Version
as at 8 August 2026

Maritime Crimes Act 1999

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Commencement	see section 1(2)

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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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Title *[Repealed]*

Title: repealed, on 27 May 2018, by section 4 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

1 Short Title and commencement

(1) This Act may be cited as the Maritime Crimes Act 1999.

(2) This Act comes into force on 1 September 1999.

1A Purpose

The purpose of this Act is to give effect to the provisions of—

(a) the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at Rome on 10 March 1988; and

(b) the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at London on 14 October 2005; and

(c) the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988; and

(d) the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at London on 14 October 2005.

Section 1A: inserted, on 27 May 2018, by section 5 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

2 Interpretation

In this Act, unless the context otherwise requires,—

act against a specified terrorism convention has the meaning given in section 4(1) of the Terrorism Suppression Act 2002

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 offences specified in sections 188, 188A, 189, 189A, 190, 191, 197, 198, 198A, 198B, 199, 200, 202, 203, or 209 of the Crimes Act 1961

BCN weapon means a biological weapon, a chemical weapon, or a nuclear weapon

biological weapon means—

(a) a non-peaceful biological agent; or

(b) a weapon, piece of equipment, or means of delivery that is designed to use a non-peaceful biological agent or agents for hostile purposes or in armed conflict (whether or not it is armed with or accompanied by any non-peaceful biological agent)

chemical weapon means—

(a) a toxic chemical or precursor other than one that is intended for use for 1 or more of the following purposes:

(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes:

(ii) purposes directly related to protection against toxic chemicals or chemical weapons:

(iii) military purposes not dependent on the use of the toxic properties of chemicals as a method of warfare:

(iv) law enforcement purposes; or

(b) munitions, or a device, designed to cause death or harm to people through the toxic properties of chemical weapons (within the meaning of paragraph (a)) that would be released by the use of the munitions or device; or

(c) equipment designed for use directly in connection with the use of chemical weapons (within the meaning of paragraph (b))

continental shelf has the same meaning as in section 2(1) of the Continental Shelf Act 1964

exclusive economic zone, in relation to New Zealand, has the meaning given in section 9 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

fixed platform means any artificial island, installation, or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for other economic purposes

flag State, in relation to a ship, means—

(a) the State in which the ship is registered; or

(b) if the ship is unregistered, the State whose flag the ship is entitled to fly or whose marks of registry the ship is entitled to display

foreign ship means a ship that is not a New Zealand ship and that is registered in another State or that is entitled to fly the flag or to bear the marks of registry of another State

high seas means all parts of the sea not included in the internal waters, territorial sea, or exclusive economic zone of a State or in the archipelagic waters of an archipelagic State

infrastructure facility has the meaning given in section 4(1) of the Terrorism Suppression Act 2002

internal waters, in relation to New Zealand, has the meaning given in section 4 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

maritime navigational facilities includes—

(a) any lightship and any floating or other light exhibited for the guidance of ships:

(b) any description of a fog signal not carried on a ship:

(c) all marks and signs in aid of marine navigation:

(d) an electronic, radio, or other aid to marine navigation not carried on board a ship

master means a person (except a pilot) having command or charge of a ship

New Zealand ship means a ship that is registered under the Ship Registration Act 1992

non-peaceful biological agent means a biological agent or toxin (whether or not microbial, and whatever its origin and method of harvest or production) of a type, and in a quantity, that has no justification in use for prophylactic, protective, or other peaceful purposes

nuclear weapon means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used, whether assembled, partly assembled, or unassembled

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

place of public use has the meaning given in section 4(1) of the Terrorism Suppression Act 2002

precursor,—

(a) in relation to a toxic chemical, means a chemical that is used at any stage in the production of the toxic chemical; and

(b) in relation to a toxic chemical that is a mixture of 2 or more chemical components, includes a chemical that—

  (i) is a key component of the toxic chemical; or

  (ii) is used at any stage in the production of a key component of the toxic chemical

public transportation system has the meaning given in section 4(1) of the Terrorism Suppression Act 2002

Rome Convention means the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, done at Rome on 10 March 1988, as amended by the Protocol of 2005 to that Convention, done at London on 14 October 2005 (a copy of the consolidated English text of the Convention and Protocol is set out in Schedule 1)

Rome Protocol means the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988, as amended by the Protocol of 2005 to that Protocol, done at London on 14 October 2005 (a copy of the consolidated English text of the Protocols is set out in Schedule 2)

serious injury or serious damage means—

(a) serious bodily injury to people; or

(b) extensive destruction, resulting in major economic loss, of a place of public use, a State or government facility, an infrastructure facility, or a public transportation system; or

(c) substantial damage to the environment (that is, the air, the soil, water, animals, or plants)

ship means a vessel of any type whatsoever not permanently attached to the seabed, including dynamically supported craft, submersibles, or any other floating craft.

source material and **special fissionable material** have the meanings given in Article XX of the Statute of the International Atomic Energy Agency, done at New York on 26 October 1956

State or government facility has the meaning given in section 4(1) of the Terrorism Suppression Act 2002

territorial sea, in relation to New Zealand, has the meaning given in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977

toxic chemical means a chemical that, through its chemical action on life processes, can cause death, temporary incapacitation, or permanent harm to people or animals—

(a) whatever its origin or method of production; and

(b) whether it is produced in a facility, in munitions, or elsewhere

transport, in relation to a person or thing that moves or is moved, means to initiate, arrange, exercise effective control over, or exercise authority to make decisions in respect of, the movement concerned.

Section 2 **act against a specified terrorism convention**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **act of violence** paragraph (a): amended, on 3 December 2018, by section 41(1) of the Family Violence (Amendments) Act 2018 (2018 No 47).

Section 2 **act of violence** paragraph (b): amended, on 8 August 2026, by section 40 of the Crimes Amendment Act 2026 (2026 No 50).

Section 2 **act of violence** paragraph (b): amended, on 3 December 2018, by section 41(2) of the Family Violence (Amendments) Act 2018 (2018 No 47).

Section 2 **act of violence** paragraph (b): amended, on 27 May 2018, by section 6(2)(a) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **BCN weapon**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **biological weapon**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **chemical weapon**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **enforcement officer**: repealed, on 21 May 2022, by section 56 of the Maritime Powers Act 2022 (2022 No 23).

