Version
as at 5 April 2025

Aviation Crimes Act 1972

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Date of assent	20 October 1972
Commencement	see section 1

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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An Act to give effect to the provisions of the Hague Convention for the Suppression of Unlawful Seizure of Aircraft, the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Montreal Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, and the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, and for matters incidental thereto

Title: amended, on 1 September 1999, by section 2 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

1 Short Title and commencement

(1) This Act may be cited as the Aviation Crimes Act 1972.

(2) Sections 7, 8, 15, and 16 shall come into force on a date to be fixed by the Governor-General by Order in Council. Different dates may be so fixed in respect of different sections.

(3) Except as provided in subsection (2), this Act shall come into force on the date of its passing.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 1(2): sections 7, 8, 15, and 16 brought into force, on 12 March 1974, by the Aviation Crimes Act Commencement Order 1974 (SR 1974/45).

Section 1(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2 Interpretation

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

act of violence means an act which, if committed in New Zealand, would constitute—

(a) an assault as defined in any of sections 192, 193, 194, 194A, 196, or 202C of the Crimes Act 1961; or

(b) any of the crimes specified in sections 188, 189, 189A, 190, 191, 197, 198, 198A, 198B, 199, 200, 202, 203, or 209 of the Crimes Act 1961

aircraft has the same meaning as in the Civil Aviation Act 2023

aviation security officer means an aviation security officer within the meaning of the Civil Aviation Act 2023

carrier and contract in relation to any contract of carriage, have the same meanings as in section 269(1) of the Civil Aviation Act 2023, whether the contract of carriage is for international carriage or domestic carriage; and **passenger** includes a person who has reported to a servant or agent of the carrier for the purpose of going on board an aircraft pursuant to a contract to carry him or her as a passenger

commander, in relation to an aircraft, means the pilot for the time being in lawful command of the aircraft

international airport means any airport designated as an airport of entry and departure for international air traffic where the formalities incident to customs, immigration, public health, animal and plant quarantine, and similar procedures are carried out

landside security area has the same meaning as in section 5 of the Civil Aviation Act 2023

military service includes naval and air force service; and a certificate by the Minister of Foreign Affairs that any aircraft is or is not used in military service for the purposes of this Act shall be conclusive evidence of the fact certified

New Zealand includes all waters within the outer limits of the territorial sea of New Zealand as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

New Zealand aircraft means an aircraft that is registered or required to be registered in New Zealand under the Civil Aviation Act 2023

ordinarily resident in New Zealand has the same meaning as in section 4 of the Crimes Act 1961

passenger means a person carried under a contract for carriage other than a person—

(a) assigned by the carrier for duty as a member of the crew of the aircraft; or

(b) carried for the sole purpose of receiving or giving instruction in the control or navigation of aircraft in flight

security enhanced area has the same meaning as in section 5 of the Civil Aviation Act 2023

sterile area has the same meaning as in section 5 of the Civil Aviation Act 2023

the Hague Convention means the Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on 16 December 1970

the Montreal Convention means the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971

the Montreal Protocol means the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, done at Montreal on 24 February 1988

the Tokyo Convention means the Convention on Offences and Certain Other Acts Committed on Board Aircraft, done at Tokyo on 14 September 1963.

(2) For the purposes of this Act, an aircraft is in flight from the time when all its external doors are closed after embarkation until the time when any external door is opened for disembarkation:

provided that in the case of a forced landing an aircraft is in flight until the time when the competent authorities of the country in which the forced landing takes place, or, in the case of a forced landing in a place that is not within the territorial limits of any country, the competent authorities of any country, assume responsibility for the aircraft and for persons and property on board the aircraft.

(3) For the purposes of this Act, an aircraft is in service from the time when pre-flight preparation of the aircraft by ground personnel or by the aircraft's crew begins for a specific flight until either—

(a) the flight is cancelled; or

(b) 24 hours after the aircraft, having commenced the flight, lands; or

(c) the aircraft, having commenced the flight, makes a forced landing and any competent authorities referred to in subsection (2) assume responsibility for the aircraft and for persons and property on board the aircraft; or

(d) the aircraft, having commenced the flight, ceases to be in flight,—

whichever is the latest.

