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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 454. 22 Maart 1972.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 10 van 1972: Wet op Misdrywe teen Burgerlike Lugvaart, 1972.

DEPARTMENT OF THE PRIME MINISTER.

No. 454. 22nd March, 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 10 of 1972: Civil Aviation Offences Act, 1972.

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WET

Om uitvoering te gee aan die Konvensie op Misdrywe en sekere ander Dade wat op Lugvaartuie gepleeg word; die Konvensie ter Onderdrukking van Skaking van Lugvaartuie; en die Konvensie ter Onderdrukking van onwettige Dade teen die Veiligheid van Burgerlike Lugvaart; tot wysiging van die Lugvaartwet, 1962; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(*Afrikaanse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 14 *Maart* 1972.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woord-omskrywing.

1. Tensy uit die samehang anders blyk, beteken in hierdie Wet—

(i) „eed" ook 'n bevestiging of verklaring in die geval van persone wat volgens die reg van 'n betrokke land toegelaat word om te bevestig of te verklaar in plaas van om te sweer; (iv)

(ii) „gesagvoerder", met betrekking tot 'n lugvaartuig, die bemanningslid wat deur die eksploitant van daardie lugvaartuig as die gesagvoerder daarvan aangewys is, of, by gebreke aan so iemand, die persoon wat die diensdoende vlieënier-gesagvoerder van daardie lugvaartuig is; (ii)

(iii) „konvensieland" 'n land waarin òf die Konvensie op Misdrywe en sekere ander Dade wat op Lugvaartuie gepleeg word, òf die Konvensie ter Onderdrukking van Skaking van Lugvaartuie, òf die Konvensie ter Onderdrukking van onwettige Dade teen die Veiligheid van Burgerlike Lugvaart op ter sake tye van toepassing is; (iii)

(iv) „lugvaartuig" 'n masjien wat in die atmosfeer steun kan kry deur die reaksie van die lug, behalwe die reaksie van die lug teen die oppervlakte van die aarde; (i)

(v) „Republiek" ook 'n gebied ten opsigte waarvan die Parlement wette kan maak; (vi)

(vi) „Suid-Afrikaanse lugvaartuig" 'n lugvaartuig wat in die Republiek geregistreer is, en ook 'n lugvaartuig wat geëksploiteer word deur organisasies wat gesamentlike lugvervoer onderneem of agentskappe wat op internasionale gebied sake doen en deur die Staat en 'n ander konvensieland gestig is, en ten opsigte waarvan die Minister van Vervoer by kennisgewing in die *Staatskoerant* verklaar dat dit 'n Suid-Afrikaanse lugvaartuig is; (vii)

(vii) „vlieënier-gesagvoerder", met betrekking tot 'n lugvaartuig, iemand wat op die ter sake tydstip beheer voer oor die besturing van dié lugvaartuig sonder dat hy onder die bevel is van 'n ander vlieënier in dié lugvaartuig. (v)

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ACT

To give effect to the Convention on Offences and certain other Acts committed on board Aircraft; the Convention for the Suppression of unlawful Seizure of Aircraft; and the Convention for the Suppression of unlawful Acts against the Safety of Civil Aviation; to amend the Aviation Act, 1962; and to provide for matters connected therewith.

(*Afrikaans text signed by the State President.*)
(*Assented to* 14*th March*, 1972.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. (1) In this Act, unless the context otherwise indicates—

(i) "aircraft" means any machine that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the surface of the earth; (iv)

(ii) "commander", in relation to an aircraft, means the member of the crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of that aircraft; (ii)

(iii) "convention country" means a country in which either the Convention on Offences and certain other Acts committed on board Aircraft or the Convention for the Suppression of unlawful Seizure of Aircraft, or the Convention for the Suppression of unlawful Acts against the Safety of Civil Aviation is for the time being in force; (iii)

(iv) "oath" includes an affirmation or declaration in the case of persons allowed by the law of any country concerned to affirm or declare instead of swearing; (i)