Section 2 **exclusive economic zone**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **flag State**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **foreign ship**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **high seas**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **infrastructure facility**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **internal waters**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **New Zealand**: repealed, on 27 May 2018, by section 6(2)(b) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **non-peaceful biological agent**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **nuclear weapon**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **place of public use**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **precursor**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **public transportation system**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **Rome Convention**: amended, on 27 May 2018, by section 6(2)(c) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **Rome Protocol**: amended, on 27 May 2018, by section 6(2)(d) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **scheduled to navigate**: repealed, on 27 May 2018, by section 6(2)(e) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **serious injury or serious damage**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **source material** and **special fissionable material**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **State or government facility**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **territorial sea**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **toxic chemical**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 2 **transport**: inserted, on 27 May 2018, by section 6(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

3 Act does not apply to certain ships

This Act does not apply in relation to—

(a) a warship; or

(b) a ship owned or operated by a country when being used as a naval auxiliary or for Customs or Police purposes; or

(c) a ship that has been withdrawn from navigation or is laid up.

3A Act does not apply to certain situations

This Act does not apply to any act that occurs in a situation of armed conflict and is, at the time and in the place that it occurs, in accordance with rules of international law applicable to the conflict.

Compare: Rome Convention, Art 2*bis*; Rome Protocol, Art 1

Section 3A: inserted, on 27 May 2018, by section 7 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

3B Protest and other activity

To avoid doubt, the fact that a person engages in any protest, advocacy, or dissent, or engages in any strike, lockout, or other industrial action, is not, by itself, a sufficient basis for inferring that the person—

(a) is carrying out an act for a purpose, or with an intention, specified in any offence in this Act; or

(b) intends to cause an outcome specified in any offence in this Act.

Compare: 2002 No 34 s 5(5)

Section 3B: inserted, on 27 May 2018, by section 7 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

3C Act binds the Crown

This Act binds the Crown.

Section 3C: inserted, on 27 May 2018, by section 7 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Offences relating to ships and fixed platforms

Heading: amended, on 27 May 2018, by section 8 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

4 Offences relating to ships

(1) A person commits an offence who intentionally—

(a) by force or by threat of force or by any other form of intimidation seizes or exercises control over a ship; or

(b) on board a ship, commits an act of violence that is likely to endanger the safe navigation of the ship; or

(c) destroys a ship; or

(d) causes damage to a ship or the ship's cargo and that damage is likely to endanger the safe navigation of the ship; or

(e) places or causes to be placed on a ship anything that is likely to destroy the ship; or

(f) places or causes to be placed on a ship anything that is likely to cause damage to the ship or the ship's cargo and that damage endangers or is likely to endanger the safe navigation of the ship; or

(g) destroys, seriously damages, or seriously interferes with the operation of any maritime navigational facilities, if the destruction, damage, or interference is likely to endanger the safe navigation of a ship; or

(h) endangers the safe navigation of a ship by communicating to another person information which the person communicating the information knows to be false.

(2) *[Repealed]*

(3) A person commits an offence who threatens to do, in relation to a ship, any act that is an offence against any of paragraphs (b) to (d) or paragraph (g) of subsection (1) if the threat—

(a) is in order to compel any other person to do or abstain from doing any act; and

(b) is likely to endanger the safe navigation of the ship.

Compare: Rome Convention, Art 3

Section 4 heading: amended, on 27 May 2018, by section 9(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 4(1): amended, on 27 May 2018, by section 9(2) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 4(2): repealed, on 27 May 2018, by section 9(3) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 4(3): amended, on 27 May 2018, by section 9(2) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 4 compare note: inserted, on 27 May 2018, by section 9(4) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

4A Further offences relating to ships

(1) A person commits an offence if the person, with the purpose of intimidating a population or compelling a government or an international organisation to do or to abstain from doing any act, intentionally—

(a) uses against or on a ship or discharges from a ship any explosive, radioactive material, or BCN weapon in a manner that causes or is likely to cause the death of any person or serious injury or serious damage; or

(b) discharges from a ship any of the following substances in a quantity or concentration that causes or is likely to cause the death of any person or serious injury or serious damage:

(i) oil:

(ii) liquefied natural gas:

(iii) any other hazardous or noxious substance that is not covered by paragraph (a); or

(c) causes death or serious injury or serious damage through the use of a ship.

(2) A person commits an offence if the person, with the purpose of intimidating a population or compelling a government or an international organisation to do or to abstain from doing any act, threatens to do any act described in subsection (1)(a), (b), or (c).

Compare: Rome Convention, Art 3*bis*(1)(a)

Section 4A: inserted, on 27 May 2018, by section 10 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

4B Offences relating to transportation of weapons and nuclear material and equipment

(1) A person commits an offence if the person intentionally transports on board a ship—

(a) any explosive or radioactive material, knowing that it is intended to be used to cause, or used in a threat to cause, the death of any person or serious injury or serious damage for the purpose of intimidating a population or compelling a government or an international organisation to do or to abstain from doing any act; or

(b) any BCN weapon, knowing it to be a BCN weapon; or

(c) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a BCN weapon, with the intention that it will be used for that purpose; or

(d) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement.

(2) A person does not commit an offence against subsection (1)(c), as it relates to a nuclear weapon, or against subsection (1)(d) if—

(a) the thing that is transported is under the control of a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons and the resulting

transfer or receipt of the thing is not contrary to the State Party's obligations under that Treaty; or

(b) the thing is intended for the delivery system of a nuclear weapon of a State Party to that Treaty, and the holding of the weapon is not contrary to the State Party's obligations under the Treaty.

Compare: Rome Convention, Art 3*bis*(1)(b), (2)

Section 4B: inserted, on 27 May 2018, by section 10 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

4C Offences relating to transportation of fugitives by ship

A person commits an offence if the person, with the intention to assist another person to evade criminal prosecution, intentionally transports the other person on board a ship, knowing the other person—

(a) has committed an offence against section 4, 4A, or 4B (or section 6 as it relates to section 4, 4A, or 4B); or

(b) has committed an act against a specified terrorism convention.

Compare: Rome Convention, Art 3*ter*

Section 4C: inserted, on 27 May 2018, by section 10 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

5 Offences relating to fixed platforms

(1) A person commits an offence who intentionally—

(a) by force or by threat of force or by any other form of intimidation seizes or exercises control over a fixed platform; or

(b) on board a fixed platform, commits an act of violence that is likely to endanger the safety of the platform; or

(c) destroys a fixed platform; or

(d) causes damage to a fixed platform and that damage is likely to endanger the safety of the platform; or

(e) places or causes to be placed on a fixed platform anything that is likely to destroy the platform or to endanger the safety of the platform.

(2) *[Repealed]*

(3) A person commits an offence who threatens to do, in relation to a fixed platform, any act that is an offence against any of paragraphs (b) to (d) of subsection (1) if the threat—

(a) is in order to compel any other person to do or abstain from doing any act; and

(b) is likely to endanger the safety of the platform.

