Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 29 *of* 1973

AIR NAVIGATION AND TRANSPORT ACT 1973

REVISED

Updated to 1 May 2023

This Revised Act is an administrative consolidation of the *Air Navigation and Transport Act 1973*. 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 *Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023* (10/2023), enacted 2 May 2023, and all statutory instruments up to and including *Air Navigation and Transport Act 2022 (Commencement) Order 2023* (S.I. No. 220 of 2023), made 27 April 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 29 *of* 1973

AIR NAVIGATION AND TRANSPORT ACT 1973

REVISED

Updated to 1 May 2023

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Application of criminal law to aircraft.
2A. Disruptive behaviour on board aircraft in flight.
3. Power of commander of aircraft to put person under restraint.
4. Duty of commander of aircraft to notify appropriate authority that person is under restraint.
5. Power of commander of aircraft to disembark persons from aircraft.
6. Duty of commander of aircraft to notify appropriate authority that person has been disembarked.
7. Power of commander of aircraft to deliver person to Garda Síochána or competent authorities.
8. Duty of commander of aircraft to notify appropriate authority of intention to deliver person.
9. Duty of commander of aircraft to furnish information.
10. Indemnity to commander of aircraft, etc.
11. Unlawful seizure of aircraft.
12. Application of Act of 1965 to persons arrested or delivered under this Act.
13. Restriction on taking action with respect to breach certain laws.
14. Certain persons deemed not to have landed in State.
15. Failure to give notice and information to authorities.
16. Penalty for offences under section 11.
17. Amendment of section 10 of Air Navigation (Eurocontrol) Act, 1963.
18. Expenses.
19. Short title and commencement.

FIRST SCHEDULE

Convention on offences and certain other acts committed on board aircraft

SECOND SCHEDULE

Convention for the suppression of unlawful seizure of aircraft

---

ACTS REFERRED TO

Extradition Act, 1965	1965, No. 17
Air Navigation (Nationality and Registration of Aircraft) Order, 1963	S.I. No. 88 of 1963.
Probation of Offenders Act, 1907	1907, c. 17.
Air Navigation (Eurocontrol) Act, 1963	1963, No. 15.

Number 29 *of* 1973

AIR NAVIGATION AND TRANSPORT ACT 1973

REVISED

Updated to 1 May 2023

AN ACT TO ENABLE EFFECT TO BE GIVEN TO THE CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT DONE AT TOKYO ON THE 14th DAY OF SEPTEMBER, 1963, AND THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL SEIZURE OF AIRCRAFT DONE AT THE HAGUE ON THE 16th DAY OF DECEMBER, 1970, AND TO PROVIDE FOR MATTERS RELATED THERETO. [19*th December*, 1973]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Application of Act and 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), 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.

...

(6) In a prosecution of a person for an offence under this Act (other than sections 33 to 36), it shall be a defence for the person to prove that the contravention concerned was due to stress of weather or other unavoidable cause and in a prosecution of the operator or pilot in command of an aircraft for such an offence, it shall be a defence for him to prove that the contravention concerned took place without his actual default or privity.

(7) Where an offence under this Act 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, being a director, manager or secretary of such body, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty

of an offence and shall be liable to be proceeded against and punished as if he were guilty of the first-mentioned offence.

(8) On conviction of a person on indictment for an offence under this Act, the court may, in addition to any other penalty, order any apparatus, equipment or other thing, other than an aircraft, used to commit the offence to be forfeited.

(9) (*a*) In this section "an instrument to which this section applies" means an order or regulation made under this Act or (in so far as it relates to a matter to which a function of the company relates) the Acts or the Air Navigation (Eurocontrol) Acts, 1963 to 1983, a direction or authorisation to aircraft to proceed given under this Act or (in so far as it relates to such a matter as aforesaid) the Acts or under an order or regulation made under this Act or (in so far as it relates to such a matter as aforesaid) the Acts and a certificate, licence or authorisation issued or given under this Act or (in so far as it relates to such a matter as aforesaid) the Acts.

(*b*) In paragraph (a) "authorisation to proceed" means an authorisation or instruction, whether oral or written and by whatever name called given by or on behalf of the company to the pilot in charge of an aircraft in relation to the piloting, control or movement of the aircraft or otherwise in relation to the aircraft.

C4 Power of Minister to refuse or 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.

(2) Whenever the Minister exercises the power conferred on him by subsection (1), the cancellation of the registration of the aircraft shall take effect from the date on which the Minister notifies the operator of the aircraft of the cancellation or from such later date as the Minister, having regard to all the circumstances, may specify.

(3) On the commencement of this Act, the Minister shall notify each owner and operator of each aircraft then registered in the State of his powers under this section.

C5 Functions and references under collectively cited *Air Navigation and Transport Acts* transferred and construed (27.07.1959) by *Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) Order 1959* (S.I. No. 125 of 1959), arts. 3, 4 and sch. part 1 item 22. The current Minister and Department concerned is that of Transport, Tourism and Sport.

2. In this Order—

"functions" includes powers and duties ;

"operative date" means the date of this Order.

3.—(1) The Administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are hereby transferred to the Department of Transport and Power.

(2) References to the Department of Industry and Commerce contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the operative date, be construed as references to the Department of Transport and Power.

4.—(1) The functions vested in the Minister for Industry and Commerce by or under the Acts and the Orders mentioned in the First Schedule to this Order are hereby transferred to the Minister for Transport and Power.

