

**ACT ON CERTAIN OFFENCES AGAINST AIR NAVIGATION,
B.E. 2558 (2015)**

BHUMIBOL ADULYADEJ, REX.

Given on the 7th Day of February B.E. 2558;
Being the 70th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the 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. 2558 (2015)”.

Section 2.¹ This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) Act on Certain Offences against Air Navigation, B.E. 2521 (1978);
- (2) Act on Certain Offences against Air Navigation (No. 2), B.E. 2538 (1995).

* Translated by Mr. Sitthi Leekbhai, under contract for the Office of the Council of State of Thailand's Law for ASEAN project. –Tentative Version– subject to final authorisation by the Office of the Council of State.

¹ Published in the Government Gazette, Vol. 132, Part 10a, Page 28, dated 13 February B.E. 2558 (2015).

Section 4. This Act shall not apply to aircraft used in military, police or customs services of foreign states.

Section 5. In this Act:

“aircraft” means an aircraft under the law on air navigation;

“Thai aircraft” means an aircraft registered under the law on air navigation and shall include aircraft in or in flight above the Kingdom as follows:

(1) a foreign aircraft that an air operator (who is a Thai air operator) under the law on aviation leases or brings into operation either with or without crew members;

(2) an aircraft not registered to exhibit nationality under the Convention on International Civil Aviation made in Chicago on 7 December B.E. 2487 (1941).

“foreign aircraft” means an aircraft which is not a Thai aircraft;

“aircraft in flight” means an aircraft from the moment when all its external doors are closed following the embarkation of passengers and crew members until the moment when any such door is opened for normal disembarkation of passengers and crew members including the case of a forced landing, and shall include the moment when the in-flight offence officer takes over the responsibility for the protection of the safety of the aircraft, of persons and property in such aircraft;

“aircraft in service” means an aircraft from the moment when the ground personnel or crew members begin the preflight preparation for a specific flight until twenty four hours after any landing and, in any event, includes the entire period during which the aircraft is in flight;

“airport” means an airport under the law on air navigation providing public service;

“cigarette” means a cigarette under the law on tobacco;

“commit an act of violence” means to commit an act of violence under the Criminal Code;

“commit battery” means to use force to harm another person not amounting to bodily or mental harm;

“cause bodily injury” means to cause bodily or mental injury to another person;

“crew members” means persons designated by air operator or persons designated by aircraft owner to have duties on board of each flight;

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“aircraft commander” means a pilot whom the air operator or the aircraft owner designated to control and be responsible for the safety of each flight;

“in-flight offence officer” means the official competent in receiving information or report or taking action in respect of an act or offence committed on board an aircraft in flight, appointed by the Commissioner-General of the Royal Thai Police for the execution of duties under this Act and, for the Thai aircraft that will be landing outside the Kingdom, shall mean the official in this regard in such country;

“in-flight security officer” means a person appointed by the Minister of Transport to have powers and duties in the prevention and suppression of the commission of offence on board an aircraft in flight under section 38 and officials in this regard for foreign aircraft;

“Minister” means the Minister having charge and control of the execution of this Act;

Section 6. The Prime Minister, the Minister of Defence, 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, shall have the power to appoint the competent official for the execution of this Act and shall have the power to issue Ministerial Regulations and rules under this Act relating to respective powers and duties of each Ministry and State agency.

The Ministerial Regulation shall come into force upon its publication in the Government Gazette.

CHAPTER I

OFFENCES AGAINST AIR NAVIGATION AND AIRCRAFT

Section 7. Any person on board an aircraft in flight violating or failing to comply with an order of the aircraft commander or that of crew members giving such order on behalf of the aircraft commander which are orders for the purpose of maintaining regulations, rules and orders on board shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding forty thousand baht or to both.

If an act in paragraph one is a violation or noncompliance of order given for the maintenance of safety of the aircraft or of persons or property on board, the offender shall be

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liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand baht or to both.

Section 8. Any person on board an aircraft in flight who acts or possesses any of the following shall be liable to a fine not exceeding twenty thousand baht:

- (1) smoking in the toilet or in other areas not especially designated for smoking;
- (2) using electronic devices during the time that the use is prohibited; or
- (3) having prohibited items in possession on board.