Compare: Rome Protocol, Art 2

Section 5 heading: amended, on 27 May 2018, by section 11(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 5(1): amended, on 27 May 2018, by section 11(2) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 5(2): repealed, on 27 May 2018, by section 11(3) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 5(3): amended, on 27 May 2018, by section 11(2) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 5 compare note: inserted, on 27 May 2018, by section 11(4) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

5A Further offences relating to fixed platforms

(1) A person commits an offence if the person, with the purpose of intimidating a population or compelling a government or an international organisation to do or to abstain from doing any act, intentionally—

(a) uses against or on a fixed platform or discharges from a fixed platform any explosive, radioactive material, or BCN weapon in a manner that causes or is likely to cause the death of any person or serious injury or serious damage; or

(b) discharges from a fixed platform any of the following substances in a quantity or concentration that causes or is likely to cause the death of any person or serious injury or serious damage:

(i) oil:

(ii) liquefied natural gas:

(iii) any other hazardous or noxious substance that is not covered by paragraph (a).

(2) A person commits an offence if the person, with the purpose of intimidating a population or compelling a government or an international organisation to do or to abstain from doing any act, threatens to do any act described in subsection (1)(a) or (b).

Compare: Rome Protocol, Art 2*bis*

Section 5A: inserted, on 27 May 2018, by section 12 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

6 Offences relating to death and injury

(1) A person commits an offence if the person intentionally—

(a) causes the death of any person in connection with the commission or attempted commission of an offence against section 4(1), 4A(1), 4B(1), 4C, 5(1), or 5A(1) and the conduct concerned would, if it occurred in New Zealand, amount to—

(i) murder under section 167 or 168 of the Crimes Act 1961; or

(ii) manslaughter under section 171 of the Crimes Act 1961; or

(iii) manslaughter by strike to head or neck under section 171A of the Crimes Act 1961; or

(b) injures any person in connection with the commission or attempted commission of an offence against section 4(1), 4A(1), 4B(1), 4C, 5(1), or 5A(1).

(2) For the purposes of subsection (1), an act or omission by any person occurs **in connection with the commission or attempted commission of an offence** if it was done or omitted with the intent—

(a) to commit or facilitate the commission or attempted commission of the offence; or

(b) to avoid the detection of the person or any other person in the commission or attempted commission of the offence; or

(c) to avoid the arrest of, or to facilitate flight from arrest of, the person or any other person on the commission or attempted commission of the offence.

(3) Subsection (2) does not limit the generality of the expression "in connection with the commission or attempted commission of an offence".

Compare: Rome Convention, Art 3*quater*, Rome Protocol, Art 2*ter*

Section 6: replaced, on 27 May 2018, by section 13 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 6(1)(a)(iii): inserted, on 8 August 2026, by section 40 of the Crimes Amendment Act 2026 (2026 No 50).

7 Penalties for offences against sections 4 to 6

(1) A person convicted of an offence—

(a) against section 6(1)(a)(i) must be sentenced as if the person had been convicted of murder under the Crimes Act 1961:

(b) against section 6(1)(a)(ii) must be sentenced as if the person had been convicted of manslaughter under the Crimes Act 1961:

(c) against section 6(1)(a)(iii) must be sentenced as if the person had been convicted of manslaughter by strike to head or neck under the Crimes Act 1961.

(2) A person who commits an offence against section 4, 4A, 4B, 5, 5A, or 6(1)(b) is liable on conviction to a term of imprisonment not exceeding 14 years.

(3) A person who commits an offence against section 4C is liable on conviction to a term of imprisonment not exceeding 7 years.

Section 7: replaced, on 27 May 2018, by section 13 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 7(1)(c): inserted, on 8 August 2026, by section 40 of the Crimes Amendment Act 2026 (2026 No 50).

Jurisdiction and application provisions

Heading: replaced, on 27 May 2018, by section 13 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

8 Extra-territorial jurisdiction

(1) This Act applies in relation to an offence that occurs beyond the outer limits of New Zealand's territorial sea if—

(a) the offence is committed—

(i) against or on board a New Zealand ship; or

(ii) against or on board a fixed platform located on New Zealand's continental shelf; or

(iii) against or on board a foreign ship and the flag State of the foreign ship has consented to New Zealand exercising jurisdiction in relation to the ship in accordance with the Rome Convention; or

(b) the alleged offender is—

(i) a New Zealand citizen; or

(ii) a person ordinarily resident in New Zealand but not the citizen of any State; or

(iii) present in New Zealand.

(2) For the purposes of subsection (1)(a), an offence is deemed to be committed against or on board a ship or a fixed platform if any act or omission forming part of the offence, or any event necessary to the completion of the offence, occurs against or on board the ship or the fixed platform.

(3) Subsection (2) does not limit or affect section 7 of the Crimes Act 1961.

Compare: Rome Convention, Art 6; Rome Protocol, Art 3

Section 8: replaced, on 27 May 2018, by section 13 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

9 Extra-territorial jurisdiction in respect of crimes relating to fixed platforms

[Repealed]

Section 9: repealed, on 27 May 2018, by section 13 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

10 Application of Crimes Act 1961

(1) The following sections of the Crimes Act 1961 do not apply in respect of any of the offences described in sections 4 to 6 of this Act:

(a) section 8 (which relates to jurisdiction in respect of crimes on ships or aircraft beyond New Zealand):

(b) section 92 (which relates to piracy):

(c) section 400 (which relates to the consent of the Attorney-General to proceedings in certain cases for offences on ships or aircraft).

(2) Except for subsection (1), this Act does not limit the Crimes Act 1961.

Section 10(1): amended, on 27 May 2018, by section 14 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Enforcement officers' powers

[Repealed]

Heading: repealed, on 21 May 2022, by section 57 of the Maritime Powers Act 2022 (2022 No 23).

10A Exercise of enforcement officers' powers in relation to ships

[Repealed]

Section 10A: repealed, on 21 May 2022, by section 57 of the Maritime Powers Act 2022 (2022 No 23).

10B Powers to board and search ship

[Repealed]

Section 10B: repealed, on 21 May 2022, by section 57 of the Maritime Powers Act 2022 (2022 No 23).

10C Enforcement officers' powers in relation to fixed platforms

[Repealed]

Section 10C: repealed, on 21 May 2022, by section 57 of the Maritime Powers Act 2022 (2022 No 23).

10D Power of arrest

[Repealed]

Section 10D: repealed, on 21 May 2022, by section 57 of the Maritime Powers Act 2022 (2022 No 23).