(2) The functions vested in the Minister for Industry and Commerce by or under the provisions mentioned in the third column of the Second Schedule to this Order at any reference number of any Act mentioned in the second column of that Schedule at that reference number are hereby transferred to the Minister for Transport and Power.

(3) The functions vested in the Minister for Industry and Commerce, whether by or under any Act or instrument made thereunder or otherwise, in relation to railways, light railways, tramways, canals, waterways, inland navigations, harbours, docks, piers, gas undertakings and the production, sale and distribution of gas (other than functions in relation to gas undertakings vested in the Minister for Industry and Commerce by or under the Factories Act, 1955 (No. 20 of 1955), and functions in relation to the weighing and measurement of gas) and not transferred by the preceding paragraphs of this Article are hereby transferred to the Minister for Transport and Power.

(4) References to the Minister for Industry and Commerce contained in any Act or instrument made thereunder, and in the Orders mentioned in the First Schedule to this Order, and relating to any functions transferred by this Article shall, on and after the operative date, be construed as references to the Minister for Transport and Power.

...

FIRST SCHEDULE.

Part I

Acts, functions under which are transferred from the Minister for Industry and Commerce to the Minister for Transport and Power.

...

22. the Air Navigation and Transport Acts, 1936 to 1959,

...

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.

E3 Previous affecting provision: power pursuant to collectively cited *Air Navigation and Transport Acts* exercised (1.06.1954) by *Air Navigation (Operations) Order, 1953 (Amendment) Order 1954* (S.I. No. 118 of 1954, in effect as per art. 1(3); revoked (1.07.1964) by *Air Navigation (Operations) Order 1964* (S.I. No. 140 of 1964), art. 4, in effect as per art. 1(2).

E4 Previous affecting provision: power pursuant to collectively cited *Air Navigation and Transport Acts* exercised (1.12.1953) by *Air Navigation (Personnel Licensing) (Amendment) Order 1953* (S.I. No. 353 of 1953), in effect as per art. 1(3); revoked (1.09.1966) by *Air Navigation (Personnel Licensing) Order 1966* (S.I. No. 165 of 1966), art. 3, in effect as per art. 1(2).

E5 Previous affecting provision: power pursuant to collectively cited *Air Navigation and Transport Acts* exercised (1.04.1953) by *Air Navigation (Operations) Order 1953* (S.I. No. 96 of 1953, in effect as per art. 1(2); revoked (1.07.1964) by *Air Navigation (Operations) Order 1964* (S.I. No. 140 of 1964), art. 4, in effect as per art. 1(2).

E6 Previous affecting provision: power pursuant to collectively cited *Air Navigation and Transport Acts* exercised (1.04.1951 and 1.07.1951) by *Air Navigation (Personnel Licensing) Order 1951* (S.I. No. 33 of 1951), in effect as per art. 1(2), (3); revoked (1.09.1966) by *Air Navigation (Personnel Licensing) Order 1966* (S.I. No. 165 of 1966), art. 3(1), in effect as per art. 1(2), subject to transitional provisions in art. 3(2).

E7 Previous affecting provision: power pursuant to collectively cited *Air Navigation and Transport Acts* exercised (6.06.1950) by *Subsidy (Aer-Rianta, Teoranta) (No. 2) Order 1950* (S.I. No. 159 of 1950); rendered obsolete by passage of time.

E8 Previous affecting provision: power pursuant to collectively cited *Air Navigation and Transport Acts* exercised (28.03.1950) by *Subsidy (Aer-Rianta, Teoranta) Order 1950* (S.I. No. 86 of 1950); rendered obsolete by passage of time.

E9 Previous affecting provision: power pursuant to collectively cited *Air Navigation and Transport Acts* exercised (15.03.1948) by *Subsidy (Aer-Rianta, Teoranta) (No. 1) Order 1948* (S.I. No. 86 of 1948); rendered obsolete by passage of time.

E10 Previous affecting provision: power pursuant to collectively cited *Air Navigation and Transport Acts* exercised (25.04.1947) by *Subsidy (Aer-Rianta, Teoranta) (No. 2) Order 1947* (S.I. No. 145 of 1947); rendered obsolete by passage of time.

E11 Previous affecting provision: power pursuant to collectively cited *Air Navigation and Transport Acts* exercised (21.03.1947) by *Subsidy (Aer-Rianta, Teóranta) (No. 1) Order 1947* (S.I. No. 101 of 1947); rendered obsolete by passage of time.

E12 Previous affecting provision: power pursuant to collectively cited *Air Navigation and Transport Acts* exercised (14.05.1946) by *Subsidy (Aer-Rianta, Teóranta) Order 1946* (S.I. No. 146 of 1946); rendered obsolete by passage of time.

Interpretation.

1.—(1) In this Act, save where the context otherwise requires—

"the Act of 1965" means the Extradition Act, 1965;

"aircraft" includes any aircraft other than state aircraft;

"appropriate authority" means, in relation to an aircraft, the authority in charge of the particular airport at which the aircraft lands or intends to land;

"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;

"Hague contracting state" means a state in which the Hague Convention is for the time being in force;

"the Hague Convention" means the Convention for the Suppression of Unlawful Seizure of Aircraft done at The Hague on the 16th day of December, 1970, of which the text is set out in the Second Schedule to this Act;

"Irish controlled aircraft" means an aircraft—

(*a*) which is for the time being registered in the State, or

(*b*) which is not for the time being registered in the State but which satisfies for the time being the requirements for such registration specified in Article 7 of the Air Navigation (Nationality and Registration of Aircraft) Order, 1963, or

(*c*) which—

(i) is registered in another state,

(ii) is for the time being chartered by demise, let or on hire, and

(iii) could but for paragraph (2) of the said Article 7 be registered in the State under paragraph (3) of that Article;

"the Minister" means the Minister for Transport and Power;

"operator", in relation to an aircraft, means the person who for the time being has the management of the aircraft;

"pilot in command", in relation to an aircraft, means the person who for the time being is lawfully in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

"state aircraft" means aircraft of any state used in the military, customs or police services of that state;

"Tokyo contracting state" means a state in which the Tokyo Convention is for the time being in force;

"the Tokyo Convention" means the Convention on Offences and Certain Other Acts Committed on Board Aircraft done at Tokyo on the 14th day of September, 1963, of which the text is set out in the First Schedule to this Act.

