

**ACT ON CERTAIN OFFENCES AGAINST AIR NAVIGATION,
B.E. 2521 (1978)¹**

BHUMIBOL ADULYADEJ, REX;
Given on the 14th Day of August B.E. 2521;
Being the 33rd Year of the Present Reign.

His Majesty King BhumibolAdulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have a law on certain offences against air navigation;
Be it, therefore, enacted by the King, by and with the advice and consent of
the National Legislative Assembly, as follows:

Section 1. This Act is called the “Act on Certain Offences against Air Navigation, B.E. 2521 (1978)”.

Section 2.² This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. This Act shall not apply to aircrafts used in military, police or customs services.

Section 4. In this Act:
“aircraft in flight” means an aircraft whose all of its external doors are closed after boarding of passengers and/or aircrew until the moment when any external door is

¹ Translated by Ms. Mattanee Kaewpanya under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Published in the Government Gazette, Vol. 95, Part 87, Special Edition, Page 1, dated 24th August B.E. 2521 (1978).

opened for normal disembarkation, and includes cases of forced landing, until the time when the competent authority takes over the safety of the aircraft, persons, and properties on board;

“aircraft in service” means an aircraft whose ground personnel or aircrew begin the preflight preparation for a specific flight, until twenty-four hours after landing. In any event, it shall include the entire period of the aircraft being in flight;

“competent authority” means a person appointed by the Minister for the execution of this Act.

Section 5. Any person who seizes or exercises control over an aircraft in flight by committing an act of violence, or threatening to commit an act of violence against a person, or threatening to endanger the aircraft, shall be liable to death penalty, life imprisonment or imprisonment for a term of ten to twenty years.

Section 6. Any person who:

- (1) destroys an aircraft in service;
 - (2) causes damage to an aircraft in service, which renders it incapable of flight or is likely to be a cause of danger to the safety of aircraft in flight; or
 - (3) acts against an aircraft in service using devices, materials, or any other means, which may destroy or cause damage to the aircraft in order to render it incapable of flight or which is likely to be a cause of danger to the safety of aircraft in flight,
- shall be liable to death penalty, life imprisonment or imprisonment for a term of five to twenty years.

Section 6bis.³ Any person who:

- (1) commits an act of violence against a person at an airport providing civil aviation services which causes or may cause serious injury or death to that person; or
- (2) destroys or causes serious damage to facilities of an airport providing civil aviation services or aircraft not in service stationing in that airport, or disrupts the services at an airport,

³ Section 6 bis was added by the Act on Certain Offences against Air Navigation (No.2), B.E. 2538 (1995).

by using any devices, materials or weapons, and such act endangers or is likely to endanger safety of that airport, shall be liable to death penalty, life imprisonment or imprisonment for a term of five to twenty years.

Section 7. Any person who commits or threatens to commits an act of violence against a person on board an aircraft in flight, which is likely to be a cause of danger to the safety of that aircraft, shall be liable to imprisonment for a term of one to ten years and a fine of two-thousand to twenty-thousand baht.

Section 8. Any person who destroys or causes damage to air navigation facilities under the law on air navigation, or interferes with their operation by whatsoever means, which is likely to be a cause of danger to the safety of an aircraft in flight, shall be liable to imprisonment for a term of one to fifteen years and a fine of two-thousand to thirty-thousand baht.

Section 9. Any person who sends messages or communicates information, which he or she knows to be false and such acts are the cause of danger to the safety of an aircraft in flight, shall be liable to imprisonment for a term of five to twenty years.

Section 10. If the commission of offences under section 5 or section 6 causes grievous bodily harm to a person, the offender shall be liable to death penalty, life imprisonment or imprisonment for a term of fifteen to twenty years. However, if such offence causes death to a person, the offender shall be liable to death penalty or life imprisonment.

If the offence under section 7, section 8, or section 9 causes grievous bodily harm to a person, the offender shall be liable to imprisonment for a term of ten to twenty years. However, if such offence causes death to a person, the offender shall be liable to life imprisonment or imprisonment for a term of fifteen to twenty years.

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Section 11.⁴ Any person who is an accessory to the commission of any offence under section 5, section 6, or section 6 *bis*, shall be liable to the same punishment as the principal in that offence.

Any person who attempts to commit the offences under the sections in paragraph one shall be liable to the same punishment as the offender of that offence.