10E Use of force

[Repealed]

Section 10E: repealed, on 21 May 2022, by section 57 of the Maritime Powers Act 2022 (2022 No 23).

10F Offence to obstruct or to fail to comply

[Repealed]

Section 10F: repealed, on 21 May 2022, by section 57 of the Maritime Powers Act 2022 (2022 No 23).

10G Enforcement officers designated

[Repealed]

Section 10G: repealed, on 21 May 2022, by section 57 of the Maritime Powers Act 2022 (2022 No 23).

Powers of masters

11 Master may deliver alleged offender to appropriate authorities

(1) A master of a New Zealand ship may deliver to the appropriate authorities of a country that is a party to the Rome Convention any person whom the master has reasonable grounds to believe has committed an offence against any of sections 4 to 4C (or section 6 as it relates to any of sections 4 to 4C).

(2) A master who intends to deliver a person under subsection (1) must notify the appropriate authorities of the country of—

(a) his or her intention to deliver the person to those authorities; and

(b) his or her reasons for intending to do so.

(3) A notification under subsection (2) must be given,—

(a) if it is reasonably practicable to do so, before the ship enters the territorial sea of the country; or

(b) in any other case, as soon as is reasonably practicable.

(4) If a master delivers a person under subsection (1), the master must give to the authorities of the country any evidence relating to the alleged offence that is in the master's possession.

(5) A master commits an offence who fails, without reasonable excuse, to comply with subsection (2) or subsection (3).

(6) A master who commits an offence against subsection (5) is liable on conviction to a fine not exceeding $500.

Compare: Rome Convention, Art 8

Section 11(1): amended, on 27 May 2018, by section 16(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 11(4): amended, on 27 May 2018, by section 16(2) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 11(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 11 compare note: inserted, on 27 May 2018, by section 16(3) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

12 Power to search persons and baggage on ships

(1) This section applies if, because of the distance from land or for any other reason, it is impractical for the master of a ship to obtain, within a reasonable time, the assistance of a constable in New Zealand or a law enforcement officer of another country.

(2) If a master of a ship has reasonable grounds to believe that an offence against this Act has been, is being, or is likely to be, committed on board or in relation to the ship, the master, or any member of the crew, or any other person on board the ship authorised by the master to do so, may—

(a) search a person on board the ship who the master or the other person conducting the search has reasonable grounds to believe has committed or is committing or is likely to commit an offence against this Act:

(b) search the baggage of a person who is searched under paragraph (a):

(c) search any baggage that the master or the other person who is conducting the search has reasonable grounds to believe contains any article that has been used or could be used to effect or facilitate the commission of an offence against this Act.

(3) The person who conducts the search may take possession of any article found during the search that has been used or could be used to effect or facilitate the commission of an offence against this Act.

(4) If an article is seized under this section, it must be dealt with—

(a) in accordance with section 11(4); or

(b) by giving it to a Police employee in New Zealand or a law enforcement officer of another country; or

(c) by returning the article to its owner if the master of the ship considers that the article has not been used and is not or is not likely to be used to effect or facilitate the commission of an offence against this Act, and the possession of the article is otherwise lawful.

Section 12(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 12(2): amended, on 27 May 2018, by section 17 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 12(2)(a): amended, on 27 May 2018, by section 17 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 12(2)(c): amended, on 27 May 2018, by section 17 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 12(3): amended, on 27 May 2018, by section 17 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 12(4)(b): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 12(4)(c): amended, on 27 May 2018, by section 17 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Extradition of offenders

13 Definitions relating to extradition provisions

For the purposes of sections 14 to 16,—

country includes any territory for whose international relations the Government of a country is responsible and to which the extradition treaty and the Rome Convention or the Rome Protocol (as the case may be) extends

offence includes—

(a) an attempt to commit that offence:

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

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

(d) being an accessory after the fact to that offence.

Section 13 **crime**: repealed, on 27 May 2018, by section 18 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 13 **offence**: inserted, on 27 May 2018, by section 18 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

14 Offences 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 40 or section 104 of that Act, each offence described in any of sections 4 to 6 of this Act 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 country which is a party to the Rome Convention or the Rome Protocol (as the case may be).

(2) Despite subsection (1), no person is liable to be surrendered under the Extradition Act 1999 in respect of an act or omission that amounts to a crime to which that subsection applies if that act or omission occurred before the date on which the crime was deemed by that subsection to be an offence described in the relevant extradition treaty.

Compare: Rome Convention, Art 8

Section 14 heading: amended, on 27 May 2018, by section 19(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 14(1): amended, on 27 May 2018, by section 19(2) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 14 compare note: inserted, on 27 May 2018, by section 19(3) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

15 Restriction on surrender

(1) If the surrender of a person is sought in respect of any act or omission that amounts to an offence described in any of sections 4 to 6, the Minister of Justice, or the court before which that person is brought, in deciding whether to order the surrender of that person, must have due regard to whether the country that is seeking the surrender will give effect to the following rights of that person:

(a) the right to communicate, without delay, with the nearest appropriate representative of the country of which that person is a citizen or is habitually resident; and

(b) the right to be visited by a representative of the country referred to in paragraph (a).

(2) To avoid doubt, section 99 of the Extradition Act 1999 applies if 2 or more countries seek and obtain an order for the surrender of the same person in respect of any act or omission that amounts to an offence described in any of sections 4 to 6.

(3) If—

(a) 2 or more countries request the surrender of a person under the Extradition Act 1999 in respect of any act or omission that amounts to an offence described in any of sections 4 to 4C (or section 6 as it relates to any of sections 4 to 4C); and

(b) those countries are parties to the Rome Convention; and

(c) the ship in respect of which the act or omission relates was flying the flag of one of those countries when the alleged offence was committed,—

then the Minister of Justice must, in addition to the matters specified in section 99(2) of the Extradition Act 1999, have due regard to the interests and responsibilities of the country whose flag the ship was flying.

(4) This section does not limit any other considerations that the Minister of Justice or a court may take into account when considering whether or not to order the surrender of a person.

Section 15(1): amended, on 27 May 2018, by section 20(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 15(2): amended, on 27 May 2018, by section 20(1) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 15(3)(a): amended, on 27 May 2018, by section 20(2) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 15(3)(c): amended, on 27 May 2018, by section 20(3) of the Maritime Crimes Amendment Act 2017 (2017 No 49).

16 Certification of country as party to Rome Convention or Rome Protocol

A certificate given by the Minister of Foreign Affairs and Trade for the purposes of section 14 that any country is a party to the Rome Convention or the Rome Protocol (as the case may be) is, in the absence of evidence to the contrary, sufficient proof of that fact.