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

(*a*) for the purposes of this Act, any period from the moment when power is applied for the purpose of take-off until the moment of take-off and any period from the moment of touchdown until the moment when the landing run (if any) ends, and

(*b*) for the purposes of sections 3, 5, 7 and 11 of this Act—

(i) any further periods from the moment when all external doors of the aircraft are closed following embarkation for a flight until the moment when any such doors are 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),

and any reference in this Act to an aircraft in flight shall include a reference to an aircraft during the period when it is on the surface of the sea or land but not within the territorial limits of any state.

(3) A certificate under the seal of the Minister that, at a time or during a period specified in the certificate, any state specified in the certificate is or, as the case may be, is not a Tokyo contracting state or is or, as the case may be, is not a Hague contracting state or is both or, as the case may be, is neither shall be evidence until the contrary is shown of the fact so stated.

(4) Where a notice communicated to the State under Article 18 of the Tokyo Convention or Article 5 of the Hague Convention states that any two or more states each of which is either a Tokyo contracting state or a Hague contracting state—

(*a*) have established a joint air transport operating organisation, or international operating agency, which operates aircraft which are subject to joint or international registration, and

(*b*) have designated for each aircraft so operated the state among them which shall be the state of registration for the purposes of the Tokyo Convention or the Hague Convention, or both, the Minister—

(i) may by order declare that the aircraft aforesaid (which together with the states referred to in the notice, shall be specified in the order) shall be treated for the purposes of this Act and of the Tokyo Convention and the Hague Convention or either of those Conventions as being registered in the state designated as aforesaid (which shall be specified in the order), and

(ii) may by order amend or revoke any order under this subsection.

(5) References in this Act to the state of registration of an aircraft in the case of an aircraft—

(*a*) which is for the time being registered in the State, or

(*b*) which is not for the time being so registered but which satisfies the requirements for registration in the State specified in the said Article 7,

are references to the State.

Application of criminal law to aircraft.

2.—(1) Any act or omission which, if taking place in the State, would constitute an offence under the law of the State, shall, if it takes place on board an Irish controlled aircraft while in flight elsewhere than in or over the State, constitute that offence.

(2) Proceedings for an offence under this Act or an offence referred to in subsection (1) of this section may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the State.

F1[Disruptive behaviour on board aircraft in flight.

2A.—(1) A person on board an aircraft in flight who is intoxicated to such extent as to give rise to a reasonable apprehension that he or she is likely to endanger the safety of himself or herself or the safety of others on board the aircraft shall be guilty of an offence.

(2) A person on board an aircraft in flight who, without justification, engages in behaviour that is likely to cause serious offence or annoyance to any person on board the aircraft, at any time after having been requested by a member of the crew of the aircraft to cease such behaviour, shall be guilty of an offence.

(3) A person on board an aircraft in flight who engages in behaviour of a threatening, abusive or insulting nature whether by word or gesture with intent to cause a breach of the peace or being reckless as to whether a breach of the peace might be occasioned shall be guilty of an offence.

F2[(3A) Where an aircraft lands, on the territory of the State and a member of the Garda Síochána has reason to believe that there is on board the aircraft a person who has committed an offence under this section, the member, together with any other members of the Garda Síochána, may, without warrant, enter the aircraft and may, without warrant, arrest any such person whom he or she finds on the aircraft.]

(4) A person guilty of an offence under this section shall—

(*a*) in the case of an offence under *subsection (1)* or (*2*), be liable on summary conviction to a fine not exceeding F3[€3,000], or

(*b*) in the case of an offence under *subsection (3)*, be liable on summary conviction to a fine not exceeding F3[€3,000] or to imprisonment for a term not exceeding 4 months, or to both.]

Annotations

Amendments:

F1 Inserted (11.09.1998) by *Air Navigation and Transport (Amendment) Act 1998* (24/1998), s. 65, S.I. No. 327 of 1998.

F2 Inserted (21.02.2001) by *Aviation Regulation Act 2001* (1/2001), s. 50(a), commenced on enactment.

F3 Substituted (21.07.2004) by *State Airports Act 2004* (32/2004), s. 26(a), (b), S.I. No. 531 of 2004.

Editorial Notes:

E13 Authorised officer may give fixed payment notice for commission of offence under subss. (1), (2) as provided (21.07.2004) by *State Airports Act 2004* (32/2004), s. 27, commenced on enactment.

E14 The section heading is taken from the amending section in the absence of one included in the amendment.

E15 Previous affecting provision: subs. (4)(a), (b) amended (21.02.2001) by *Aviation Regulation Act 2001* (1/2001), s. 50(b)(i), (ii), commenced on enactment; substituted as per F-note above.

Power of commander of aircraft to put person under restraint.