Section 2(1) **act of violence**: inserted, on 1 September 1999, by section 3 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Section 2(1) **act of violence** paragraph (a): amended, on 3 December 2018, by section 31(1) of the Family Violence (Amendments) Act 2018 (2018 No 47).

Section 2(1) **act of violence** paragraph (b): amended, on 3 December 2018, by section 31(2) of the Family Violence (Amendments) Act 2018 (2018 No 47).

Section 2(1) **aircraft**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **aviation security officer**: inserted, on 14 December 1976, by section 6(1) of the Civil Aviation Amendment Act 1976 (1976 No 153).

Section 2(1) **aviation security officer**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **baggage**, **cargo**, **carrier**, **contract**, and **passenger**: repealed, on 1 June 2004, by section 41(3) of the Civil Aviation Amendment Act 2004 (2004 No 8).

Section 2(1) **carrier and contract**: inserted, on 1 June 2004, by section 41(3) of the Civil Aviation Amendment Act 2004 (2004 No 8).

Section 2(1) **carrier and contract**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **conviction on indictment**: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 2(1) **international airport**: inserted, on 1 September 1999, by section 3 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Section 2(1) **landside security area**: inserted, on 5 April 2025, by section 475 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **New Zealand**: amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

Section 2(1) **New Zealand**: amended, on 1 October 1977, by section 33(2)(a) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (1977 No 28).

Section 2(1) **New Zealand aircraft**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **passenger**: inserted, on 1 June 2004, by section 41(3) of the Civil Aviation Amendment Act 2004 (2004 No 8).

Section 2(1) **security enhanced area**: inserted, on 26 September 2007, by section 4(2) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Section 2(1) **security enhanced area**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **sterile area**: inserted, on 26 September 2007, by section 4(3) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Section 2(1) **sterile area**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **the Montreal Protocol**: inserted, on 1 September 1999, by section 3 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Crimes relating to aircraft and international airports

Heading: amended, on 1 September 1999, by section 4 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

3 Hijacking

Everyone commits the crime of hijacking and is liable on conviction to imprisonment for life, who, while on board an aircraft in flight, whether in or outside New Zealand, unlawfully, by force or by threat of force or by any form of intimidation, seizes or exercises control, or attempts to seize or exercise control, of that aircraft.

Section 3: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

4 Crimes in connection with hijacking

(1) Everyone who, while on board an aircraft in flight outside New Zealand, does or omits anything which, if done or omitted by that person in New Zealand, would be an offence punishable by imprisonment for life or by 2 or more years' imprisonment, commits that offence if the act or omission occurred in connection with the crime of hijacking.

(2) Without limiting the generality of subsection (1), an act or omission by any person shall be deemed to occur in connection with the crime of hijacking if it was done or omitted with intent—

(a) to commit or facilitate the commission of the crime of hijacking; or

(b) to avoid the detection of himself or of any other person in the commission of the crime of hijacking; or

(c) to avoid the arrest or facilitate the flight of himself or of any other person upon the commission of the crime of hijacking.

Section 4(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

5 Other crimes relating to aircraft

Everyone commits a crime, and is liable on conviction to imprisonment for a term not exceeding 14 years, who, whether in or outside New Zealand,—

(a) on board an aircraft in flight, commits an act of violence which is likely to endanger the safety of the aircraft; or

(b) destroys an aircraft in service; or

(c) causes damage to an aircraft in service which renders the aircraft incapable of flight or which is likely to endanger the safety of the aircraft in flight; or

(d) places or causes to be placed on an aircraft in service anything which is likely to destroy the aircraft, or to cause damage to the aircraft which will render it incapable of flight, or which is likely to endanger the safety of the aircraft in flight; or

(e) destroys, damages, or interferes with the operation of any air-navigation facility used in international air navigation, where the destruction, damage, or interference is likely to endanger the safety of an aircraft in flight; or

(f) endangers the safety of an aircraft in flight by communicating to any other person any information which the person supplying the information knows to be false.