Miscellaneous provisions

17 Attorney-General's consent required for prosecutions

(1) No proceedings for the trial and punishment of a person charged with an offence against any of sections 4 to 6 can be instituted in any court except with the consent of the Attorney-General.

(2) However, a person charged with an offence against any of sections 4 to 6 may be arrested or a warrant for that person's arrest may be issued and executed,

and that person may be remanded in custody or on bail, even though the Attorney-General's consent under subsection (1) has not been obtained.

Section 17(1): amended, on 27 May 2018, by section 21 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Section 17(2): amended, on 27 May 2018, by section 21 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

18 Certification of ships in military service

A certificate given by the Minister of Foreign Affairs and Trade for the purposes of this Act that any ship is or is not a warship or a ship owned or operated by a country being used as a naval auxiliary is, in the absence of evidence to the contrary, sufficient proof of that fact.

19 Immigration Act 2009 not limited

This Act does not limit the Immigration Act 2009.

Section 19: substituted, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

20 Application to Tokelau

(1) Subject to subsections (2) and (3), this Act is in force in Tokelau.

(2) A prosecution for an offence alleged to have been committed in Tokelau is to be heard and determined by the High Court of New Zealand in accordance with section 3 of the Tokelau Amendment Act 1986.

(3) In the application of this Act to Tokelau, unless the context otherwise requires,—

(a) a reference in this Act to New Zealand (when used as a territorial description) is a reference to Tokelau:

(b) a reference to New Zealand's internal waters, territorial sea, or exclusive economic zone is a reference to Tokelau's internal waters, territorial sea, or exclusive economic zone within the meaning of the Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977.

Section 20: inserted, on 27 May 2018, by section 22 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Schedule 1
Consolidated text of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and of the Protocol of 2005 to the Convention

s 2

Schedule 1: inserted, on 27 May 2018, by section 23 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Article 1

1 For the purposes of this Convention:

(a) "ship" means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft.

(b) "transport" means to initiate, arrange or exercise effective control, including decision-making authority, over the movement of a person or item.

(c) "serious injury or damage" means:

(i) serious bodily injury; or

(ii) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss; or

(iii) substantial damage to the environment, including air, soil, water, fauna, or flora.

(d) "BCN weapon" means:

(i) "biological weapons", which are:

(1) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes; or

(2) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

(ii) "chemical weapons", which are, together or separately:

(1) toxic chemicals and their precursors, except where intended for:

(A) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes; or

(B) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons; or

(C) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

(D) law enforcement including domestic riot control purposes,

as long as the types and quantities are consistent with such purposes;

(2) munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (ii)(1), which would be released as a result of the employment of such munitions and devices;

(3) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (ii)(2).

(iii) nuclear weapons and other nuclear explosive devices.

(e) "toxic chemical" means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere.

(f) "precursor" means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system.

(g) "Organization" means the International Maritime Organization (IMO).

(h) "Secretary-General" means the Secretary-General of the Organization.

2 For the purposes of this Convention:

(a) the terms "place of public use", "State or government facility", "infrastructure facility", and "public transportation system" have the same meaning as given to those terms in the International Convention for the Suppression of Terrorist Bombings, done at New York on 15 December 1997; and

(b) the terms "source material" and "special fissionable material" have the same meaning as given to those terms in the Statute of the International Atomic Energy Agency (IAEA), done at New York on 26 October 1956.

Article 2

1 This Convention does not apply to:

(a) a warship; or

(b) a ship owned or operated by a State when being used as a naval auxiliary or for customs or police purposes; or

(c) a ship which has been withdrawn from navigation or laid up.

2 Nothing in this Convention affects the immunities of warships and other Government ships operated for non-commercial purposes.

Article 2*bis*

1 Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international human rights, refugee and humanitarian law.

2 This Convention does not apply to the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law.

3 Nothing in this Convention shall affect the rights, obligations and responsibilities under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London and Moscow on 1 July 1968, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, done at Washington, London and Moscow on 10 April 1972, or the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on 13 January 1993, of States Parties to such treaties.

Article 3

1 Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(a) seizes or exercises control over a ship by force or threat thereof or any other form of intimidation; or

(b) performs an act of violence against a person on board a ship if that act is likely to endanger the safe navigation of that ship; or

(c) destroys a ship or causes damage to a ship or to its cargo which is likely to endanger the safe navigation of that ship; or

(d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship, or cause damage

to that ship or its cargo which endangers or is likely to endanger the safe navigation of that ship; or

(e) destroys or seriously damages maritime navigational facilities or seriously interferes with their operation, if any such act is likely to endanger the safe navigation of a ship; or

(f) communicates information which that person knows to be false, thereby endangering the safe navigation of a ship.

2 Any person also commits an offence if that person threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraphs 1(b), (c), and (e), if that threat is likely to endanger the safe navigation of the ship in question.

Article 3*bis*

1 Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(a) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act:

(i) uses against or on a ship or discharges from a ship any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage; or

(ii) discharges, from a ship, oil, liquefied natural gas, or other hazardous or noxious substance, which is not covered by subparagraph (a)(i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage; or

(iii) uses a ship in a manner that causes death or serious injury or damage; or

(iv) threatens, with or without a condition, as is provided for under national law, to commit an offence set forth in subparagraph (a)(i), (ii) or (iii); or

(b) transports on board a ship:

(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, with or without a condition, as is provided for under national law, death or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act; or

(ii) any BCN weapon, knowing it to be a BCN weapon as defined in Article 1; or

(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an IAEA comprehensive safeguards agreement; or

(iv) any equipment, materials or software or related technology that significantly contributes to the design, manufacture or delivery of a BCN weapon, with the intention that it will be used for such purpose.

2 It shall not be an offence within the meaning of this Convention to transport an item or material covered by paragraph 1(b)(iii) or, insofar as it relates to a nuclear weapon or other nuclear explosive device, paragraph 1(b)(iv), if such item or material is transported to or from the territory of, or is otherwise transported under the control of, a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons where:

(a) the resulting transfer or receipt, including internal to a State, of the item or material is not contrary to such State Party's obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and,

(b) if the item or material is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons, the holding of such weapon or device is not contrary to that State Party's obligations under that Treaty.

Article 3*ter*

Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally transports another person on board a ship knowing that the person has committed an act that constitutes an offence set forth in Article 3, 3*bis* or 3*quater* or an offence set forth in any treaty listed in the Annex, and intending to assist that person to evade criminal prosecution.