3.—(1) If the commander of an aircraft registered in a Tokyo contracting state has reasonable grounds for believing that a person has committed, or is about to commit, on board the aircraft in flight anywhere any act which—

(*a*) if committed in the state in which the aircraft is registered would constitute an offence under the law in force in that state, or

(*b*) jeopardises or may jeopardise—

(i) the safety of the aircraft,

(ii) the safety of persons or property on board the aircraft, or

(iii) good order or discipline on board the aircraft,

the commander may take, with respect to the person, such reasonable measures, including restraint of his person, as he reasonably considers to be necessary—

(i) to protect the safety of the aircraft, or of persons or property on board the aircraft,

(ii) to maintain good order and discipline on board the aircraft, or

(iii) to enable the commander to disembark the person or to deliver him to a member of the Garda Síochána in the State or to competent authorities outside the State, as the case may be, in accordance with the provisions of this Act.

(2) For the purposes of subsection (1) of this section, the commander of an aircraft may—

(*a*) order or authorise the assistance of any other member of the crew of the aircraft, or

(*b*) request or authorise the assistance of any other person on board the aircraft.

(3) Any member of the crew of an aircraft which is in flight, or any other person on board, may, without being ordered, authorised or requested by the commander of the aircraft take, with respect to any other person on board the aircraft, any reasonable measures which he has reasonable grounds for believing to be immediately necessary to protect the safety of the aircraft or of persons or property therein.

(4) Any restraint imposed on a person on board an aircraft under this section shall not be continued after the time when the aircraft first ceases to be in flight and the person is handed over to a member of the Garda Síochána in the State or to competent authorities outside the State, as the case may be, unless—

(*a*) the place where the aircraft first ceases to be in flight is in the territory of a state which is not a Tokyo contracting state and which refuses to permit that person to be disembarked,

(*b*) the measures of restraint were imposed in order to enable the person to be delivered to competent authorities in the state of registration of the aircraft (being, in the case of the State, a member of the Garda Síochána),

(*c*) the aircraft has made a forced landing and the commander is unable to deliver the person to competent authorities (being, in the case of a forced landing in the State, a member of the Garda Síochána), or

(*d*) the person under restraint agrees to continue his journey under restraint on board that aircraft.

Duty of commander of aircraft to notify appropriate authority that person is under restraint.

4.—(1) The commander of an aircraft shall, if possible before, and in any event as soon as practicable after, the termination of its flight in the State with a person on board the aircraft who has been placed under restraint pursuant to section 3 of this Act, notify the appropriate authority—

(*a*) that such person is under restraint,

(*b*) of the reasons for such restraint.

(2) The commander of an Irish controlled aircraft shall, if possible before, and in any event as soon as practicable after, the termination of its flight in the territory of any other state with a person on board the aircraft who has been placed under restraint pursuant to section 3 of this Act, notify the appropriate authority—

(*a*) that such person is under restraint, and

(*b*) of the reasons for such restraint.

Power of commander of aircraft to disembark persons from aircraft.

5.—(1) If the commander of an aircraft other than an Irish controlled aircraft registered in a Tokyo contracting state has reasonable grounds for believing that a person has committed or is about to commit on board the aircraft in flight anywhere any act which, whether it is an offence or not, jeopardises or may jeopardise—

(i) the safety of the aircraft,

(ii) the safety of persons or property on board the aircraft, or

(iii) good order and discipline on board the aircraft,

the commander may, in order to protect the safety of the aircraft or persons or property therein, or to maintain good order and discipline on board the aircraft, disembark the person in the territory of the State.

(2) If the commander of an Irish controlled aircraft has reasonable grounds for believing that a person has committed or is about to commit on board the aircraft in flight anywhere any act which, whether it is an offence or not, jeopardises or may jeopardise—

(i) the safety of the aircraft,

(ii) the safety of persons or property on board the aircraft, or

(iii) good order and discipline on board the aircraft,

the commander may, in order to protect the safety of the aircraft or persons or property therein, or to maintain good order and discipline on board the aircraft, disembark the person in the territory of any state.

Duty of commander of aircraft to notify appropriate authority that person has been disembarked.

6.—The commander of an aircraft shall, as soon as may be after he has disembarked a person pursuant to section 5 of this Act, notify the appropriate authority—

(*a*) that he has disembarked such person, and

(*b*) of the reasons for such disembarkation.

Power of commander of aircraft to deliver person to Garda Síochána or competent authorities.

7.—(1) If the commander of an aircraft registered in a Tokyo contracting state has reasonable grounds for believing that a person has committed on board the aircraft in flight anywhere an act which, in his opinion, is a serious offence under the criminal law of the state of registration of the aircraft, the commander may, if the flight of the aircraft terminates in the State, deliver the person to a member of the Garda Síochána as soon as may be after such termination.

(2) If the commander of an Irish controlled aircraft has reasonable grounds for believing that a person has committed on board the aircraft in flight anywhere an act which, in his opinion, is a serious offence under the criminal law of the State, the commander may, if the flight of the aircraft terminates outside the State in the territory of a Tokyo contracting state deliver the person to competent authorities of that state as soon as may be after such termination.

Duty of commander of aircraft to notify appropriate authority of intention to deliver person.

8.—(1) The commander of an aircraft shall, if possible before, and in any event as soon as practicable after, the termination of its flight in the State with a person on board whom he intends to deliver to a member of the Garda Síochána pursuant to section 7 (1) of this Act, notify the appropriate authority of—

(*a*) his intention to deliver the person as aforesaid, and

(*b*) the reasons for such delivery.