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

(vi) "Republic" includes any territory in respect of which Parliament is competent to legislate; (v)

(vii) "South African aircraft" means an aircraft registered in the Republic and includes any aircraft that is operated by joint air transport operating organizations or international operating agencies established by the State and any other convention country and that is declared by the Minister of Transport, by notice in the *Gazette*, to be a South African aircraft. (vi)

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(2) By die toepassing van hierdie Wet word 'n lugvaartuig geag in vlug te wees—

(*a*) te eniger tyd van die oomblik af dat al die buitedeure daarvan na inskeping toegemaak is tot op die oomblik dat so 'n deur oopgemaak word vir ontskeping of, indien die lugvaartuig 'n noodlanding doen, tot op die oomblik dat die bevoegde instansies van die land waarin die noodlanding plaasvind, verantwoordelikheid vir die lugvaartuig en vir die persone en goed aan boord aanvaar;

(*b*) gedurende 'n tydperk wanneer dit op die oppervlakte van die see of land is, maar nie binne die territoriale grense van die een of ander land nie.

(3) By die toepassing van hierdie Wet word 'n lugvaartuig geag in gebruik te wees vanaf die aanvang van die voorbereiding, vóór die vlug, van die lugvaartuig deur die grondpersoneel of deur die bemanning, vir 'n bepaalde vlug tot vier-en-twintig uur na landing.

Misdrywe en strawwe.

2. Iemand wat—

(*a*) op 'n lugvaartuig in vlug—

(i) deur middel van geweld of dreiging met geweld of deur middel van 'n ander vorm van vreesaanjaging en sonder wettige rede daardie lugvaartuig skaak of beheer daaroor uitoefen;

(ii) iemand aanrand, indien dié aanranding waarskynlik die veiligheid van daardie lugvaartuig in gevaar sal bring;

(iii) 'n lid van die bemanning van daardie lugvaartuig by die uitvoering van sy pligte aanrand of opsetlik belemmer;

(*b*) 'n lugvaartuig wat in gebruik is, vernietig of opsetlik aan so 'n lugvaartuig skade veroorsaak wat dit ongeskik vir vlug maak of wat waarskynlik die veiligheid daarvan in vlug in gevaar sal bring;

(*c*) op enige wyse hoegenaamd, op 'n lugvaartuig wat in gebruik is, 'n toestel of stof plaas wat waarskynlik dié lugvaartuig sal vernietig of skade daaraan sal veroorsaak wat dit ongeskik vir vlug maak of waarskynlik die veiligheid daarvan in vlug in gevaar sal bring;

(*d*) lugvaartfasiliteite vernietig of opsetlik beskadig of opsetlik die werking daarvan belemmer, indien sodanige vernietiging, skade of belemmering waarskynlik die veiligheid van lugvaartuie in vlug in gevaar sal bring;

(*e*) inligting oorbring ten opsigte waarvan hy weet dat dit vals is, en daardeur die veiligheid van 'n lugvaartuig in vlug in gevaar bring;

(*f*) valslik beweer dat iemand anders op die punt staan om 'n oortreding van paragraaf (*a*) (i) of (*c*) te pleeg of 'n oortreding van genoemde paragraaf (*c*) gepleeg het;

(*g*) 'n ander handeling verrig wat die veiligheid van 'n lugvaartuig in vlug of van persone of goed daarin in gevaar stel of kan stel, of wat die goeie orde en tug op 'n lugvaartuig in vlug in gevaar kan stel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van minstens vyf maar hoogstens dertig jaar.

Daad of versuim wat buite die Republiek plaasvind.

3. (1) 'n Daad of versuim wat plaasvind op 'n Suid-Afrikaanse lugvaartuig in vlug elders as in of oor die Republiek en wat 'n misdryf sou wees indien dit in of oor die Republiek plaasvind, maak daardie misdryf uit.