Article 3*quater*

Any person also commits an offence within the meaning of this Convention if that person:

(a) unlawfully and intentionally injures or kills any person in connection with the commission of any of the offences set forth in Article 3, paragraph 1, Article 3*bis*, or Article 3*ter*; or

(b) attempts to commit an offence set forth in Article 3, paragraph 1, Article 3*bis*, paragraph 1(a)(i), (ii) or (iii), or subparagraph (a) of this article; or

(c) participates as an accomplice in an offence set forth in Article 3, Article 3*bis*, Article 3*ter*, or subparagraph (a) or (b) of this article; or

(d) organizes or directs others to commit an offence set forth in Article 3, Article 3*bis*, Article 3*ter*, or subparagraph (a) or (b) of this article; or

(e) contributes to the commission of one or more offences set forth in Article 3, Article 3*bis*, Article 3*ter* or subparagraph (a) or (b) of this article, by a group of persons acting with a common purpose, intentionally and either:

(i) with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence set forth in Article 3, 3*bis* or 3*ter*; or

(ii) in the knowledge of the intention of the group to commit an offence set forth in Article 3, 3*bis* or 3*ter*.

Article 4

1 This Convention applies if the ship is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single State, or the lateral limits of its territorial sea with adjacent States.

2 In cases where the Convention does not apply pursuant to paragraph 1, it nevertheless applies when the offender or the alleged offender is found in the territory of a State Party other than the State referred to in paragraph 1.

Article 5

Each State Party shall make the offences set forth in Articles 3, 3*bis*, 3*ter* and 3*quater* punishable by appropriate penalties which take into account the grave nature of those offences.

Article 5*bis*

1 Each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for management or control of that legal entity has, in that capacity, committed an offence set forth in this Convention. Such liability may be criminal, civil or administrative.

2 Such liability is incurred without prejudice to the criminal liability of individuals having committed the offences.

3 Each State Party shall ensure, in particular, that legal entities liable in accordance with paragraph 1 are subject to effective, proportionate and dissuasive criminal, civil or administrative sanctions. Such sanctions may include monetary sanctions.

Article 6

1 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in Articles 3, 3*bis*, 3*ter* and 3*quater* when the offence is committed:

(a) against or on board a ship flying the flag of the State at the time the offence is committed; or

(b) in the territory of that State, including its territorial sea; or

(c) by a national of that State.

2 A State Party may also establish its jurisdiction over any such offence when:

(a) it is committed by a stateless person whose habitual residence is in that State; or

(b) during its commission a national of that State is seized, threatened, injured or killed; or

(c) it is committed in an attempt to compel that State to do or abstain from doing any act.

3 Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.

4 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in Articles 3, 3*bis*, 3*ter* and 3*quater* in cases where the alleged offender is present in its territory and it does not extradite the alleged offender to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2 of this article.

5 This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 7

1 Upon being satisfied that the circumstances so warrant, any State Party in the territory of which the offender or the alleged offender is present shall, in accordance with its law, take him into custody or take other measures to ensure his presence for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

2 Such State shall immediately make a preliminary inquiry into the facts, in accordance with its own legislation.

3 Any person regarding whom the measures referred to in paragraph 1 are being taken shall be entitled to:

(a) communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a stateless person, the State in the territory of which he has his habitual residence;

(b) be visited by a representative of that State.

4 The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or the alleged offender is present, subject to the proviso that the said laws and

regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5 When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify the States which have established jurisdiction in accordance with Article 6, paragraph 1 and, if it considers it advisable, any other interested States, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 8

1 The master of a ship of a State Party (the "flag State") may deliver to the authorities of any other State Party (the "receiving State") any person who the master has reasonable grounds to believe has committed an offence set forth in Article 3, 3*bis*, 3*ter*, or 3*quater*.

2 The flag State shall ensure that the master of its ship is obliged, whenever practicable, and if possible before entering the territorial sea of the receiving State carrying on board any person whom the master intends to deliver in accordance with paragraph 1, to give notification to the authorities of the receiving State of his intention to deliver such person and the reasons therefor.

3 The receiving State shall accept the delivery, except where it has grounds to consider that the Convention is not applicable to the acts giving rise to the delivery, and shall proceed in accordance with the provisions of Article 7. Any refusal to accept a delivery shall be accompanied by a statement of the reasons for refusal.

4 The flag State shall ensure that the master of its ship is obliged to furnish the authorities of the receiving State with the evidence in the master's possession which pertains to the alleged offence.

5 A receiving State which has accepted the delivery of a person in accordance with paragraph 3 may, in turn, request the flag State to accept delivery of that person. The flag State shall consider any such request, and if it accedes to the request it shall proceed in accordance with Article 7. If the flag State declines a request, it shall furnish the receiving State with a statement of the reasons therefor.

Article 8*bis*

1 States Parties shall co-operate to the fullest extent possible to prevent and suppress unlawful acts covered by this Convention, in conformity with international law, and shall respond to requests pursuant to this article as expeditiously as possible.

2 Each request pursuant to this article should, if possible, contain the name of the suspect ship, the IMO ship identification number, the port of registry, the ports of origin and destination, and any other relevant information. If a request is conveyed orally, the requesting Party shall confirm the request in writing as soon as possible. The requested Party shall acknowledge its receipt of any written or oral request immediately.

3 States Parties shall take into account the dangers and difficulties involved in boarding a ship at sea and searching its cargo, and give consideration to whether other appropriate measures agreed between the States concerned could be more safely taken in the next port of call or elsewhere.

4 A State Party that has reasonable grounds to suspect that an offence set forth in Article 3, 3*bis*, 3*ter* or 3*quater* has been, is being or is about to be committed involving a ship flying its flag, may request the assistance of other States Parties in preventing or suppressing that offence. The States Parties so requested shall use their best endeavours to render such assistance within the means available to them.

5 Whenever law enforcement or other authorized officials of a State Party ("the requesting Party") encounter a ship flying the flag or displaying marks of registry of another State Party ("the first Party") located seaward of any State's territorial sea, and the requesting Party has reasonable grounds to suspect that the ship or a person on board the ship has been, is or is about to be involved in the commission of an offence set forth in Article 3, 3*bis*, 3*ter* or 3*quater*, and the requesting Party desires to board,

(a) it shall request, in accordance with paragraphs 1 and 2 that the first Party confirm the claim of nationality, and

(b) if nationality is confirmed, the requesting Party shall ask the first Party (hereinafter referred to as "the flag State") for authorization to board and to take appropriate measures with regard to that ship which may include stopping, boarding and searching the ship, its cargo and persons on board, and questioning the persons on board in order to determine if an offence set forth in Article 3, 3*bis*, 3*ter* or 3*quater* has been, is being or is about to be committed, and

(c) the flag State shall either:

(i) authorize the requesting Party to board and to take appropriate measures set out in subparagraph (b), subject to any conditions it may impose in accordance with paragraph 7; or

(ii) conduct the boarding and search with its own law enforcement or other officials; or

(iii) conduct the boarding and search together with the requesting Party, subject to any conditions it may impose in accordance with paragraph 7; or

(iv) decline to authorize a boarding and search.