(2) The commander of an Irish controlled aircraft shall, if possible before, and in any event as soon as practicable after the termination of its flight in the territory of a Tokyo contracting state with a person on board whom he intends to deliver to competent authorities of that state pursuant to section 7 (2) of this Act, notify the appropriate authority of—

(*a*) his intention to deliver the person as aforesaid, and

(*b*) the reasons for such delivery.

Duty of commander of aircraft to furnish information.

9.—The commander of an aircraft shall furnish to the person to whom any person is delivered pursuant to section 7 of this Act all evidence and information in respect of the act to which the delivery of the person pursuant to that section refers lawfully in his possession according to the law of the state of registration of the aircraft.

Indemnity to commander of aircraft, etc.

10.—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.

Unlawful seizure of aircraft.

11.—(1) Subject to the provisions of this section, a person who on board an aircraft in flight anywhere—

(*a*) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes or exercises control of or otherwise interferes with the control of that aircraft, or

(*b*) attempts to perform any such act or aids or abets a person who performs or attempts to perform any such act or counsels or procures the performance of any such act

shall be guilty of an offence.

(2) (*a*) Subject to the provisions of this section, a person who on board an aircraft in flight anywhere commits an act to which this subsection applies shall be guilty of an offence.

(*b*) In this subsection "act to which this subsection applies" means an act of violence which is committed, in connection with an act constituting an offence under subsection (1) of this section, against the passengers or crew of the aircraft concerned and which, if it were committed within the State, would constitute an indictable offence.

(3) Subsections (1) and (2) of this section shall not apply in relation to

(*a*) an act committed on board an aircraft whose place of takeoff and place of actual landing are both situated in the territory of the state of registration of the aircraft, or

(*b*) an act committed on board an aircraft whose state of registration is a state designated in an order made pursuant to a notice communicated to the State under Article 5 of the Hague Convention and for the time being in force under section 1 of this Act and whose place of take-off and place of actual landing are both situated in the territory of the same state, being a state specified in the said order.

(4) Notwithstanding subsection (3) of this section, subsections (1) and (2) of this section shall apply in relation to an act committed on an aircraft, including a state aircraft, if—

(*a*) the act is committed by a person who is a citizen of Ireland or is habitually resident in the State, or

(*b*) the act is committed in or over the State, or

(*c*) the aircraft is an Irish controlled aircraft.

(5) Where an aircraft lands after a flight on the territory of the State and a member of the Garda Síochána has reason to believe that there is on board the aircraft a person who has committed an offence under subsection (1) or (2) of this section on the flight, the member together with any other members of the Garda Síochána may, without warrant, enter the aircraft and may, without warrant, arrest any such person whom he finds on the aircraft.

(6) If a person arrested under subsection (5) of this section is not a citizen of Ireland or habitually resident in the State, the person—

(*a*) shall, if he is an alien who could, under the law relating to aliens, 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, and

(*b*) may be detained in custody for a period not exceeding 48 hours and then, subject to section 12 of this Act, released:

Provided however that he shall not be released under this section if before the expiration of the period of 48 hours he has been charged with an offence under subsection (1) or (2) of this section.

Annotations

Editorial Notes:

E16 Certain procedures in relation retrial and to acquittal of offence under section provided (1.09.2010) by *Criminal Procedure Act 2010* (27/2010), ss. 7-14, 15-18 and sch., S.I. No. 414 of 2010.

E17 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. 20, 29 and 30, S.I. No. 118 of 2000.

E18 Offence under section if committed in Northern Ireland may be prosecuted and liable to penalty in the State as provided (1.06.1976) by *Criminal Law (Jurisdiction) Act 1976* (14/1976), s. 2 and sch. item 12, S.I. No. 112 of 1976.

Application of Act of 1965 to persons arrested or delivered under this Act.

12.—Any person arrested under section 11 of this Act or delivered to a member of the Garda Síochána under section 7 (1) of this Act shall, in addition—

(*a*) if the aircraft concerned is registered in a state to which Part II of the Act of 1965 applies and (if he is 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, be deemed to have been arrested pursuant to a warrant issued under section 49 of that Act,

and section 15 of the Act of 1965 shall not apply in relation to the extradition of a person to whom this section applies.

Restriction on taking action with respect to breach certain laws.

13.—No provision of this Act shall be interpreted as authorising or requiring the commander of an aircraft or any other person therein to take any action in respect of an offence punishable under laws of a political nature or in respect of an offence based on racial or religious discrimination, unless the safety of the aircraft or of persons or property on board the aircraft is endangered by reason of such offences.

Certain persons deemed not to have landed in State.

14.—Where a person who is an alien who could, under the law relating to aliens, be refused leave to land in the State is in the State by reason solely of having been—

(*a*) disembarked from an aircraft pursuant to section 5 of this Act, or

(*b*) delivered to the Garda Síochána pursuant to section 7 of this Act, or

(*c*) arrested pursuant to section 11 of this Act,

the person shall, for the purposes of that law, be deemed not to have landed in the State.

Failure to give notice and information to authorities.

15.—A commander of an aircraft who contravenes section 4, 6, 8 or 9 of this Act shall be guilty of an offence F4**[**...**]**.

Annotations

Amendments:

F4 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):

C6 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)(e), (a), (b), (4)-(6), commenced on enactment.

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.

A fine of £1,000 converted (1.01.1999) to €1,269.74. This translates into a class C fine, not greater than €2,500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 6(2) and table ref. no. 3, S.I. No. 662 of 2010.