If an act in paragraph one is an act for the purpose of causing interference with the function of the device relating to the safety of an aircraft, the offender shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding forty thousand baht or to both.

For the offence under paragraph one, an aircraft commander shall have the power to receive payment of a fine at the statutory maximum from the offender, and when the offender has paid such fine, the case is settled.

Section 9. Any person on board an aircraft in flight causing the smoke detector or other safety devices on board to be inoperative shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding forty thousand baht or to both.

Section 10. Any person on board an aircraft in flight committing an act of violence against another person shall be liable to imprisonment for a term not exceeding two years or a fine not exceeding eighty thousand baht or to both.

Section 11. Any person on board an aircraft in flight doing any of the following shall be liable to imprisonment for a term not exceeding three years or a fine not exceeding one hundred and twenty thousand baht or to both:

- (1) committing an act to the body of another person for sexual purposes;
- (2) committing shameful act in public by being naked or exposing certain parts of body; or
- (3) verbally abusing or doing other obscene gestures.

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Section 12. Any person on board an aircraft in flight doing any of the following, if such act is likely to endanger the safety of the aircraft or of persons on board or such act is a violation of regulations, rules and orders on board, shall be liable to imprisonment for a term not exceeding five years or a fine not exceeding two hundred thousand baht or to both:

- (1) committing battery against another person;
- (2) damaging property;
- (3) drinking alcoholic beverages or using psychotropic substances; or
- (4) doing by any means whatsoever to cause chaos on board.

Section 13. Any person on board an aircraft in flight doing any of the following, if such act is an interference to the performance of duties of an aircraft commander or crew members or renders the reduction of effectiveness of the performance of duties of an aircraft commander or crew members, the offender shall be liable to imprisonment for a term not exceeding seven years or a fine not exceeding two hundred thousand baht or to both:

- (1) committing battery against an aircraft commander or crew member; or
- (2) causing an aircraft commander or crew member to be in fear or in panic by carrying out a threat either by physical force or other means.

Section 14. Any person, without proper reason, who enters or hides inside the aircraft in service or does not exit when the aircraft commander gives an order to do so, shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding forty thousand baht or to both.

Section 15. Any person on board an aircraft in flight causing bodily injury to another person, if such act is likely to endanger the safety of an aircraft, shall be liable to imprisonment for a term of five to ten years or a fine of two hundred thousand to four hundred thousand baht or to both.

Section 16. Any person on board an aircraft in flight killing another person, if such act is likely to endanger the safety of an aircraft, shall be punished by death.

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Section 17. Any person on board an aircraft in flight seizing or taking control of the aircraft by the use of force or the threat against another person or the threat to endanger the aircraft, shall be punished by death, life imprisonment or imprisonment of ten to twenty years.

Section 18. Any person committing any of the following acts shall be punished by death, life imprisonment, or imprisonment of fifteen to twenty years and a fine of six hundred thousand to eight hundred thousand baht:

- (1) destroying an aircraft in service;
- (2) damaging an aircraft in service rendering it incapable of flight, or endangering or being likely to endanger to the safety of the aircraft in flight; or
- (3) placing or causing to be placed on an aircraft in service any substance or anything likely to destroy such aircraft, or likely to cause damage so severe that the aircraft is rendered incapable of flight, or likely to cause damage so severe that the safety of the aircraft in flight is likely to be endangered.

Section 19. Any person using weapons or other substances to commit any of the following acts, if such act endangers or is likely to endanger the safety of an airport, shall be punished by death, life imprisonment, or imprisonment of fifteen to twenty years and a fine of six hundred thousand to eight hundred thousand baht:

- (1) causing bodily injury to another person in an airport resulting in or likely to result in severe injury or death of another person;
- (2) destroying or severely damaging an airport or airport facilities or an aircraft not in service parked at an airport; or
- (3) disrupting the services of the airport.

Section 20. Any person using weapons or other substances to kill another person in an airport, if such act endangers or is likely to endanger the safety of an airport, shall be punished by death.

Section 21. Any person destroying or damaging air navigation facilities under the law on air navigation or causing the operation of such facilities to be defective, if such act endangers or is likely to endanger to the safety of an aircraft in flight, shall be punished by

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death, life imprisonment or imprisonment of fifteen to twenty years and a fine of six hundred thousand to eight hundred thousand baht.