Section 5: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 5(a): amended, on 1 September 1999, by section 5 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

5A Crimes relating to international airports

(1) A person commits a crime who, whether in or outside New Zealand, using any device, substance, or weapon, intentionally does any of the following acts that endangers or is likely to endanger the safety of an international airport:

(a) at the international airport, commits an act of violence that causes or is likely to cause serious injury or death; or

(b) destroys or seriously damages the facilities of the international airport; or

(c) destroys or seriously damages an aircraft that is not in service and is located at the international airport; or

(d) disrupts the services of the international airport.

(2) Subject to subsection (3), a person who commits a crime against this section is liable on conviction to imprisonment for a term not exceeding 14 years.

(3) A person who commits a crime against subsection (1)(a),—

(a) in circumstances where the conduct concerned is the same as conduct described as murder under sections 158, 160, 167, and 168 of the Crimes Act 1961, must on conviction be sentenced to imprisonment for life; and

(b) in circumstances where the conduct concerned is the same as conduct described as manslaughter under sections 158, 160, and 171 of the Crimes Act 1961, is liable on conviction to imprisonment for life.

Section 5A: inserted, on 1 September 1999, by section 6 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Section 5A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 5A(3)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 5A(3)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

6 Extradition Act amended

[Repealed]

Section 6: repealed, on 1 September 1999, by section 7 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

7 Crimes deemed to be included in extradition treaties

(1) For the purposes of the Extradition Act 1999 and any Order in Council in force under section 15 or section 104 of that Act, the crime of hijacking, if not already described in the treaty, is deemed to be an offence described in any extradition treaty concluded before 12 March 1974 and for the time being in force between New Zealand and any country that is a party to the Hague Convention.

(2) For the purposes of the Extradition Act 1999 and any Order in Council in force under section 15 or section 104 of that Act, each crime in section 5 is deemed to be an offence described in any extradition treaty concluded before 12 March 1974 and for the time being in force between New Zealand and any country that is a party to the Montreal Convention.

(3) If, under subsection (1) or subsection (2), a crime is deemed to be an offence described in an extradition treaty, a person may be surrendered for that crime in accordance with the provisions of the Extradition Act 1999 even if the act or omission occurred before the date on which the crime was deemed to be an offence described in the extradition treaty.

(4) Subsection (3) does not apply in respect of an act or omission that, had it occurred within the jurisdiction of New Zealand, would not at that time have constituted an offence under New Zealand law.

(5) For the purposes of this section,—

country includes any territory for whose international relations the Government of a country is responsible and to which the extradition treaty and the Hague Convention or, as the case may be, the Montreal Convention, extends

crime includes—

(a) aiding, abetting, inciting, counselling, or procuring any person to commit that crime; and

(b) inciting, counselling, or attempting to procure any person to commit that crime when it is not in fact committed; and

(c) being an accessory after the fact to that crime.

(6) A certificate given by the Minister of Foreign Affairs and Trade that a country is a party to the Hague Convention or the Montreal Convention, as the case may be, is sufficient evidence of that fact.

Section 7: replaced, on 1 September 1999, by section 111 of the Extradition Act 1999 (1999 No 55).

7A Crimes against section 5A deemed to be included in extradition treaties

(1) For the purposes of the Extradition Act 1999 and any Order in Council in force under section 15 or section 104 of that Act, each crime described in section 5A is deemed to be an offence described in any extradition treaty concluded before the commencement of this section and for the time being in force between New Zealand and any foreign country which is a party to the Montreal Protocol.

(2) When subsection (1) deems a crime to be an offence described in an extradition treaty, a person whose surrender is sought under the Extradition Act 1999 in respect of an act or omission which amounts to that crime is liable to be surrendered in accordance with the provisions of that Act, whether the act or omission occurred before or after the date on which the crime was deemed to be an offence described in the extradition treaty.

(3) This section does not apply in respect of an act or omission that, had it occurred within the jurisdiction of New Zealand, would not at that time have constituted an offence under New Zealand law.