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(2) For the purposes of this Act an aircraft shall be deemed to be in flight—

(*a*) 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 or, if the aircraft makes a forced landing, until the moment when the competent authorities of the country in which the forced landing takes place, take over the responsibility for the aircraft and for the persons and property on board;

(*b*) during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(3) For the purposes of this Act an aircraft shall be deemed to be in service from the beginning of the preflight preparation of such aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing.

Offences and penalties.

2. Any person who—

(*a*) on board any aircraft in flight—

(i) by force or threat of force or by any other form of intimidation and without lawful reason seizes, or exercises control of, that aircraft;

(ii) assaults any person, if such assault is likely to endanger the safety of that aircraft;

(iii) assaults or wilfully interferes with any member of the crew of that aircraft in the performance of his duties;

(*b*) destroys an aircraft in service or wilfully causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;

(*c*) places on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft or to cause damage to it which renders it incapable of flight or is likely to endanger its safety in flight;

(*d*) destroys or wilfully damages air navigation facilities or wilfully interferes with their operation, if such destruction, damage or interference is likely to endanger the safety of aircraft in flight;

(*e*) communicates information which he knows to be false, thereby endangering the safety of an aircraft in flight;

(*f*) falsely alleges that any other person is about to commit a contravention of paragraph (*a*) (i) or (*c*) or has committed a contravention of the said paragraph (*c*);

(*g*) performs any other act which jeopardizes or may jeopardize the safety of an aircraft in flight or of persons or property therein or which may jeopardize good order and discipline on board an aircraft in flight,

shall be guilty of an offence and liable on conviction to imprisonment for a period of not less than five years but not exceeding thirty years.

Acts or omissions taking place outside the Republic.

3. (1) Any act or omission taking place on board a South African aircraft in flight elsewhere than in or over the Republic and which, if taking place in or over the Republic, would be an offence, shall constitute that offence.

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(2) 'n Daad wat in artikel 2 beoog word en wat gepleeg word buite die Republiek op 'n lugvaartuig in vlug, behalwe 'n Suid-Afrikaanse lugvaartuig, en 'n gewelddaad teen passasiers of bemanning wat op so 'n lugvaartuig deur iemand gepleeg word in verband met 'n daad beoog in artikel 2 (*a*) (i), word—

(*a*) indien daardie lugvaartuig in die Republiek land met die persoon wat daardie daad gepleeg het, nog aan boord;

(*b*) indien daardie lugvaartuig sonder bemanning verhuur word aan 'n huurder wat sy vernaamste sakeplek of, indien hy nie so 'n sakeplek het nie, sy vaste verblyfplek, in die Republiek het; of

(*c*) indien daardie persoon in die Republiek aanwesig is,

geag ook in die Republiek gepleeg te wees.

Jurisdiksie.

4. 'n Misdryf beoog in artikel 3 (2) word vir die doeleindes van jurisdiksie geag gepleeg te wees op enige plek waar die beskuldigde hom bevind.

Uitlewering.

5. (1) Iedere misdryf beoog in artikel 2 word geag 'n misdryf te wees ten opsigte waarvan voorsiening gemaak word vir uitlewering deur die Staat ingevolge iedere uitleweringsooreenkoms, soos omskryf in artikel 1 van die Wet op Uitlewering, 1962 (Wet No. 67 van 1962), wat met 'n ander konvensieland aangegaan is.

(2) Vir die doeleindes van die toepassing van genoemde Wet op 'n misdryf wat gepleeg is op 'n lugvaartuig in vlug—

(*a*) word 'n lugvaartuig wat in 'n konvensieland geregistreer is, te eniger tyd terwyl daardie lugvaartuig in vlug is, geag binne die jurisdiksie van daardie land te wees, ongeag of dit op die betrokke tydstip ook binne die jurisdiksie van 'n ander land is;

(*b*) indien dié lugvaartuig in 'n ander konvensieland land met die oortreder nog aan boord, word die misdryf geag ook in daardie land gepleeg te wees;

(*c*) indien dié lugvaartuig sonder bemanning verhuur is aan 'n huurder wat sy vernaamste sakeplek, of, indien hy nie so 'n sakeplek het nie, sy vaste verblyfplek in 'n ander konvensieland het, word die misdryf geag ook in daardie land gepleeg te wees.