A fine of £50,000 converted (1.01.1999) to €63,486.90. This is multiplied by 2 to €126,973.80 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 9(1) and table ref. no. 2, S.I. No. 662 of 2010.

Penalty for offences under section 11.

16.—(1) A person guilty of an offence under section 11 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 11 of this Act.

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

17.—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.

18.—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 commencement.

19.—(1) This Act may be cited as the Air Navigation and Transport Act, 1973.

(2) This Act and the Air Navigation and Transport Acts, 1936 to 1965, may be cited together as the Air Navigation and Transport Acts, 1936 to 1973.

(3) This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

Annotations

Editorial Notes:

E19 Power pursuant to subs. (3) exercised (20.12.1973) by *Air Navigation and Transport Act, 1973 (Commencement) Order 1973* (S.I. No. 343 of 1973).

2. The 20th day of December, 1973, is hereby fixed as the day on which the Air Navigation and Transport Act, 1973 (No. 29 of 1973), shall come into operation.

FIRST SCHEDULE

Convention on Offences and Certain Other Acts Committed on Board Aircraft

THE STATES Parties to this Convention

HAVE AGREED as follows:

Chapter I—Scope of the Convention

Article 1

1. This Convention shall apply in respect of:

(*a*) offences against penal law;

(*b*) acts which, whether or not they are offences, may or do jeopardise the safety of the aircraft or of persons or property therein or which jeopardise good order and discipline on board.

2. Except as provided in Chapter III, this Convention shall apply in respect of offences committed or acts done by a person on board any aircraft registered in a Contracting State, while that aircraft is in flight or on the surface of the high seas or of any other area outside the territory of any State.

3. For the purposes of this Convention, an aircraft is considered to be in flight from the moment when power is applied for the purpose of take-off until the moment when the landing run ends.

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

Article 2

Without prejudice to the provisions of Article 4 and except when the safety of the aircraft or of persons or property on board so requires, no provision of this Convention shall be interpreted as authorising or requiring any action in respect bof offences against penal laws of a political nature or those based on racial or religious discrimination.

Chapter II—Jurisdiction

Article 3

1. The State of registration of the aircraft is competent to exercise jurisdiction over offences and acts committed on board.

2. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction as the State of registration over offences committed on board aircraft registered in such State.

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

Article 4

A Contracting State which is not the State of registration may not interfere with an aircraft in flight in order to exercise its criminal jurisdiction over an offence committed on board except in the following cases:

(*a*) the offence has effect on the territory of such State;

(*b*) the offence has been committed by or against a national or permanent resident of such State;

(*c*) the offence is against the security of such State;

(*d*) the offence consists of a breach of any rules or regulations relating to the flight or manoeuvre of aircraft in force in such State;

(*e*) the exercise of jurisdiction is necessary to ensure the observance of any obligation of such State under a multilateral international agreement.

CHAPTER III—POWERS OF THE AIRCRAFT COMMANDER

Article 5

1. The provisions of this Chapter shall not apply to offences and acts committed or about to be committed by a person on board an aircraft in flight in the airspace of the State of registration or over the high seas or any other area outside the territory of any State unless the last point of take-off or the next point of intended landing is situated in a State other than that of registration, or the aircraft subsequently flies in the airspace of a State other than that of registration with such person still on board.

2. Notwithstanding the provisions of Article 1, paragraph 3, an aircraft shall for the purposes of this Chapter, be 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 provisions of this Chapter shall continue to apply with respect to offences and acts committed on board until competent authorities of a State take over the responsibility for the aircraft and for the persons and property on board.

Article 6

1. The aircraft commander may, when he has reasonable grounds to believe that a person has committed, or is about to commit, on board the aircraft, an offence or act contemplated in Article 1, paragraph 1, impose upon such person reasonable measures including restraint which are necessary:

(*a*) to protect the safety of the aircraft, or of persons or property therein; or

(*b*) to maintain good order and discipline on board; or

(*c*) to enable him to deliver such person to competent authorities or to disembark him in accordance with the provisions of this Chapter.

2. The aircraft commander may require or authorise the assistance of other crew members and may request or authorise, but not require, the assistance of passengers to restrain any person whom he is entitled to restrain. Any crew member or passenger may also take reasonable preventive measures without such authorisation when he has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

Article 7

1. Measures of restraint imposed upon a person in accordance with Article 6 shall not be continued beyond any point at which the aircraft lands unless:

(*a*) such point is in the territory of a non-Contracting State and its authorities refuse to permit disembarkation of that person or those measures have been imposed in accordance with Article 6, paragraph 1 (*c*) in order to enable his delivery to competent authorities;

(*b*) the aircraft makes a forced landing and the aircraft commander is unable to deliver that person to competent authorities; or

(*c*) that person agrees to onward carriage under restraint.

2. The aircraft commander shall as soon as practicable, and if possible before landing in the territory of a State with a person on board who has been placed under restraint in accordance with the provisions of Article 6, notify the authorities of such State of the fact that a person on board is under restraint and of the reasons for such restraint.

Article 8

1. The aircraft commander may, in so far as it is necessary for the purpose of subparagraph (*a*) or (*b*) of paragraph 1 of Article 6, disembark in the territory of any State in which the aircraft lands any person who he has reasonable grounds to believe has committed, or is about to commit, on board the aircraft an act contemplated in Article 1, paragraph 1 (*b*).

2. The aircraft commander shall report to the authorities of the State in which he disembarks any person pursuant to this Article, the fact of, and the reasons for, such disembarkation.