(4) A certificate given under the hand of the Minister of Foreign Affairs and Trade that any foreign country is a party to the Montreal Protocol is sufficient evidence of that fact.

(5) For the purposes of this section,—

crime includes—

(a) an attempt to commit that crime:

(b) aiding, abetting, inciting, counselling, or procuring a person to commit that crime:

(c) inciting, counselling, or attempting to procure a person to commit that crime when it is not in fact committed:

(d) being an accessory after the fact to that crime

foreign country includes any territory for whose international relations the Government of a foreign country is responsible and to which the extradition treaty and the Montreal Protocol extends.

Section 7A: inserted, on 1 September 1999, by section 8 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

8 Surrender of offenders

[Repealed]

Section 8: repealed, on 1 September 1999, by section 111 of the Extradition Act 1999 (1999 No 55).

9 Application of sections 3, 4, and 5

(1) Nothing in section 3 or section 4 shall apply if both the place of take-off and the place of actual landing of the aircraft (not being a New Zealand aircraft) are in the territory of the country in which the aircraft is registered, or, in the case

of an aircraft that is subject to joint or international registration, in the territory of one of the countries having an interest in the aircraft, unless—

(a) the alleged offender is a New Zealand citizen or a person ordinarily resident in New Zealand; or

(b) the act or omission occurred in New Zealand; or

(c) the alleged offender is present in New Zealand; or

(d) the aircraft is leased without crew to a lessee—

(i) whose principal place of business is in New Zealand; or

(ii) in any other case, who is a New Zealand citizen or a person ordinarily resident in New Zealand.

(2) Nothing in paragraph (a), paragraph (b), paragraph (c), paragraph (d), or paragraph (f) of section 5 shall apply if both the place of take-off and the place of actual or intended landing of the aircraft (not being a New Zealand aircraft) are in the territory of a country in which the aircraft is registered, or, in the case of an aircraft that is subject to joint or international registration, in the territory of one of the countries having an interest in the aircraft, unless—

(a) the alleged offender is a New Zealand citizen or a person ordinarily resident in New Zealand; or

(b) the act or omission occurred in New Zealand; or

(c) the alleged offender is present in New Zealand; or

(d) the aircraft is leased without crew to a lessee—

(i) whose principal place of business is in New Zealand; or

(ii) in any other case, who is a New Zealand citizen or a person ordinarily resident in New Zealand.

(3) Nothing in section 3 or section 4 or paragraph (a), paragraph (b), paragraph (c), paragraph (d), or paragraph (f) of section 5 shall apply to aircraft used in military, Customs, or Police service (not being aircraft used for the purposes of any of the Armed Forces of New Zealand or of the New Zealand Customs or of the New Zealand Police), unless—

(a) the alleged offender is a New Zealand citizen or a person ordinarily resident in New Zealand; or

(b) the act or omission occurred in New Zealand.

Section 9(1)(c): amended, on 1 September 1999, by section 9(1) of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Section 9(1)(d): inserted, on 1 September 1999, by section 9(1) of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Section 9(2)(c): amended, on 1 September 1999, by section 9(2) of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Section 9(2)(d): inserted, on 1 September 1999, by section 9(2) of the Aviation Crimes Amendment Act 1999 (1999 No 57).

9A Application of section 5A

Section 5A does not apply in respect of acts or omissions that occur outside New Zealand unless the alleged offender is present in New Zealand.

Section 9A: inserted, on 1 September 1999, by section 10 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

10 Application of certain provisions of Crimes Act

Nothing in section 8 of the Crimes Act 1961 (which relates to jurisdiction in respect of crimes on ships or aircraft beyond New Zealand) or in section 400 of that Act (which requires the consent of the Attorney-General to proceedings in certain cases for offences on ships or aircraft) shall apply with respect to the crime of hijacking or to any of the crimes described in section 5 or to any crime referred to in section 4 committed in connection with the crime of hijacking.