Section 22. Any person notifying messages or sending information known to be false, and such act causes or is likely to cause persons in the airport or persons on board an aircraft in flight to be in panic, shall be liable to imprisonment not exceeding five years or a fine not exceeding two hundred thousand baht or to both.

If such act endangers the safety of an aircraft in flight, such person shall be liable to imprisonment of five to fifteen years or a fine of two hundred thousand to six hundred thousand baht or to both.

Section 23. Any person being an accomplice in the commission of an offence under section 15, section 16, section 17, section 18, section 19, section 20, section 21 or section 22 shall be punished in the same manner as the principal.

Section 24. Any person attempting to commit offence under section 15, section 16, section 17, section 18, section 19, section 20, section 21 or section 22 shall be punished in the same manner as a person committing an offence.

Section 25. Any person in preparation for the commission of offence under section 17, section 18, section 19 or section 20 shall be punished with one-half of the punishment as provided in such section.

CHAPTER II

THE POWERS AND DUTIES OF AIRCRAFT COMMANDER, IN-FLIGHT OFFENCE OFFICER AND IN-FLIGHT SECURITY OFFICER

Section 26. The aircraft commander of Thai aircraft which is an aircraft in flight may use appropriate measures including the placing of the person on board under restraint as necessary to protect the safety of the aircraft or of persons or property on board or to maintain regulations, rules and orders on board or to deliver such person to in-flight offence officer or to disembark such person from the aircraft when it is found that or there are reasonable grounds to suspect that such person commits or is about to perform any of the following acts:

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- (1) committing a criminal offence;
- (2) endangering or being likely to endanger the safety of the aircraft, or of persons or property on board; or
- (3) violating regulations, rules and orders on board.

The aircraft commander may order or authorise crew members and may ask or authorise any passenger to place a person who commits or is about to commit an act as mentioned in (1), (2) and (3) under restraint.

Section 27. Crew members or passengers in Thai aircraft which is an aircraft in flight may use appropriate preventive measures to protect the safety of the aircraft, or of persons or property on board without authorisation under section 26, paragraph two, when there are reasonable grounds to believe that it is necessary to immediately take such measures, but the aircraft commander may give an order to abolish such measures.

Section 28. In the case where there is a person under restraint under section 26 in Thai aircraft, the aircraft commander shall notify the restraint and the reason of such restraint to in-flight offence officer of the country that the aircraft will be landing as soon as practicable and, if possible, the notification shall be made before landing.

Section 29. Upon the completion of the landing of Thai aircraft, it is prohibited to use measures of restraint under section 26 except in the following cases:

- (1) it is a measure to enable the delivery of person under restraint to the in-flight offence officer for the initiation of legal proceedings;
- (2) it is a case of forced landing and the aircraft commander is unable to deliver the person under restraint to the in-flight offence officer;
- (3) a person under restraint agrees to continue his journey with the aircraft under restraint; or
- (4) the in-flight offence officer of that country does not allow either the disembarkation of the person under restraint or the admitting of such person.

In the case of (4), the aircraft commander has the power to continue taking measures of restraint under section 26 until being able to deliver the person under restraint to the in-flight offence officer of Thailand or of other countries or until reaching the destination of the journey of the person under restraint.

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Section 30. When the Thai aircraft has landed outside the Kingdom, the aircraft commander shall have the following powers:

(1) to disembark any person in the interest of protecting the safety of the aircraft or of persons or property in the aircraft or to maintain regulations, rules and orders in the aircraft when the aircraft commander has reasonable grounds to believe that such person has committed or is about to commit on board an aircraft in flight that endangers or may endanger the safety of the aircraft or of persons or property in the aircraft or it is a violation of regulations, rules and orders in the aircraft irrespective of whether such violation is a criminal offence;

(2) to deliver any person to the in-flight offence officer to initiate criminal proceedings when the aircraft commander has reasonable grounds to believe that such person has committed on board an aircraft in flight an act which, in his opinion, is a serious offence under the criminal law of Thailand as prescribed in the Ministerial Regulation of the Ministry of Transport.