Bevoegdhede van gesagvoerder van lugvaartuig en sekere ander persone op 'n lugvaartuig.

6. (1) Indien die gesagvoerder van 'n lugvaartuig in vlug, waar daardie lugvaartuig ook al is, redelike gronde het om ten opsigte van iemand op die lugvaartuig te vermoed—

(*a*) dat hy 'n handeling verrig het of op die punt staan om 'n handeling te verrig op die lugvaartuig in vlug wat—

(i) die veiligheid van die lugvaartuig of van persone of goed op die lugvaartuig;

(ii) goeie orde en tug op die lugvaartuig,

in gevaar stel of in gevaar kan stel; of

(*b*) dat hy op die lugvaartuig in vlug 'n handeling verrig het wat, volgens die oordeel van die gesagvoerder, 'n ernstige misdryf is kragtens die reg wat van krag is in die land waarin die lugvaartuig geregistreer is,

dan kan die gesagvoerder, behoudens die bepalings van subartikel (3), ten opsigte van so iemand die redelike maatreëls tref, met inbegrip van aanhouding, wat nodig is—

(i) om die veiligheid van die lugvaartuig of van persone of van goed op die lugvaartuig te beskerm; of

(ii) om goeie orde en tug op die lugvaartuig te handhaaf; of

(iii) om die gesagvoerder in staat te stel om so iemand ooreenkomstig die bepalings van subartikel (4) te ontskeep of te oorhandig.

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(2) Any act contemplated in section 2 and committed outside the Republic on board any aircraft in flight, other than a South African aircraft, and any act of violence against passengers or crew committed on any such aircraft by a person in connection with an act contemplated in section 2 (*a*) (i), shall—

(*a*) if such aircraft lands in the Republic with the person who committed any such act, still on board;

(*b*) if such aircraft is leased without crew to a lessee who has his principal place of business or, if he has no such place of business, his permanent residence, in the Republic; or

(*c*) if that person is present in the Republic,

be deemed to have been committed also in the Republic.

Jurisdiction.

4. Any offence contemplated in section 3 (2) shall for the purposes of jurisdiction be deemed to have been committed in any place where the accused happens to be.

Extradition.

5. (1) Every offence contemplated in section 2 shall be deemed to be an offence in respect of which provision is made for extradition by the State in terms of every extradition agreement, as defined in section 1 of the Extradition Act, 1962 (Act No. 67 of 1962), entered into with any other convention country.

(2) For the purposes of the application of the said Act to an offence committed on board an aircraft in flight—

(*a*) any aircraft registered in any convention country shall, at any time while that aircraft is in flight, be deemed to be within the jurisdiction of that country, whether or not it is for the time being also within the jurisdiction of any other country;

(*b*) if such aircraft lands in any other convention country with the offender still on board, the offence shall be deemed to have been committed also in that country;

(*c*) if such aircraft was leased without crew to a lessee who has his principal place of business or, if he has no such place of business, his permanent residence in any other convention country, the offence shall be deemed to have been committed also in that country.

Powers of commander of aircraft and certain other persons on board an aircraft.

6. (1) If the commander of an aircraft in flight, wherever that aircraft may be, has reasonable grounds to believe in respect of any person on board the aircraft—

(*a*) that he has done or is about to do any act on the aircraft in flight which jeopardizes or may jeopardize—

(i) the safety of the aircraft or of persons or property on board the aircraft; or

(ii) good order and discipline on board the aircraft; or

(*b*) that he has done on the aircraft in flight any act which in the opinion of the commander is a serious offence under the law in force in the country in which the aircraft is registered,

then, subject to the provisions of subsection (3), the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary—

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

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

(iii) to enable the commander to disembark or deliver that person in accordance with the provisions of subsection (4).