Taking firearms, explosives, etc, on to aircraft

11 Taking firearms, explosives, etc, on to aircraft or into landside security area, sterile area, or security enhanced area

(1) Everyone commits a crime, and is liable on conviction to imprisonment for a term not exceeding 5 years, who, without lawful authority or reasonable excuse, or without the permission of the owner or operator of the aircraft or of a person duly authorised by either of them to give such permission, takes or attempts to take on board any aircraft—

(a) any firearm; or

(b) any other dangerous or offensive weapon or instrument of any kind whatsoever; or

(c) any ammunition; or

(d) any explosive substance or device, or any other injurious substance or device of any kind whatsoever which could be used to endanger the safety of the aircraft or of persons on board the aircraft; or

(e) an imitation of an item or substance specified in paragraphs (a) to (d).

(1A) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years, who, without lawful authority or reasonable excuse, takes, or attempts to take, into a landside security area, a sterile area, or a security enhanced area an item or substance specified in subsection (1).

(1B) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 5 years, who—

(a) has the intention of causing bodily injury or of doing any act that would constitute a crime under section 3, 4, 5, or 5A; and

(b) takes on board an aircraft or into a landside security area, a sterile area, or a security enhanced area an item or substance that is capable of—

(i) causing bodily injury or of endangering the safety of an aircraft or an airport when combined with another item or substance; or

(ii) activating another item or substance that is capable of causing bodily injury or of endangering the safety of an aircraft or an airport.

(2) For the purposes of this section, the term **firearm** means any gun, rifle, or pistol, whether acting by force of explosives or not; and includes any such gun, rifle, or pistol which for the time being is not capable of discharging any shot, bullet, or other missile, but which by its completion or the replacement of any component part or parts or the correction or repair of any defect or defects, would be so capable; and also includes any such gun, rifle, or pistol which is for the time being dismantled.

(3) For the purposes of this section, **dangerous or offensive weapon** means any item or substance capable of being used to endanger the safety of an aircraft or cause bodily injury.

Section 11 heading: amended, on 5 April 2025, by section 476(1) of the Civil Aviation Act 2023 (2023 No 10).

Section 11 heading: amended, on 26 September 2007, by section 5(1) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Section 11(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 11(1)(d): amended, on 26 September 2007, by section 5(2) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Section 11(1)(e): inserted, on 26 September 2007, by section 5(2) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Section 11(1A): inserted, on 26 September 2007, by section 5(3) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Section 11(1A): amended, on 5 April 2025, by section 476(2) of the Civil Aviation Act 2023 (2023 No 10).

Section 11(1A): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 11(1B): inserted, on 26 September 2007, by section 5(3) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Section 11(1B): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 11(1B)(b): amended, on 5 April 2025, by section 476(3) of the Civil Aviation Act 2023 (2023 No 10).

Section 11(3): inserted, on 26 September 2007, by section 5(4) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Search of passengers, baggage, and cargo

12 Search of passengers, baggage, and cargo

(1) Any member of the Police, any aviation security officer, any Customs officer, or any employee or agent of the carrier authorised by the carrier for the purpose may, with the consent of the passenger, search a passenger and the passenger's

baggage for the purpose of detecting any item or substance that could pose a threat to aviation safety and security (including, but not limited to, any item or substance specified in section 11(1)), before the passenger boards any aircraft in New Zealand pursuant to a contract providing for the carriage of the passenger by air from a place in New Zealand to any other place (whether in New Zealand or elsewhere).

(2) If the passenger declines to allow himself or herself or his or her baggage to be searched, the carrier must refuse to carry—

(a) the passenger:

(b) his or her baggage.

(3) A carrier is not liable to any civil proceeding, other than a proceeding in respect of any right that the passenger may have for the recovery of the fare or any part of the fare, by reason of the fact that the carrier has refused to carry—

(a) a passenger who has declined to allow himself or herself or his or her baggage to be searched:

(b) the baggage of a passenger who has declined to allow himself or herself or his or her baggage to be searched.

