his behalf) being a director, manager or secretary of such body, that person or the person so acting, as the case may be, shall also be guilty of the offence.

(6) A summary prosecution for an offence under any enactment referred to in subsection (1), (2) or (3) may be brought by the Minister.

F3[Application of the Extradition Act, 1965, to persons arrested under this Act.

5. — (1) Any person arrested under *section 4(1)* of this Act shall

(a) if the aircraft concerned is registered in a state to which Part II of the Act of 1965 applies, or if the aerodrome concerned is in a state to which that Part of that Act applies, and (in the case of a citizen of Ireland) the extradition of the person is not prohibited by section 14 of that Act, be deemed to have been arrested pursuant to a warrant issued under section 27 of that Act, and

(b) if the aircraft concerned is registered in a place to which Part III of that Act applies, or if the aerodrome concerned is in a place to which that Part of that Act applies, be deemed to have been arrested pursuant to a warrant issued under section 49 of that Act.

(2) Section 15 of the Act of 1965 shall not apply in relation to the extradition of a person to whom *subsection (1)* of this section applies.]

Annotations:**Amendments:**

F3 Substituted (22.06.1988) by *Air Navigation and Transport Act 1988* (15/1988), s. 51(b), commenced on enactment.

Penalties for offences under section 3.

6. — (1) A person guilty of an offence under section 3 of this Act shall be liable, on conviction on indictment, to imprisonment for life or for such other term as the court considers proper.

(2) A court shall not suspend a sentence imposed under this section.

(3) Section 1 (2) of the Probation of Offenders Act, 1907, shall not apply in relation to an offence under section 3 of this Act.

Amendment of section 10 of the Air Navigation (Eurocontrol) Act, 1963.

7. — Section 10 of the Air Navigation (Eurocontrol) Act, 1963 (which relates to the keeping of records of the movements of aircraft and to the use of such records as evidence) shall have effect as if the reference in subsection 1 (c) to an offence included a reference to an offence under this Act.

Expenses.

8. — The expenses incurred by any Minister of State in the administration of this Act, shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title and collective citation.

9. — (1) This Act may be cited as the Air Navigation and Transport Act, 1975.

(2) This Act and the Air Navigation and Transport Acts, 1936 to 1973, may be cited together as the Air Navigation and Transport Acts, 1936 to 1975.

SCHEDULE

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

THE STATES Parties to this Convention

CONSIDERING that unlawful acts against the safety of civil aviation jeopardize the safety of persons and property, seriously affect the operation of air services, and undermine the confidence of the peoples of the world in the safety of civil aviation;

CONSIDERING that the occurrence of such acts is a matter of grave concern;

CONSIDERING that, for the purpose of deterring such acts, there is an urgent need to provide appropriate measures for punishment of offenders;

HAVE AGREED as follows:

Article 1

1. Any person commits an offence if he unlawfully and intentionally:

- (a) performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or
- (b) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or
- (c) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight; or
- (d) destroys or damages air navigation facilities or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight; or
- (e) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight.

2. Any person also commits an offence if he:

- (a) attempts to commit any of the offences mentioned in paragraph 1 of this Article; or
- (b) is an accomplice of a person who commits or attempts to commit any such offence.

Article 2

For the purposes of this Convention:

- (a) an aircraft is considered to be in flight at any time from the moment when all its external doors are closed following embarkation until the moment when any such door is opened for disembarkation; in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board;
- (b) an aircraft is considered to be in service from the beginning of the preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight as defined in paragraph (a) of this Article.

Article 3

Each Contracting State undertakes to make the offences mentioned in Article 1 punishable by severe penalties.

Article 4

1. This Convention shall not apply to aircraft used in military, customs or police services.

2. In the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall apply, irrespective of whether the aircraft is engaged in an international or domestic flight, only if:

- (a) the place of take-off or landing, actual or intended, of the aircraft is situated outside the territory of the State of registration of that aircraft; or
- (b) the offence is committed in the territory of a State other than the State of registration of the aircraft.

3. Notwithstanding paragraph 2 of this Article, in the cases contemplated in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall also apply if the offender or the alleged offender is found in the territory of a State other than the State of registration of the aircraft.

4. With respect to the States mentioned in Article 9 and in the cases mentioned in subparagraphs (a), (b), (c) and (e) of paragraph 1 of Article 1, this Convention shall not apply if the places referred to in subparagraph (a) of paragraph 2 of this Article are situated within the territory of the same State where that State is one of those referred to in Article 9, unless the offence is committed or the offender or alleged offender is found in the territory of a State other than that State.