Article 9

1. The aircraft commander may deliver to the competent authorities of any Contracting State in the territory of which the aircraft lands any person who he has reasonable grounds to believe has committed on board the aircraft an act which, in his opinion, is a serious offence according to the penal law of the State of registration of the aircraft.

2. The aircraft commander shall as soon as practicable and if possible before landing in the territory of a Contracting State with a person on board whom the aircraft commander intends to deliver in accordance with the preceding paragraph, notify the authorities of such State of his intention to deliver such person and the reasons therefor.

3. The aircraft commander shall furnish the authorities to whom any suspected offender is delivered in accordance with the provisions of this Article with evidence and information which, under the law of the State of registration of the aircraft, are lawfully in his possession.

Article 10

For actions taken in accordance with this Convention, neither the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed shall be held responsible in any proceeding on account of the treatment undergone by the person against whom the actions were taken.

CHAPTER IV—UNLAWFUL SEIZURE OF AIRCRAFT

Article 11

1. When a person on board has unlawfully committed by force or threat thereof an act of interference, seizure, or other wrongful exercise of control of an aircraft in flight or when such an act is about to be committed, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated in the preceding paragraph, the Contracting State in which the aircraft lands shall permit its passengers and crew to continue their journey as soon as practicable, and shall return the aircraft and its cargo to the persons lawfully entitled to possession.

CHAPTER V—POWERS AND DUTIES OF STATES

Article 12

Any Contracting State shall allow the commander of an aircraft registered in another Contracting State to disembark any person pursuant to Article 8, paragraph 1.

Article 13

1. Any Contracting State shall take delivery of any person who the aircraft commander delivers pursuant to Article 9, paragraph 1.

2. Upon being satisfied that the circumstances so warrant, any Contracting State shall take custody or other measures to ensure the presence of any person suspected of an act contemplated in Article 11, paragraph 1, and of any person of whom it has taken delivery. 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 reasonably necessary to enable any criminal or extradition proceedings to be instituted.

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

4. Any Contracting State, to which a person is delivered pursuant to Article 9, paragraph 1, or in whose territory an aircraft lands following the commission of an act contemplated in Article 11, paragraph 1, shall immediately make a preliminary enquiry into the facts.

5. When a State, pursuant to this Article, has taken a person into custody, it shall immediately notify the State of registration of the aircraft and the State of nationality of the detained person and, if it considers it advisable, any other interested State 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 4 of this Article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 14

1. When any person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and when such person cannot or does not desire to continue his journey and the State of landing refuses to

admit him, that State may, if the person in question is not a national or permanent resident of that State return him to the territory of the State of which he is a national or permanent resident or to the territory of the State in which he began his journey by air.

2. Neither disembarkation, nor delivery, nor the taking of custody or other measures contemplated in Article 13, paragraph 2, nor return of the person concerned, shall be considered as admission to the territory of the Contracting State concerned for the purpose of its law relating to entry or admission of persons and nothing in this Convention shall affect the law of a Contracting State relating to the expulsion of persons from its territory.

Article 15

1. Without prejudice to Article 14, any person who has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked after committing an act contemplated in Article 11, paragraph 1, and who desires to continue his journey shall be at liberty as soon as practicable to proceed to any destination of his choice unless his presence is required by the law of the State of landing for the purpose of extradition or criminal proceedings.

2. Without prejudice to its law as to entry and admission to, and extradition and expulsion from its territory, a Contracting State in whose territory a person has been disembarked in accordance with Article 8, paragraph 1, or delivered in accordance with Article 9, paragraph 1, or has disembarked and is suspected of having committed an act contemplated in Article 11, paragraph 1, shall accord to such person treatment which is no less favourable for his protection and security than that accorded to nationals of such Contracting State in like circumstances.

CHAPTER VI—OTHER PROVISIONS

Article 16

1. Offences committed on aircraft registered in a Contracting State shall be treated, for the purpose of extradition, as if they had been committed not only in the place in which they have occurred but also in the territory of the State of registration of the aircraft.

2. Without prejudice to the provisions of the preceding paragraph, nothing in this Convention shall be deemed to create an obligation to grant extradition.

Article 17

In taking any measures for investigation or arrest or otherwise exercising jurisdiction in connection with any offence committed on board an aircraft the Contracting States shall pay due regard to the safety and other interests of air navigation and shall so act as to avoid unnecessary delay of the aircraft, passengers, crew or cargo.

Article 18

If Contracting States establish joint air transport operating organisations or international operating agencies, which operate aircraft not registered in any one State those States shall, according to the circumstances of the case, designate the State among them which, for the purposes of this Convention, shall be considered as the State of registration and shall give notice thereof to the International Civil Aviation

Organisation which shall communicate the notice to all States Parties to this Convention.

CHAPTER VII—FINAL CLAUSES

Article 19

Until the date on which this Convention comes into force in accordance with the provisions of Article 21, it shall remain open for signature on behalf of any State which at that date is a Member of the United Nations or of any of the Specialised Agencies.

Article 20

1. This Convention shall be subject to ratification by the signatory States in accordance with their constitutional procedures.

2. The instruments of ratification shall be deposited with the International Civil Aviation Organisation.

Article 21

1. As soon as twelve of the signatory States have deposited their instruments of ratification of this Convention, it shall come into force between them on the ninetieth day after the date of the deposit of the twelfth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.

2. As soon as this Convention comes into force, it shall be registered with the Secretary-General of the United Nations by the International Civil Aviation Organisation.

Article 22

1. This Convention shall, after it has come into force, be open for accession by any State Member of the United Nations or of any of the Specialised Agencies.

