

**CIVIL AVIATION (HIJACKING AND OTHER OFFENCES) ACT**

Act 33 of 1985 – 27 April 1985

ARRANGEMENT OF SECTIONS

SECTION

1. Short title
2. Interpretation
3. Application of Conventions
4. Hijacking
5. Violence against passengers or crew
- 5A. Unruly and disruptive passengers
6. Endangering the safety of aircraft
- 6A. Endangering the safety of airport and airport facilities
7. Prosecutions
- 7A. Jurisdiction
8. Regulations
9. —

FIRST SCHEDULE

SECOND SCHEDULE

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**CIVIL AVIATION (HIJACKING AND OTHER OFFENCES) ACT**

**1. Short title**

This Act may be cited as the Civil Aviation (Hijacking and Other Offences) Act.

**2. Interpretation**

In this Act—

“aerodrome” has the same meaning as in the Civil Aviation Act;

“aircraft” shall not include a police, military or customs aircraft;

“airport” means an aerodrome, any passenger and freight terminal and other facilities serving international and domestic civil aviation;

“competent authority” means the Director of Civil Aviation or such other authority as may be prescribed;

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

“Minister” means the Prime Minister;

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

“serious injury” has the same meaning as in the Civil Aviation Regulations 1986;

“Tokyo Convention” means the Convention on Offences and certain other Acts committed on Board Aircraft, done at Tokyo on 14 September 1963.

[S. 2 amended by Act 32 of 1994; s. 3 of Act 12 of 2007 w.e.f. 11 August 2007.]

### **3. Application of Conventions**

The Hague Convention, the Montreal Convention and the Tokyo Convention shall have the force of law in Mauritius.

### **4. Hijacking**

(1) Any person who unlawfully, by force or threat or by any other form of intimidation and while on board an aircraft in flight—

- (a) seizes or exercises control of the aircraft;
- (b) attempts to seize or exercise control of the aircraft;
- (c) is an accomplice of any person who performs any act specified in paragraph (a) or (b),

shall commit the offence of hijacking and shall, on conviction, be liable to imprisonment for life.

(2) For the purposes of this section, the period during which an aircraft is in flight shall be deemed to include any period from the moment when the external doors are closed following embarkation until the moment when any such door is opened for disembarkation, and, in the case of a forced landing, any period until the competent authorities take over the responsibility for the aircraft and for persons and property on board.

(3) —

[S. 4 amended by s. 4 of Act 12 of 2007 w.e.f. 11 August 2007.]

### **5. Violence against passengers or crew**

(1) Subject to subsection (2), any person who does outside Mauritius any act on board an aircraft in flight, which if done in Mauritius, would constitute any of the offences specified in the First Schedule shall commit that offence and shall, on conviction, be liable to the penalty provided for that offence.

(2) No prosecution shall ensue under this section where the act complained of is done in a country under the laws of which the act is authorised.

(3) —

(4) For the purposes of this section, an aircraft shall be deemed to be in flight during the period specified in section 4 (2).

(5) —

[S. 5 amended by s. 5 of Act 12 of 2007 w.e.f. 11 August 2007.]

**5A. Unruly and disruptive passengers**

(1) Any person who, on board an aircraft in flight—

- (a) intimidates or threatens a crew member, whether physically or verbally, or uses abusive language against him, or lessens the ability of a crew member to perform his duties;
- (b) obstructs or hinders a crew member in the performance of his duties;
- (c) wilfully refuses to follow a lawful instruction given by the aircraft commander, or on behalf of the aircraft commander by a crew member, for the purpose of ensuring the safety of the aircraft or of any person or property on board, or for the purpose of maintaining good order and discipline on board,

shall commit an offence.

(2) Any person who, on board an aircraft in flight—

- (a) intimidates or threatens, whether physically or verbally, another person or uses abusive language against another person;
- (b) wilfully damages or destroys property not belonging to him;
- (c) is under the influence of an intoxicating drink or of a drug to such an extent as to be incapable of having proper control of himself,

shall commit an offence.

(3) Any person who, on board an aircraft in flight—

- (a) smokes—
  - (i) in a lavatory;
  - (ii) when a “no smoking sign” is displayed;
  - (iii) contrary to any instruction given, or announcement made, by a crew member;
  - (iv) in any manner likely to endanger the safety of the aircraft;
- (b) tampers with a smoke detector or any other safety-related device;
- (c) operates a portable electronic device without the authorisation of the aircraft commander,

shall commit an offence.