(4) With respect to a search made under subsection (1),—

(a) by an employee or agent of the carrier authorised by the carrier for the purpose, the passenger must not be required to remove any article of clothing (other than a coat or similar article) for the purpose of being searched:

(b) by a member of the Police, an aviation security officer, or a Customs officer, the passenger must, if directed to do so,—

(i) remove, raise, lower, or open any outer clothing, including (but not limited to) any coat, jacket, jumper, cardigan, or similar article that the passenger is wearing to enable the search to be carried out, except where the passenger has no other clothing, or only underclothing, under the outer clothing:

(ii) remove any gloves, footwear (including socks or stockings), head coverings, belts, jewellery, or other accessories:

(iii) allow a member of the Police, an aviation security officer, or a Customs officer to carry out a pat down search:

(c) by a member of the Police, an aviation security officer, a Customs officer, or an employee or agent of the carrier authorised by the carrier for the purpose, a female may only be searched by a female unless the search is made by means of a mechanical or electrical or electronic or other similar device.

(5) Any aviation security officer, or any employee or agent of the carrier authorised by the carrier for the purpose, may examine any cargo before the cargo is

loaded onto any aircraft in New Zealand pursuant to a contract providing for the carriage of the cargo by air from a place in New Zealand to any other place (whether in New Zealand or elsewhere).

(6) Subject to subsection (7), with respect to a search made under subsection (1) or (5), a member of the Police, an aviation security officer, or a Customs officer may use any aid or device that is reasonably necessary to facilitate the search, including (but not limited to) a dog, chemical substance, or x-ray or imaging equipment, or some other mechanical, electrical, or electronic device.

(7) Despite subsection (6), with respect to a person searched under subsection (1), a member of the Police, an aviation officer, a Customs officer, or an agent of the carrier authorised by the carrier for the purpose may not use an aid or device that produces an unclothed image of the person.

(8) For the purposes of this section, **pat down search**—

(a) means a search of a clothed person in which the person conducting the search may do all or any of the following:

(i) run or pat his or her hand over the body of the person being searched, whether outside or inside the clothing (other than any underclothing) of that person:

(ii) insert his or her hand inside any pocket or pouch in the clothing (other than any underclothing) of the person being searched:

(iii) for the purpose of permitting a visual inspection, require the person being searched to do all or any of the following, namely:

(A) open his or her mouth:

(B) display the palms of his or her hands:

(C) display the soles of his or her feet:

(D) lift or rub his or her hair; and

(b) includes the authority to search—

(i) any item or substance carried by, or in the possession of, the person; and

(ii) any outer clothing removed, raised, lowered, or opened for the purposes of the search; and

(iii) any head covering, gloves, or footwear (including socks or stockings) removed for the purposes of the search.

Section 12: replaced, on 26 September 2007, by section 6 of the Aviation Crimes Amendment Act 2007 (2007 No 88).

13 Search of persons declining to allow search

(1) Where—

(a) pursuant to subsection (2) of section 12 a carrier refuses to carry a person who has declined to allow himself or his baggage to be searched; and

(b) a member of the New Zealand Police has reasonable grounds to suspect that a crime against this Act in relation to the aircraft on which that person was to be carried has been, is being, or is likely to be, committed, whether by that person or by any other person, and that a search of the first-mentioned person will disclose evidential material about that offence,—

the member of the Police may, without warrant, search that first-mentioned person and his baggage, and may detain him for the purposes of that search, and may take possession of any article referred to in paragraph (a), (b), (c), (d), or (e) of section 11(1) found in the course of that search.

(2) The refusal of any person to allow himself or his baggage to be searched pursuant to section 12 shall not of itself constitute reasonable grounds for suspecting that a crime against this Act in relation to the aircraft has been, is being, or is likely to be, committed.

(3) *[Repealed]*

(4) The provisions of Part 4 of the Search and Surveillance Act 2012 (except for subpart 3) apply.

Section 13(1): amended, on 11 April 2008, by section 7(1) of the Aviation Crimes Amendment Act 2007 (2007 No 88).

Section 13(1)(b): amended, on 1 October 2012, by section 202(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 13(2): amended, on 21 November 1973, by section 2 of the Aviation Crimes Amendment Act 1973 (1973 No 50).

