

APPENDIX

Model Legislation on Certain Offences Committed on Board Civil Aircraft¹

Section 1: Assault and Other Acts of Interference against a Crew Member on board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- (1) assault, intimidation or threat, whether physical or verbal, against a crew member, if such act interferes with the performance of the duties of the crew member or lessens the ability of the crew member to perform those duties;
- (2) refusal 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.

Section 2: Assault and Other Acts Endangering Safety or Jeopardizing Good Order and Discipline on Board a Civil Aircraft

- (1) Any person who commits on board a civil aircraft an act of physical violence against a person or of sexual assault or child molestation thereby commits an offence.
- (2) Any person who commits on board a civil aircraft any of the following acts thereby commits an offence if such act is likely to endanger the safety of the aircraft or of any person on board or if such act jeopardizes the good order and discipline on board the aircraft:
 - (a) assault, intimidation or threat, whether physical or verbal, against another person;
 - (b) intentionally causing damage to, or destruction of, property;
 - (c) consuming alcoholic beverages or drugs resulting in intoxication.

Section 3: Other Offences Committed on Board a Civil Aircraft

Any person who commits on board a civil aircraft any of the following acts thereby commits an offence:

- (1) smoking in a lavatory, or smoking elsewhere in a manner likely to endanger the safety of the aircraft;

¹ ICAO Circular 288/LE1 Guidance Material on the Legal Aspects of Unruly/Disruptive Passengers

- (2) tampering with a smoke detector or any other safety-related devices on board the aircraft;
- (3) operating a portable electronic device when such act is prohibited.

Section 4: Jurisdiction

1. The jurisdiction of *(Name of State)* shall extend to any offence under Sections 1, 2, or 3 of this Act if the act constituting the offence took place on board:
 - (1) any civil aircraft registered in *(Name of State)*; or
 - (2) any civil aircraft leased with or without crew to an operator whose principal place of business is in *(Name of State)* or, if the operator does not have a principal place of business, whose permanent residence is in *(Name of State)*; or
 - (3) any civil aircraft on or over the territory of *(Name of State)*; or
 - (4) any other civil aircraft in flight outside *(Name of State)*, if
 - (a) the next landing of the aircraft is in *(Name of State)*; and
 - (b) the aircraft commander has delivered the suspected offender to the competent authorities of *(Name of State)*, with the request that the authorities prosecute the suspected offender and with the affirmation that no similar request has been or will be made by the commander or the operator to any other State.
2. The term "in flight" as used in this section means the period from the moment when power is applied for the purpose of take-off until the