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(2) 'n Lid van die bemanning van 'n lugvaartuig en iemand anders aan boord kan, op versoek of met die magtiging van die gesagvoerder van die lugvaartuig, en iedere sodanige lid moet, indien die gesagvoerder dit vereis, bystand verleen by die aanhouding van iemand wat die gesagvoerder kragtens subartikel (1) kan aanhou, en so 'n lid of iemand anders kan te eniger tyd terwyl 'n lugvaartuig in vlug is, en sonder om die magtiging van die gesagvoerder te verkry, met betrekking tot iemand op die lugvaartuig, die maatreëls tref wat in genoemde subartikel (1) vermeld word en ten opsigte waarvan hy redelike gronde het om te dink dat dit redelikerwys noodsaaklik is om die veiligheid van die lugvaartuig of van persone of van eiendom op die lugvaartuig te beskerm.

(3) Die aanhouding van iemand op 'n lugvaartuig kragtens die bevoegdhede by subartikels (1) en (2) verleen, word nie voortgesit na die tydstip waarop die lugvaartuig vir die eerste keer daarna ophou om in vlug te wees nie, tensy die gesagvoerder van die lugvaartuig vóór of so gou as wat redelikerwys doenlik is ná daardie tydstip, kennis van die feit dat iemand op die lugvaartuig aangehou word en van die redes daarvoor laat gee aan 'n bevoegde instansie van die land waarin die lugvaartuig aldus ophou om in vlug te wees, en kan, indien sodanige kennis aldus gegee is, na daardie tydstip voortgesit word—

(*a*) vir 'n tydperk (met inbegrip van die tydperk van 'n verdere vlug) tussen daardie tydstip en die eerste geleentheid daarna waarop die gesagvoerder in staat is om met enige vereiste toestemming van die gepaste instansies, die persoon wat aangehou word, ooreenkomstig subartikel (4) te ontskeep of te oorhandig; of

(*b*) indien die persoon wat aangehou word, toestem om sy reis op daardie lugvaartuig voort te sit terwyl hy aangehou word.

(4) Die gesagvoerder van 'n lugvaartuig kan—

(*a*) indien, in die geval van iemand op die lugvaartuig, hy redelike gronde het—

(i) om te vermoed soos in subartikel (1) (*a*) vermeld; en

(ii) om te dink dat dit nodig is om dit te doen ten einde die veiligheid van die lugvaartuig of van persone of goed op die lugvaartuig te beskerm of om goeie orde en tug op die lugvaartuig te handhaaf,

so iemand ontskeep in enige land waarin daardie lugvaartuig is; en

(*b*) indien, in die geval van iemand op die lugvaartuig, hy redelike gronde het om te vermoed soos in subartikel (1) (*b*) vermeld, so iemand oorhandig—

(i) in die Republiek, aan 'n lid van 'n polisiemag wat ingevolge 'n wet ingestel is, of aan 'n immigrasiebeampte; of

(ii) in 'n ander konvensieland, aan 'n beampte met funksies wat ooreenstem met die funksies, in die Republiek, òf van so 'n lid òf van 'n immigrasiebeampte.

(5) Die gesagvoerder van 'n lugvaartuig moet—

(*a*) indien hy iemand ingevolge subartikel (4) (*a*) ontskeep, in die geval van 'n Suid-Afrikaanse lugvaartuig, in enige land, of, in die geval van 'n ander lugvaartuig, in die Republiek, die ontskeping, en die redes daarvoor, aanmeld by—

(i) 'n gepaste instansie in die land waar die ontskeping plaasvind; en

(ii) die gepaste diplomatieke of konsulêre kantoor van die land van nasionaliteit van so iemand;

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(2) Any member of the crew of an aircraft and any other person on board may, at the request or with the authority of the commander of the aircraft, and any such member shall, if so required by the commander, render assistance in restraining any person whom the commander is entitled, under subsection (1), to restrain, and at any time while an aircraft is in flight any such member or other person may, without obtaining the authority of the commander, take with respect to any person on board the aircraft any measures such as are mentioned in the said subsection (1) which he has reasonable grounds to believe are reasonably necessary to protect the safety of the aircraft or of persons or of property on board the aircraft.