Section 31. The disembarkation of person from Thai aircraft under section 30 (1), the aircraft commander shall submit a written report to the in-flight offence officer of the country that the aircraft has landed to provide facts and reasons in respect of the disembarkation of such person.

In the case where the aircraft commander of Thai aircraft has an intention to deliver any offender to the in-flight offence officer of a country which the aircraft has landed to initiate criminal proceedings under section 30 (2), the aircraft commander shall notify the in-flight offence officer as soon as practicable and, if possible, before landing, and when such person is delivered to the in-flight offence officer, the aircraft commander shall furnish the in-flight offence officer with lawful evidence and witness under Thai law in possession.

Section 32. The delivery or non-delivery of person of the aircraft commander of Thai aircraft to the in-flight offence officer under section 30 (2), or the provision of a guarantee of the aircraft commander or of the air operator in the case where the law of the state of landing provides that a guarantee shall be made in respect of no request or no request in the future to other countries to initiate criminal proceedings against the delivered person, shall comply with rules and conditions in accordance with the rules jointly prescribed by the

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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.

Section 33. The notification or the report to the in-flight offence officer of the country that Thai aircraft has landed under section 28 or section 31, the aircraft commander shall comply with rules and procedures prescribed by such country.

When the aircraft commander takes measures under section 26 or disembarks any person or delivers any person to in-flight offence officer to initiate legal proceedings under section 30, the aircraft commander shall notify the Thai embassy or the Thai consulate which has jurisdiction in such country and shall report to the in-flight offence officer of Thailand as soon as practicable.

Section 34. When Thai aircraft has landed in the Kingdom, the aircraft commander shall have powers as specified in section 30 *mutatis mutandis* except for criminal offence under section 30 (2) not necessary to be serious offence as prescribed in the Ministerial Regulation.

The aircraft commander shall make a written report in respect of the disembarkation of person and notify an intention to deliver such person for the initiation of criminal proceedings together with delivering evidence and witness to the in-flight offence officer. The provisions of section 31 shall be applied *mutatis mutandis* in this regard.

Section 35. When a foreign aircraft has landed in the Kingdom and the aircraft commander delivers a person to the in-flight offence officer to initiate criminal proceedings in the Kingdom, the in-flight offence officer will be able to admit such person if the act of such person is an offence under Thai criminal law.

Section 36. Under the application of section 35, when a foreign aircraft has landed in the Kingdom and the aircraft commander disembarks any person or delivers any person to the in-flight offence officer to initiate legal proceedings in the Kingdom, the in-flight offence officer may not allow either the disembarkation or the admitting of such person for the initiation of legal proceedings in the following cases:

(1) the aircraft commander fails to notify or report to the in-flight offence officer in accordance with the rules jointly prescribed by the Permanent Secretary of the Ministry of

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Foreign Affairs, the Permanent Secretary of the Ministry of Transport and the Commissioner-General of the Royal Thai Police;

(2) the state of the registration of the aircraft is not a party to the Convention on Offences and Certain other Acts Committed on Board Aircraft done in Tokyo on 14 September B.E. 2506 (1963);

(3) an act deemed by the aircraft commander as a serious criminal offence under the law of the state of registration of the aircraft but not a criminal offence under the Thai criminal law; or

(4) in the case where the delivery of alleged offender to initiate legal proceedings for offences as provided in section 7, section 8, section 9, section 10, section 11, section 12 or section 13, the aircraft commander or the air operator does not provide a guarantee that a request to other countries to initiate criminal proceeding was not made and shall not be made.

In the case of noncompliance with (1) or (2), the in-flight offence officer may allow the disembarkation or the admitting for the initiation of legal proceedings in the Kingdom in accordance with the rules jointly prescribed by the Permanent Secretary of the Ministry of Foreign Affairs, the Permanent Secretary of the Ministry of Transport, the Commissioner-General of the Royal Thai Police.

The receiving of the notification and report from an aircraft commander of foreign aircraft and procedures of the preliminary enquiry of the in-flight offence officer shall be in accordance with rules jointly prescribed by the Permanent Secretary of the Ministry of Foreign Affairs, the Permanent Secretary of the Ministry of Transport and the Commissioner-General of the Royal Thai Police.

