



Rules

Concerning Delivery of a Person and the Affirmation of No Request for Prosecution of the Person in Any Other State

B.E. 2562

Whereas it is expedient to stipulate criteria and conditions on which a person will be delivered by the aircraft commander or not, and under which the affirmation that no request for prosecution of the person has been or will be made by the aircraft commander or the aircraft operator to any other state in the case where a Thai aircraft lands outside the Kingdom.

By virtue of Section 32 of the Certain Offences against Air Navigation Act B.E. 2558 (2015), the Permanent Secretary of the Ministry of Foreign Affairs, the Permanent Secretary of the Ministry of Transport and the Permanent Secretary of the Ministry of Interior jointly prescribe the Rules as follows:

Article 1 These Rules shall be cited as the “Rules Concerning Delivery of a Person and the Affirmation of No Request for Prosecution of the Person in Any Other State B.E. 2562 (2019).”

Article 2 These Rules shall come into force upon expiration of ninety days from the date of publication thereof in the Government Gazette.

Article 3 When a Thai aircraft lands outside the Kingdom, the aircraft commander may deliver any person to the competent authorities of the State in the territory of which the aircraft lands under the following criteria and conditions:

(1) the aircraft commander has reasonable grounds to believe that such person has committed on board the aircraft an act which, in his opinion, is a serious offence according to the Ministerial Regulation issued by virtue of Section 30 (2);

(2) the act committed by such person constitutes an offence against penal law of the State in the territory of which the Thai aircraft lands;

(3) the aircraft commander has notified or reported the competent authorities of the State in the territory of which the Thai aircraft lands, in accordance with the criteria and procedures specified by that State; and

(4) the State in the territory of which the Thai aircraft lands is a State Party to the Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14 September B.E. 2506 (1963).

Article 4 In the case that the law of the State in the territory of which the Thai aircraft lands requires the affirmation that no request for prosecution of the person has been or will be made to any other state, the aircraft commander or the aircraft operator shall make such affirmation in writing.

The affirmation form shall be in the format as specified by the State in the territory of which the Thai aircraft lands. In the case where such State does not specify the affirmation form, the Affirmation Form attached to these Rules shall be used.

Article 5 The aircraft commander or the aircraft operator shall submit the affirmation pursuant to Article 4 upon the delivery of the person to the competent authorities of the State in the territory of which the Thai aircraft lands. A copy of the affirmation shall be submitted to the Director General of the Civil Aviation Authority of Thailand.

Announced on the 15th July B.E. 2562 (2019),

-Signature-
(Mrs.Busaya Mathelin)
Permanent Secretary
Ministry of Foreign Affairs

-Signature-
(Mr.Chaiwat Thongkamkoon)
Permanent Secretary
Ministry of Transport

-Signature-
(Mr.Chatchai Promlert)
Permanent Secretary
Ministry of Interior