The requesting Party shall not board the ship or take measures set out in subparagraph (b) without the express authorization of the flag State.

(d) Upon or after depositing its instrument of ratification, acceptance, approval or accession, a State Party may notify the Secretary-General that, with respect to ships flying its flag or displaying its mark of registry, the requesting Party is granted authorization to board and search the ship, its cargo and persons on board, and to question the persons on board in order to locate and examine documentation of its nationality and determine if an offence set forth in Article 3, 3*bis*, 3*ter* or 3*quater* has been, is being or is about to be committed, if there is no response from the first Party within four hours of acknowledgement of receipt of a request to confirm nationality.

(e) Upon or after depositing its instrument of ratification, acceptance, approval or accession, a State Party may notify the Secretary-General that, with respect to ships flying its flag or displaying its mark of registry, the requesting Party is authorized to board and search a ship, its cargo and persons on board, and to question the persons on board in order to determine if an offence set forth in Article 3, 3*bis*, 3*ter* or 3*quater* has been, is being or is about to be committed.

The notifications made pursuant to this paragraph can be withdrawn at any time.

6 When evidence of conduct described in Article 3, 3*bis*, 3*ter* or 3*quater* is found as the result of any boarding conducted pursuant to this article, the flag State may authorize the requesting Party to detain the ship, cargo and persons on board pending receipt of disposition instructions from the flag State. The requesting Party shall promptly inform the flag State of the results of a boarding, search, and detention conducted pursuant to this article. The requesting Party shall also promptly inform the flag State of the discovery of evidence of illegal conduct that is not subject to this Convention.

7 The flag State, consistent with the other provisions of this Convention, may subject its authorization under paragraph 5 or 6 to conditions, including obtaining additional information from the requesting Party, and conditions relating to responsibility for and the extent of measures to be taken. No additional measures may be taken without the express authorization of the flag State, except when necessary to relieve imminent danger to the lives of persons or where those measures derive from relevant bilateral or multilateral agreements.

8 For all boardings pursuant to this article, the flag State has the right to exercise jurisdiction over a detained ship, cargo or other items and persons on board, including seizure, forfeiture, arrest and prosecution. However, the flag State may, subject to its constitution and laws, consent to the exercise of jurisdiction by another State having jurisdiction under Article 6.

9 When carrying out the authorized actions under this article, the use of force shall be avoided except when necessary to ensure the safety of its officials and persons on board, or where the officials are obstructed in the execution of the authorized actions. Any use of force pursuant to this article shall not exceed the minimum degree of force which is necessary and reasonable in the circumstances.

10 Safeguards:

(a) Where a State Party takes measures against a ship in accordance with this article, it shall:

(i) take due account of the need not to endanger the safety of life at sea;

(ii) ensure that all persons on board are treated in a manner which preserves their basic human dignity, and in compliance with the applicable provisions of international law, including international human rights law;

(iii) ensure that a boarding and search pursuant to this article shall be conducted in accordance with applicable international law;

(iv) take due account of the safety and security of the ship and its cargo;

(v) take due account of the need not to prejudice the commercial or legal interests of the flag State;

(vi) ensure, within available means, that any measure taken with regard to the ship or its cargo is environmentally sound under the circumstances;

(vii) ensure that persons on board against whom proceedings may be commenced in connection with any of the offences set forth in Article 3, 3*bis*, 3*ter* or 3*quater* are afforded the protections of paragraph 2 of Article 10, regardless of location;

(viii) ensure that the master of a ship is advised of its intention to board, and is, or has been, afforded the opportunity to contact the ship's owner and the flag State at the earliest opportunity; and

(ix) take reasonable efforts to avoid a ship being unduly detained or delayed.

(b) Provided that authorization to board by a flag State shall not *per se* give rise to its liability, States Parties shall be liable for any damage, harm or loss attributable to them arising from measures taken pursuant to this article when:

(i) the grounds for such measures prove to be unfounded, provided that the ship has not committed any act justifying the measures taken; or

(ii) such measures are unlawful or exceed those reasonably required in light of available information to implement the provisions of this article.

States Parties shall provide effective recourse in respect of such damage, harm or loss.

(c) Where a State Party takes measures against a ship in accordance with this Convention, it shall take due account of the need not to interfere with or to affect:

(i) the rights and obligations and the exercise of jurisdiction of coastal States in accordance with the international law of the sea; or

(ii) the authority of the flag State to exercise jurisdiction and control in administrative, technical and social matters involving the ship.

(d) Any measure taken pursuant to this article shall be carried out by law enforcement or other authorized officials from warships or military aircraft, or from other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect and, notwithstanding Articles 2 and 2*bis*, the provisions of this article shall apply.

(e) For the purposes of this article "law enforcement or other authorized officials" means uniformed or otherwise clearly identifiable members of law enforcement or other government authorities duly authorized by their government. For the specific purpose of law enforcement under this Convention, law enforcement or other authorized officials shall provide appropriate government-issued identification documents for examination by the master of the ship upon boarding.

11 This article does not apply to or limit boarding of ships conducted by any State Party in accordance with international law, seaward of any State's territorial sea, including boardings based upon the right of visit, the rendering of assistance to persons, ships and property in distress or peril, or an authorization from the flag State to take law enforcement or other action.

12 States Parties are encouraged to develop standard operating procedures for joint operations pursuant to this article and consult, as appropriate, with other States Parties with a view to harmonizing such standard operating procedures for the conduct of operations.

13 States Parties may conclude agreements or arrangements between them to facilitate law enforcement operations carried out in accordance with this article.

14 Each State Party shall take appropriate measures to ensure that its law enforcement or other authorized officials, and law enforcement or other authorized officials of other States Parties acting on its behalf, are empowered to act pursuant to this article.

15 Upon or after depositing its instrument of ratification, acceptance, approval or accession, each State Party shall designate the authority, or, where necessary, authorities to receive and respond to requests for assistance, for confirmation of nationality, and for authorization to take appropriate measures. Such designation, including contact information, shall be notified to the Secretary-General within one month of becoming a Party, who shall inform all other States Parties within one month of the designation. Each State Party is responsible for providing prompt notice through the Secretary-General of any changes in the designation or contact information.