Section 13(3): repealed, on 1 October 2012, by section 202(3) of the Search and Surveillance Act 2012 (2012 No 24).

Section 13(4): replaced, on 1 October 2012, by section 202(3) of the Search and Surveillance Act 2012 (2012 No 24).

14 Evidence of offences

(1) No item or substance specified in section 11(1) of the Aviation Crimes Act 1972 that is found in the course of a search or examination made under section 12 or 13 of this Act or the Civil Aviation Act 2023 is admissible as evidence in any criminal proceedings against the person who, or whose baggage, has been searched, or, as the case may be, the consignor of any cargo that has been examined, other than proceedings in respect of a crime against this Act or the crime of treason or any crime punishable by imprisonment for life or for a term of 3 years or more, or in respect of an offence against section 16 of the Arms Act 1958 (which relates to the unlawful carriage or possession of firearms, ammunition, or explosives), or in respect of an offence against the Misuse of Drugs Act 1975.

(2) For the purposes of this section, if dangerous goods (as defined in section 5 of the Civil Aviation Act 2023) are found in the course of a search or examination made under this Act, the dangerous goods must be regarded as having been detected in the exercise of the powers conferred by Part 5 of the Civil Aviation Act 2023 and not found under this Act.

Section 14(1): amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 14(1): amended, on 1 June 1977, pursuant to section 39(1) of the Misuse of Drugs Act 1975 (1975 No 116).

Section 14(2): replaced, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Powers of aircraft commander

15 Powers of aircraft commander

(1) Without limiting the provisions of section 60 of the Crimes Act 1961, if the commander of an aircraft in flight, wherever that aircraft may be, has reasonable grounds to believe that any person on board the aircraft has done or is about to do on board the aircraft—

(a) anything which is an offence under the law of the country in which the aircraft is registered (not being a law of a political nature or a law based on racial or religious discrimination); or

(b) anything (whether an offence or not) which jeopardises or may jeopardise—

(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,—

the commander may take with respect to that person such reasonable measures, including restraint, as may be necessary—

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

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

(e) to enable the commander to disembark or deliver that person in accordance with subsection (4) or subsection (5).

(2) Any member of the crew of an aircraft and any other person on board the aircraft may, at the request or with the authority of the commander of the aircraft, and any member of the crew shall if so required by the commander, assist in restraining any person whom the commander is entitled under subsection (1) to restrain. Any member of the crew and any other person on board the aircraft may, without the commander's authority, take with respect to any person on board the aircraft such reasonable measures, including restraint, as

he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

(3) Any restraint imposed on any person on board an aircraft under the powers conferred by subsection (1) or subsection (2) shall not be continued after the aircraft ceases to be in flight, unless the commander of the aircraft notifies the appropriate authorities of the country in which the aircraft ceases to be in flight, either before or as soon as reasonably practicable after that time, that a person on board is under restraint and of the reasons for such restraint, but, provided that notification has been given, restraint may be continued—

(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 the requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (4) or subsection (5); or

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

(4) If the commander of an aircraft has reasonable grounds to believe that a person on board the aircraft has done or is about to do on board the aircraft anything (whether an offence or not) which jeopardises or may jeopardise—

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

(b) good order and discipline on board the aircraft,—

he may, if he considers it necessary to do so in order to protect the safety of the aircraft, disembark that person in any country in which the aircraft may be.

(5) If the commander of an aircraft has reasonable grounds to believe that any person on board the aircraft has done on board the aircraft anything which in the commander's opinion is a serious offence under the law of the country in which the aircraft is registered, he may deliver that person—

(a) in New Zealand, to any member of the New Zealand Police; or

(b) in any other country which is a party to the Tokyo Convention, to any person exercising functions corresponding to those of a member of the New Zealand Police.

(6) If the commander of an aircraft disembarks any person pursuant to subsection (4), in the case of a New Zealand aircraft, in any country, or, in the case of any other aircraft, in New Zealand, he shall report the fact of, and the reasons for, that disembarkation to an appropriate authority in the country of disembarkation (being, in New Zealand, a member of the New Zealand Police).