(3) Any restraint imposed on any person on board an aircraft under the powers conferred by subsections (1) and (2), shall not be continued after the time when the aircraft first thereafter ceases to be in flight, unless before or as soon as is reasonably practicable after that time the commander of the aircraft causes notice of the fact that a person on board the aircraft is under restraint and of the reasons therefor to be sent to an appropriate authority of the country in which the aircraft so ceases to be in flight, and may, if such notice has been so sent, be continued after that time—

(*a*) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able, with any requisite consent of the appropriate authorities, to disembark or deliver the person under restraint in accordance with subsection (4); or

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

(4) The commander of an aircraft—

(*a*) if, in the case of any person on board the aircraft, he has reasonable grounds—

(i) to believe as mentioned in subsection (1) (*a*); and

(ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft,

may disembark that person in any country in which that aircraft may be; and

(*b*) if, in the case of any person on board the aircraft, he has reasonable grounds to believe as mentioned in subsection (1) (*b*), may deliver that person—

(i) in the Republic, to a member of a police force established in terms of any law, or to an immigration officer; or

(ii) in any other convention country, to an officer having functions corresponding to the functions, in the Republic, either of such a member or of an immigration officer.

(5) The commander of an aircraft—

(*a*) if he disembarks any person in terms of subsection (4) (*a*), in the case of a South African aircraft, in any country, or, in the case of any other aircraft, in the Republic, shall report the disembarkation, and the reasons therefor, to—

(i) an appropriate authority in the country of disembarkation; and

(ii) the appropriate diplomatic or consular office of the country of nationality of that person;

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(*b*) indien hy van voorneme is om iemand ingevolge subartikel (4) (*b*) te oorhandig in die Republiek, of, in die geval van 'n Suid-Afrikaanse lugvaartuig, in 'n ander konvensieland, vóór of so gou as wat redelikerwys doenlik is ná landing, kennis van sy voorneme en van die redes daarvoor gee—

(i) indien die betrokke land die Republiek is, aan 'n lid van 'n polisiemag wat ingevolge 'n wet ingestel is, of aan 'n immigrasiebeampte, of, in die geval van 'n ander land, aan 'n beampte met funksies wat ooreenstem met die funksies, in die Republiek, òf van so 'n lid òf van 'n immigrasiebeampte; en

(ii) in iedere geval aan die gepaste diplomatieke of konsulêre kantoor van die land van nasionaliteit van so iemand.

(6) 'n Gesagvoerder van 'n lugvaartuig wat sonder redelike oorsaak versuim om aan die bepalings van subartikel (5) te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweehonderd rand.

(7) Die bepalings van subartikels (1) tot (4) geld vir die doeleindes van 'n geding voor 'n hof in die Republiek.

Toelaatbaarheid van sekere verklarings as getuienis.

7. (1) Indien in 'n geding voor 'n hof in die Republiek weens 'n misdryf wat op 'n lugvaartuig gepleeg is, die getuienis van iemand verlang word en die hof oortuig is dat so iemand nie in die Republiek opgespoor kan word nie, is as getuienis voor daardie hof toelaatbaar 'n skriftelike verklaring betreffende die onderwerp van daardie geding wat vantevore deur so iemand buite die Republiek onder eed afgelê is en wat aldus afgelê is—

(*a*) in die teenwoordigheid van die persoon wat van die misdryf aangekla is; en

(*b*) in 'n ander konvensieland aan 'n beampte met funksies wat ooreenstem met die funksies, in die Republiek, òf van 'n regter òf van 'n landdros òf van 'n konsulêre beampte.