(4) Any person who commits an offence under subsection (1), (2) or (3) shall, on conviction, be liable to a fine not exceeding 50,000 rupees and to imprisonment for a term not exceeding 2 years.

(5) For the purposes of this section, the period during which an aircraft is in flight shall be deemed to include the period specified in section 4 (2).

[S. 5A inserted by s. 6 of Act 12 of 2007 w.e.f. 11 August 2007.]

**6. Endangering the safety of aircraft**

(1) Any person who, in Mauritius, including its territorial waters—

- (a) makes use of violence against any person or object on board an aircraft in flight which is likely to imperil the safety of the aircraft;
- (b) destroys an aircraft in service;
- (c) damages an aircraft in service in such a way or to such an extent as to render flight impossible or unsafe;
- (d) in any manner and by any means, places or causes to be placed on board an aircraft in service a substance likely to destroy the aircraft or so to damage it as to imperil the safety of the aircraft in flight;
- (e) destroys, damages or interferes with the operation of any air navigation facilities in such a way or to such an extent as to be likely to imperil the safety of an aircraft in flight;
- (f) knowingly communicates any false information which imperils the safety of an aircraft,

shall commit an offence.

(2) Any person who attempts to do or is an accomplice of any person who does or attempts to do any of the acts specified in subsection (1) shall commit an offence.

(3) Any person who commits an offence under this section shall, on conviction, be liable to imprisonment for life.

(4) For the purposes of this section, an aircraft shall be deemed to be—

- (a) in service from the beginning of its preflight preparation for a specific flight by crew or ground personnel, while it is in flight and for 24 hours after any landing;
- (b) in flight during the period specified in section 4 (2).

**6A. Endangering the safety of airport and airport facilities**

(1) Any person who, at an airport, unlawfully and by means of any device, substance or weapon—

- (a) makes use of violence against any person which causes or is likely to cause serious injury or death to that person;
- (b) performs any act which causes or is likely to cause serious damage to the environment;
- (c) destroys or seriously damages any aircraft not in service located thereon;
- (d) disrupts the services of an airport,

shall, where any of the acts specified in paragraphs (a) to (d) endangers or is likely to endanger safety at that airport, commit an offence.

(2) Any person who attempts to do or is an accomplice of any person who does any of the acts specified in subsection (1) shall commit an offence.

(3) Any person who commits an offence under this section shall, on conviction, be liable to imprisonment for life.

[S. 6A inserted by Act 32 of 1994.]

## **7. Prosecutions**

A prosecution under this Act shall—

- (a) not be commenced without the express consent of the Director of Public Prosecutions;
- (b) be instituted before a Judge without a jury or the Intermediate Court as the Director of Public Prosecutions may decide.

## **7A. Jurisdiction**

(1) Sections 4, 5 and 5A shall apply where the offence is committed on board an aircraft which—

- (a) is registered in Mauritius;
- (b) is in the service of Mauritius; or
- (c) lands in Mauritius with the offender still on board and the aircraft commander delivers the offender to the police in Mauritius with an affirmation that no request to prosecute the offender has been made by the commander to any other State or the aircraft operator.

(2) For the purposes of this section, an aircraft shall be deemed to be in the service of Mauritius where it is operated by any company or body holding an air operator certificate issued by the competent authority in Mauritius.

(3) Any act or omission under section 4, 5 or 5A shall be deemed, for the purposes of criminal jurisdiction, to have taken place in the district of Port Louis, and the law of Mauritius shall have effect in relation to that act or omission as if it had taken place in Mauritius.

[S. 7A inserted by s. 7 of Act 12 of 2007 w.e.f. 11 August 2007.]

## **8. Regulations**

The Minister may, by regulations, amend this Act for the purposes of the Conventions specified in section 3.

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**FIRST SCHEDULE**

[Section 5 (1)]

**PART I – UNDER THE CRIMINAL CODE**

Assault  
Attempt upon chastity  
Larceny  
Manslaughter  
Murder  
Unlawful detention  
Wounds and blows

**PART II – UNDER THE FIREARMS ACT**

Possession of firearm, imitation firearm or ammunition, with intent by means of it to endanger life.

[First Sch. amended by Act 32 of 1994; repealed and replaced by s. 8 of Act 12 of 2007 w.e.f. 11 August 2007.]

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**SECOND SCHEDULE**

[Second Sch. repealed by s. 9 of Act 12 of 2007 w.e.f. 11 August 2007.]

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