(7) If the commander of an aircraft intends to deliver any person in accordance with subsection (5) in New Zealand or, in the case of a New Zealand aircraft, in any other country which is a party to the Tokyo Convention, he shall, before or as soon as practicable after landing, give notification of his intention and of

the reasons for his intention to an appropriate authority in that country (being, in New Zealand, a member of the New Zealand Police).

(8) Any commander of an aircraft who without reasonable cause fails to comply with the requirements of subsection (6) or subsection (7) is liable on conviction to a fine not exceeding $400.

(9) A person who in good faith imposes reasonable measures, including restraint, on another person in accordance with the provisions of this section is not guilty of an offence and is not liable to any civil proceeding in respect of those measures.

Section 15(8): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

16 Arrest of persons delivered to Police

(1) Any member of the New Zealand Police shall accept delivery of a person whom the commander of an aircraft seeks to deliver to him in accordance with subsection (5) of section 15 if he has reasonable grounds to suspect that person of having done or omitted on board that aircraft anything that is a crime against this Act or any other Act.

(2) Where any member of the New Zealand Police accepts delivery of a person under subsection (1), he shall forthwith arrest that person.

17 Power to search persons on aircraft

If the commander of an aircraft in flight has reasonable grounds to suspect that a crime against this Act has been, is being, or is likely to be, committed on board or in relation to that aircraft, he, or any member of the crew of the aircraft or any other person on board the aircraft authorised by him to do so, may search any person or baggage on board the aircraft, and may take possession of any article found which has been used or could be used to effect or facilitate the commission of a crime against this Act.

Miscellaneous provisions

18 Attorney-General's consent required to prosecutions

No proceedings for the trial and punishment of any person charged with a crime against section 3 or section 4 or section 5 or section 5A or section 11 shall be instituted in any court except with the consent of the Attorney-General:

provided that a person charged with any such crime may be arrested, or a warrant for his arrest may be issued and executed, and he may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the crime has not been obtained, but no further proceedings shall be taken until that consent has been obtained.

Section 18: amended, on 1 September 1999, by section 11 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

19 Aircraft in military, Customs, or Police service

Nothing in sections 11 to 17 shall apply to aircraft used in the military, Customs, or Police service of any country, including New Zealand.

20 Joint registration of aircraft

Where an aircraft is subject to joint or international registration, it shall be deemed for the purposes of this Act to be registered in the country which, according to the records of the International Civil Aviation Organisation, is the country of registration.

21 Other Acts not affected

Nothing in this Act shall be construed to limit or affect the operation of any provision of the Immigration Act 2009, or, except as expressly provided in this Act, of any provision of the Crimes Act 1961.

Section 21: amended, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 21: amended, on 1 September 1999, by section 11 of the Aviation Crimes Amendment Act 1999 (1999 No 57).

Notes

1 General

This is a consolidation of the Aviation Crimes Act 1972 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Civil Aviation Act 2023 (2023 No 10): sections 475, 476, 486

Secondary Legislation Act 2021 (2021 No 7): section 3

Family Violence (Amendments) Act 2018 (2018 No 47): section 31

Search and Surveillance Act 2012 (2012 No 24): section 202

Criminal Procedure Act 2011 (2011 No 81): section 413

Immigration Act 2009 (2009 No 51): section 406(1)

Aviation Crimes Amendment Act 2007 (2007 No 88)

Civil Aviation Amendment Act 2004 (2004 No 8): section 41(3)

Aviation Crimes Amendment Act 1999 (1999 No 57)

Extradition Act 1999 (1999 No 55): section 111

Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74): section 5(4)

Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (1977 No 28): section 33(2)(a)

Civil Aviation Amendment Act 1976 (1976 No 153): section 6(1)

Misuse of Drugs Act 1975 (1975 No 116): section 39(1)

Aviation Crimes Act Commencement Order 1974 (SR 1974/45)

Aviation Crimes Amendment Act 1973 (1973 No 50)

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