2. The accession of a State shall be effected by the deposit of an instrument of accession with the International Civil Aviation Organisation and shall take effect on the ninetieth day after the date of such deposit.

Article 23

1. Any Contracting State may denounce this Convention by notification addressed to the International Civil Aviation Organisation.

2. Denunciation shall take effect six months after the date of receipt by the International Civil Aviation Organisation of the notification of denunciation.

Article 24

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 International Civil Aviation Organisation.

Article 25

Except as provided in Article 24 no reservation may be made to this Convention.

Article 26

The International Civil Aviation Organisation shall give notice to all States Members of the United Nations or of any of the Specialised Agencies:

(*a*) of any signature of this Convention and the date thereof;

(*b*) of the deposit of any instrument of ratification or accession and the date thereof;

(*c*) of the date on which this Convention comes into force in accordance with Article 21, paragraph 1;

(*d*) of the receipt of any notification of denunciation and the date thereof; and

(*e*) of the receipt of any declaration or notification made under Article 24 and the date thereof.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having been duly authorised, have signed this Convention.

DONE at Tokyo on the fourteenth day of September One Thousand Nine Hundred and Sixty-three in three authentic texts drawn up in the English, French and Spanish languages.

This Convention shall be deposited with the International Civil Aviation Organisation with which, in accordance with Article 19, it shall remain open for signature and the said Organisation shall send certified copies thereof to all States Members of the United Nations or of any Specialised Agency.

(Here follow signatures on behalf of certain States).

SECOND SCHEDULE

Convention for the Suppression of Unlawful Seizure of Aircraft

Preamble

THE STATES Parties to this Convention

CONSIDERING that unlawful acts of seizure or exercise of control of aircraft in flight jeopardise 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

Any person who on board an aircraft in flight:

(*a*) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or

(*b*) is an accomplice of a person who performs or attempts to perform any such act

commits an offence (hereinafter referred to as "the offence").

Article 2

Each Contracting State undertakes to make the offence punishable by severe penalties.

Article 3

1. For the purposes of this Convention, 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.

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

3. This Convention shall apply only if the place of take-off or the place of actual landing of the aircraft on board which the offence is committed is situated outside the territory of the State of registration of that aircraft; it shall be immaterial whether the aircraft is engaged in an international or domestic flight.

4. In the cases mentioned in Article 5, this Convention shall not apply if the place of take-off and the place of actual landing of the aircraft on board which the offence is committed are situated within the territory of the same State where that State is one of those referred to in that Article.

5. Notwithstanding paragraphs 3 and 4 of this Article, Articles 6, 7, 8 and 10 shall apply whatever the place of take-off or the place of actual landing of the aircraft, if the offender or the alleged offender is found in the territory of a State other than the State of registration of that aircraft.

Article 4

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

(*a*) when the offence is committed on board an aircraft registered in that State;

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

(*c*) when the offence is committed 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 offence 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 5

The Contracting States which establish joint air transport operating organisations 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 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 State of registration of the aircraft, the State mentioned in Article 4, paragraph 1 (*c*), 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 their 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 offence shall be deemed to be included as an extraditable offence in any extradition treaty existing between Contracting States. Contracting States undertake to include the offence as an extraditable offence 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 offence. 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 recognise the offence as an extraditable offence between themselves subject to the conditions provided by the law of the requested State.

4. The offence 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 4, paragraph 1.

Article 9

1. When any of the Acts mentioned in Article 1 (*a*) has occurred or is about to occur, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft.

2. In the cases contemplated by the preceding paragraph, any Contracting State in which the aircraft or its 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 10

1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offence and other acts mentioned in Article 4. 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 11

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 9;

(*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 12

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 13

1. This Convention shall be open for signature at The Hague on 16 December, 1970, by States participating in the International Conference on Air Law held at The Hague from 1 to 16 December, 1970 (hereinafter referred to as The Hague Conference). After 31 December, 1970, 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 Hague 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 14

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 authorised thereto by their Governments have signed this Convention.

DONE at The Hague, this sixteenth day of December, one thousand nine hundred and seventy, 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).

Number 29 *of* 1973

AIR NAVIGATION AND TRANSPORT ACT 1973

REVISED

Updated to 1 May 2023

About this Revised Act

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 1922: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Air Navigation and Transport Act 2022* (40/2022), s. 1(3)). 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 Act 1988* (15/1988)
- *Air Navigation and Transport (Preinspection) Act 1986* (18/1986)
- *Air Navigation and Transport (Amendment) Act 1998* (24/1998)
- *Air Navigation and Transport Act 2022* (24/2022)

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

- *Criminal Procedure Act 2010* (27/2010)
- *State Airports Act 2004* (32/2004)
- *Aviation Regulation Act 2001* (1/2001)
- *Air Navigation and Transport (Amendment) Act 1998* (24/1998)
- *Bail Act 1997* (16/1997)
- *Air Navigation and Transport Act 1988* (15/1988)
- *Criminal Law (Jurisdiction) Act 1976* (14/1976)

All Acts up to and including *Patient Safety (Notifiable Incidents and Open Disclosure) Act 2023* (10/2023), enacted 2 May 2023, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Air Navigation and Transport Act, 1973 (Commencement) Order 1973* (S.I. No. 343 of 1973)

All statutory instruments up to and including *Air Navigation and Transport Act 2022 (Commencement) Order 2023* (S.I. No. 220 of 2023), made 27 April 2023, were considered in the preparation of this revision.