5. In the cases contemplated in subparagraph (d) of paragraph 1 of Article 1, this Convention shall apply only if the air navigation facilities are used in international air navigation.

6. The provisions of paragraphs 2, 3, 4 and 5 of this Article shall also apply in the cases contemplated in paragraph 2 of Article 1.

Article 5

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offences in the following cases:

- (a) when the offence is committed in the territory of that State;
- (b) when the offence is committed against or on board an aircraft registered in that State;

(c) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;

(d) when the offence is committed against or on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences mentioned in Article 1, paragraph 1 (a), (b) and (c), and in Article 1, paragraph 2, in so far as that paragraph relates to those offences, in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender or the alleged offender is present, shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary enquiry into the facts.

3. Any person in custody pursuant to paragraph 1 of this Article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national.

4. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the States mentioned in Article 5, paragraph 1, the State of nationality of the detained person and, if it considers it advisable, any other interested States of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary enquiry contemplated in paragraph 2 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

Article 8

1. The offences shall be deemed to be included as extraditable offences in any extradition treaty existing between Contracting States. Contracting States undertake to include the offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal

basis for extradition in respect of the offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between Contracting States, as if it had been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with Article 5, paragraph 1 (b), (c) and (d).

Article 9

The Contracting States which establish joint air transport operating organizations or international operating agencies, which operate aircraft which are subject to joint or international registration shall, by appropriate means, designate for each aircraft the State among them which shall exercise the jurisdiction and have the attributes of the State of registration for the purpose of this Convention and shall give notice thereof to the International Civil Aviation Organisation which shall communicate the notice to all States Parties to this Convention.

Article 10

1. Contracting States shall, in accordance with international and national law, endeavour to take all practicable measures for the purpose of preventing the offences mentioned in Article 1.

2. When, due to the commission of one of the offences mentioned in Article 1, a flight has been delayed or interrupted, any Contracting State in whose territory the aircraft or passengers or crew are present shall facilitate the continuation of the journey of the passengers and crew as soon as practicable, and shall without delay return the aircraft and its cargo to the persons lawfully entitled to possession.

Article 11

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 of this Article shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

Article 12

Any Contracting State having reason to believe that one of the offences mentioned in Article 1 will be committed shall, in accordance with its national law, furnish any relevant information in its possession to those States which it believes would be the States mentioned in Article 5, paragraph 1.

Article 13

Each Contracting State shall in accordance with its national law report to the Council of the International Civil Aviation Organisation as promptly as possible any relevant information in its possession concerning:

(a) the circumstances of the offence;

(b) the action taken pursuant to Article 10, paragraph 2;

(c) the measures taken in relation to the offender or the alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

Article 14

1. Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organisation of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by the preceding paragraph. The other Contracting States shall not be bound by the preceding paragraph with respect to any Contracting State having made such a reservation.

3. Any Contracting State having made a reservation in accordance with the preceding paragraph may at any time withdraw this reservation by notification to the Depositary Governments.

Article 15

1. This Convention shall be open for signature at Montreal on 23 September 1971, by States participating in the International Conference on Air Law held at Montreal from 8 to 23 September 1971 (hereinafter referred to as the Montreal Conference). After 10 October 1971, the Convention shall be open to all States for signature in Moscow, London and Washington. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This Convention shall be subject to ratification by the signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, which are hereby designated the Depositary Governments.

3. This Convention shall enter into force thirty days following the date of the deposit of instruments of ratification by ten States signatory to this Convention which participated in the Montreal Conference.

4. For other States, this Convention shall enter into force on the date of entry into force of this Convention in accordance with paragraph 3 of this Article, or thirty days following the date of deposit of their instruments of ratification or accession, whichever is later.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of entry into force of this Convention, and other notices.

6. As soon as this Convention comes into force, it shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations and pursuant to Article 83 of the Convention on International Civil Aviation (Chicago, 1944).

Article 16

1. Any Contracting State may denounce this Convention by written notification to the Depositary Governments.

2. Denunciation shall take effect six months following the date on which notification is received by the Depositary Governments.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their Governments, have signed this Convention.

DONE at Montreal, this twenty-third day of September, one thousand nine hundred and seventy-one, in three originals, each being drawn up in four authentic texts in the English, French, Russian and Spanish languages.

(Here follow signatures on behalf of certain States).