(2) So 'n verklaring moet gewaarmerk wees deur die handtekening van die beampte voor wie dit afgelê is, wat moet gesertifiseer het dat die betrokke persoon teenwoordig was by die afneem van die verklaring.

(3) Dit is nie nodig om in 'n geding die handtekening of amptelike hoedanigheid van die persoon te bewys wat oënskynlik so 'n verklaring aldus gewaarmerk het of so 'n sertifikaat verstrek het nie, en so 'n sertifikaat is, tensy die teendeel bewys word, voldoende getuienis in 'n geding dat die persoon wat van die misdryf aangekla word, teenwoordig was by die aflê van die verklaring.

(4) Die bepalings van hierdie artikel doen nie afbreuk nie aan die toelating as getuienis van 'n verklaring wat afgesien van hierdie artikel as getuienis toelaatbaar is.

Lugvaartuie waarop Wet nie van toepassing is nie.

8. Hierdie Wet is nie van toepassing nie op lugvaartuie wat by militêre dienste of doeane- of polisiedienste gebruik word.

Toepassing van Wet in sekere gebiede.

9. Hierdie Wet en iedere wysiging daarvan is ook van toepassing in iedere gebied ten opsigte waarvan die Parlement wette kan maak.

Herroeping van artikel 16 van Wet 74 van 1962.

10. Artikel 16 van die Lugvaartwet, 1962, word hierby herroep.

Kort titel en inwerkingtreding.

11. Hierdie Wet heet die Wet op Misdrywe teen Burgerlike Lugvaart, 1972, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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(*b*) if he intends to deliver any person in terms of subsection (4) (*b*) in the Republic, or, in the case of a South African aircraft, in any other convention country, shall before or as soon as reasonably practicable after landing, give notice of his intention and of the reasons therefor—

(i) where the country in question is the Republic, to a member of a police force established in terms of any law, or to an immigration officer, or, in the case of any other country, to an officer having functions corresponding to the functions, in the Republic, either of such a member or of an immigration officer; and

(ii) in either case to the appropriate diplomatic or consular office of the country of nationality of that person.

(6) Any commander of an aircraft who without reasonable cause fails to comply with the requirements of subsection (5), shall be guilty of an offence and on conviction liable to a fine not exceeding two hundred rand.

(7) The provisions of subsections (1) to (4) shall apply for the purposes of any proceedings before a court in the Republic.

Admissibility of certain statements as evidence.

7. (1) If in any proceedings before a court in the Republic for an offence committed on board an aircraft the evidence of any person is required and the court is satisfied that that person cannot be found in the Republic, there shall be admissible in evidence before that court any statement in writing relating to the subject matter of those proceedings previously made on oath by that person outside the Republic and which was so made—

(*a*) in the presence of the person charged with the offence; and

(*b*) in any other convention country to an officer having functions corresponding to the functions, in the Republic, either of a judge or of a magistrate or of a consular officer.

(2) Any such statement shall be authenticated by the signature of the officer before whom it was made, who shall certify that the person in question was present at the taking of the statement.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing so to have authenticated any such statement or to have given such a certificate, and such certificate shall, unless the contrary is proved, be sufficient evidence in any proceedings that the person charged with the offence was present at the making of the statement.

(4) Nothing in this section contained shall prejudice the admission as evidence of any statement which is admissible in evidence apart from this section.

Aircraft to which Act does not apply.

8. This Act shall not apply to aircraft used in military, customs or police services.

Application of Act in certain territories.

9. This Act and every amendment thereof shall also apply in every territory in respect of which Parliament is competent to legislate.

Repeal of section 16 of Act 74 of 1962.

10. Section 16 of the Aviation Act, 1962, is hereby repealed.

Short title and commencement.

11. This Act shall be called the Civil Aviation Offences Act, 1972, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.