In the case where the result of the preliminary enquiry shows that legal proceedings in the Kingdom is impossible and there is no request to proceed under the law on extradition, the in-flight offence officer shall take such person into custody as necessary for the departure of such person from the Kingdom, except that such person is a person with the right to enter or stay in the Kingdom, such person shall be released.

Section 37. The exercise of powers of the aircraft commander, crew members, passengers, air operator or a person acting on behalf of such persons under the provisions in this Chapter shall not incur any criminal and civil liability to any person except in the case of acting in bad faith or in excess of what is reasonable under circumstances.

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Section 38. In order to prevent and suppress the commission of offence on board an aircraft in flight of the transport aircraft under the law on air navigation, the Minister of Transport shall have the power to appoint the in-flight security officer by and with the advice of the Permanent Secretary of the Ministry of Defence and the Commissioner-General of the Royal Thai Police.

A person to be appointed to be in-flight security officer under paragraph one shall possess qualifications and not be under prohibitions as prescribed in the Ministerial Regulation of the Ministry of Transport.

The rules on the station of the in-flight security officer in any aircraft and the guidelines on the execution of duties and the carrying of weapons of such officer shall comply with the rules prescribed by the Minister of Transport.

Section 39. The air operator shall be a person responsible for travelling expenses of in-flight security officer under the rules prescribed by the Ministry of Transport.

Section 40. In the execution of duties under this Act, the in-flight offence officer and the in-flight security officer shall become the officials under the Criminal Code and shall also become the administrative officials or the senior police officers under the Criminal Procedure Code.

Section 41. In the execution of duties under section 38, the in-flight security officer shall exhibit identity card to the person concerned except in case of emergency.

The identity card of the in-flight security officer shall have the form as prescribed and announced by the Minister of Transport in the Government Gazette.

CHAPTER III JURISDICTION

Section 42. Any person committing offence as provided in section 18, section 22, section 23, section 24 and section 25 to Thai aircraft outside the Kingdom shall be punished in the Kingdom.

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Section 43. Any person committing offence as provided in section 7, section 8, section 9, section 10, section 11, section 12 and section 13 in foreign aircraft shall be punished in the Kingdom if such aircraft is in flight outside the Kingdom and the Kingdom is the first place that such aircraft has landed after the commission of an offence.

An aircraft in flight under paragraph one shall include an aircraft from the moment when the power is applied for the purpose of take-off until the moment when the landing run ends.

Section 44. Any person committing offence as provided in section 12, only in the case where danger may be caused to the safety of foreign aircraft, and section 15, section 16, section 17, section 18, section 22, paragraph two, section 23 and section 24 in or to foreign aircraft outside the Kingdom, shall be punished in the Kingdom if:

(1) such aircraft is in flight outside the Kingdom and such aircraft has landed in the Kingdom with an offender on board; or

(2) the offender is found in the Kingdom and there is no extradition of such offender under the law on extradition.

Section 45. Any person committing offence as provided in section 19 and section 20 at the airport serving international civil aviation situated outside the Kingdom and, as provided in section 21, to air navigation facilities serving international civil aviation situated outside the Kingdom shall be punished in the Kingdom if the offender is found in the Kingdom and there is no extradition of such offender under the law on extradition.

Section 46. The provisions of section 10 and section 11 of the Criminal Code shall be applied to an act committed outside the Kingdom which are offences under this Act, or an act which shall be punished in the Kingdom under this Act.

Transitory Provisions

Section 47. A person appointed as an official competent under the Act on Certain Offences against Air Navigation, B.E. 2521 (1978) shall become an in-flight offence officer under

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this Act until the Commissioner-General of the Royal Thai Police appoints the in-flight offence officer under this Act.

Section 48. The extradition, the receiving of notification and report and the preliminary enquiry still pending prior to the coming into force of this Act shall be proceeded under the Act on Certain Offences, B.E. 2521 (1978) until the process is completed.

Section 49. During the time that the Ministerial Regulation prescribing serious offences under section 30 has not been promulgated, offences with the maximum prison term of five years or above shall be serious offences under section 30 of this Act.

Countersigned by:

General Prayut Chan-o-cha

Prime Minister

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