Any person who commits any acts amounting to preparation to commit the offences under the sections in paragraph one, shall be liable to a half of the punishment set forth in the relevant section.

Section 12. Any person who commits an offence under this Act outside the Kingdom shall be liable to punishment in the Kingdom, if:

(1) the offence is committed on board a foreign aircraft which lands in the Kingdom with the alleged offender on board;

(2) the offence is committed on board a foreign aircraft which a lessee having a domicile, permanent residence, or principal place of business in the Kingdom leases without crew of the renter; or

(3)⁵ the offender under section 5, section 6, or section 6 *bis* is in the Kingdom and not extradited under the law on extradition.

Section 13. When the commander of an aircraft in flight has reasonable ground to believe that a person commits or is about to commit an offence under this Act, or commits an act which may endanger the safety of the aircraft, persons or property therein, or which violates the in-flight regulations and flight discipline, the commander of aircraft may employ appropriate measures to prevent that person from committing such act, including, if deemed necessary, restraining that person in order to deliver him or her to the competent authority or to disembark him or her from the aircraft.

The commander of an aircraft may order or authorize a crew member, or request or authorize a passenger to assist in restraining the said person under paragraph one.

⁴ Section 11 was amended by the Act on Certain Offences against Air Navigation (No.2), B.E. 2538 (1995).

⁵ Section 12 (3) was amended by the Act on Certain Offences against Air Navigation (No.2), B.E. 2538 (1995).

A crew member or passenger may, without the authorization under paragraph two, take appropriate preventive measures when there is reasonable ground to believe that such action is immediately necessary to protect the safety of the aircraft or persons or property therein. The commander of aircraft may issue an order revoking such measures.

Section 14. After an aircraft is landed, no preventive or restraining measures under section 13 shall be employed, unless:

- (1) the competent authority refuses to allow disembarkation of the restrained person;
- (2) it is not possible to deliver the restrained person to the competent authority; or
- (3) the restrained person agrees or consents to remain on board and continue the journey on board that aircraft.

The commander of an aircraft, having the restrained person on board under section 13, shall, as soon as practicable and if possible before landing, notify the competent authority that there is the restrained person on board as well as the reasons thereof.

Section 15. After the aircraft is landed in the Kingdom, the commander of aircraft may disembark and deliver any person to the competent authority when there is reasonable ground to believe that such person commits or is about to commit the offence under this Act on board the aircraft, which may endanger the safety of the aircraft, persons, or property therein, or which violates the regulations and discipline specified for that aircraft.

The commander of aircraft shall report to the competent authority under paragraph one of the facts and reasons for such disembarkation.

Section 16. After the aircraft is landed in the Kingdom, the commander of an aircraft may deliver any person to the competent authority when there is reasonable ground to believe that such person commits an act on board which, in the commander's opinion, constitutes a serious offence under the penal law of the State of registration of the aircraft.

The commander of an aircraft shall, as soon as practicable and if possible before landing, notify the competent authority of his or her intention and reasons for the delivery of such person.

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The commander of an aircraft shall provide evidence and information, which are lawfully in his or her possession under the law of the State of registration of the aircraft, to the competent authority under paragraph one.

The competent authority may refuse to take delivery of the person under paragraph one, if he or she is of the opinion that such offence is of political nature or is based on racial or religious discrimination, which is not concerned with the safety of the air navigation.

Section 17.After having taken delivery of the person under section 15 or section 16:

(1) if it is necessary to have an inquiry to institute legal proceedings, the competent authority shall deliver such person, together with witness and evidences, if any, to the inquiry official without delay; if it appears in the preliminary inquiry that it is unable to institute legal proceedings in the Kingdom and there is no request for legal proceedings under the law on extradition, he or she shall be released;

(2) if in the case that is not necessary to carry out an inquiry or in the case of an act violating the in-flight regulations and flight discipline, the competent authority may restrain such person only for such time as may be necessary for his or her departure from the Kingdom, unless if such person is entitled to enter or stay in the Kingdom, he or she shall be released.

Section 18.For the execution of this Act, the competent authority appointed under section 19 shall have the same powers as the administrative or police officers under the Criminal Procedure Code.

Section 19.The Minister of Foreign Affairs, the Minister of Transport and the Minister of Interior shall have charge and control of the execution of this Act, and shall have powers to appoint the competent authority for the execution of this Act.

Countersigned by
General Kriangsak Jamananda
Prime Minister

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