Article 9

Nothing in this Convention shall affect in any way the rules of international law pertaining to the competence of States to exercise investigative or enforcement jurisdiction on board ships not flying their flag.

Article 10

1 The State Party in the territory of which the offender or the alleged offender is found shall, in cases to which Article 6 applies, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

2 Any person who is taken into custody, or regarding whom any other measures are taken or proceedings are being carried out pursuant to this Convention, shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international human rights law.

Article 11

1 The offences set forth in Articles 3, 3*bis*, 3*ter* and 3*quater* shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2 If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offences set forth in Articles 3, 3*bis*, 3*ter* and 3*quater*. Extradition shall be subject to the other conditions provided by the law of the requested State Party.

3 States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in Articles 3, 3*bis*, 3*ter* and 3*quater* as extraditable offences between themselves, subject to the conditions provided by the law of the requested State Party.

4 If necessary, the offences set forth in Articles 3, 3*bis*, 3*ter* and 3*quater* shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in a place within the jurisdiction of the State Party requesting extradition.

5 A State Party which receives more than one request for extradition from States which have established jurisdiction in accordance with Article 6 and which decides not to prosecute shall, in selecting the State to which the offender or alleged offender is to be extradited, pay due regard to the interests and responsibilities of the State Party whose flag the ship was flying at the time of the commission of the offence.

6 In considering a request for the extradition of an alleged offender pursuant to this Convention, the requested State shall pay due regard to whether his rights as set forth in Article 7, paragraph 3, can be effected in the requesting State.

7 With respect to the offences as defined in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent that they are incompatible with this Convention.

Article 11*bis*

None of the offences set forth in Article 3, 3*bis*, 3*ter* or 3*quater* shall be regarded for the purposes of extradition or mutual legal assistance as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 11*ter*

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in Article 3, 3*bis*, 3*ter* or 3*quater* or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, political opinion or gender, or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 12

1 States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in Articles 3, 3*bis*, 3*ter* and 3*quater*, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2 States Parties shall carry out their obligations under paragraph 1 in conformity with any treaties on mutual assistance that may exist between them. In the absence of such treaties, States Parties shall afford each other assistance in accordance with their national law.

Article 12*bis*

1 A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences set forth in Article 3, 3*bis*, 3*ter* or 3*quater* may be transferred if the following conditions are met:

(a) the person freely gives informed consent; and

(b) the competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2 For the purposes of this article:

(a) the State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(b) the State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(c) the State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(d) the person transferred shall receive credit for service of the sentence being served in the State from which the person was transferred for time spent in the custody of the State to which the person was transferred.

3 Unless the State Party from which a person is to be transferred in accordance with this article so agrees, that person, whatever that person's nationality, shall not be prosecuted or detained or subjected to any other restriction of personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to that person's departure from the territory of the State from which such person was transferred.

Article 13

1 States Parties shall co-operate in the prevention of the offences set forth in Articles 3, 3*bis*, 3*ter* and 3*quater*, particularly by:

(a) taking all practicable measures to prevent preparation in their respective territories for the commission of those offences within or outside their territories;

(b) exchanging information in accordance with their national law, and co-ordinating administrative and other measures taken as appropriate to prevent the commission of offences set forth in Articles 3, 3*bis*, 3*ter* and 3*quater*.

2 When, due to the commission of an offence set forth in Article 3, 3*bis*, 3*ter* or 3*quater*, the passage of a ship has been delayed or interrupted, any State Party in whose territory the ship or passengers or crew are present shall be bound to exercise all possible efforts to avoid a ship, its passengers, crew or cargo being unduly detained or delayed.

Article 14

Any State Party having reason to believe that an offence set forth in Article 3, 3*bis*, 3*ter* or 3*quater* will be committed shall, in accordance with its national law, furnish as promptly as possible any relevant information in its possession to those States which it believes would be the States having established jurisdiction in accordance with Article 6.

Article 15

1 Each State Party shall, in accordance with its national law, provide to the Secretary-General, as promptly as possible, any relevant information in its possession concerning:

(a) the circumstances of the offence;

(b) the action taken pursuant to Article 13, paragraph 2;

(c) the measures taken in relation to the offender or the alleged offender and, in particular, the results of any extradition proceedings or other legal proceedings.

2 The State Party where the alleged offender is prosecuted shall, in accordance with its national law, communicate the final outcome of the proceedings to the Secretary-General.

3 The information transmitted in accordance with paragraphs 1 and 2 shall be communicated by the Secretary-General to all States Parties, to Members of the Organization, to other States concerned, and to the appropriate international intergovernmental organizations.

Article 16

1 Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2 Each State may at the time of signature or ratification, acceptance or approval of this Convention or accession thereto, declare that it does not consider itself bound by any or all of the provisions of paragraph 1. The other States Parties shall not be bound by those provisions with respect to any State Party which has made such a reservation.

3 Any State which has made a reservation in accordance with paragraph 2 may, at any time, withdraw that reservation by notification to the Secretary-General.

Article 16*bis*

Final clauses of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005

The final clauses of this Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 2005 shall be Articles 17 to 24 of the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. References in this Convention to States Parties shall be taken to mean references to States Parties to that Protocol.

Final Clauses

[Articles 17 to 24 of the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation.]

Article 17

Signature, ratification, acceptance, approval and accession

1 This Protocol shall be open for signature at the Headquarters of the Organization from 14 February 2006 to 13 February 2007 and shall thereafter remain open for accession.

2 States may express their consent to be bound by this Protocol by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(c) accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

4 Only a State which has signed the Convention without reservation as to ratification, acceptance or approval, or has ratified, accepted, approved or acceded to the Convention may become a Party to this Protocol.

Article 18

Entry into force

1 This Protocol shall enter into force ninety days following the date on which twelve States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession with the Secretary-General.

2 For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the conditions in paragraph 1 for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

Article 19

Denunciation

1 This Protocol may be denounced by any State Party at any time after the date on which this Protocol enters into force for that State.

2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3 A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the deposit of the instrument with the Secretary-General.

Article 20

Revision and amendment

1 A conference for the purpose of revising or amending this Protocol may be convened by the Organization.

2 The Secretary-General shall convene a conference of States Parties to this Protocol for revising or amending the Protocol, at the request of one third of the States Parties, or ten States Parties, whichever is the higher figure.

3 Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to this Protocol shall be deemed to apply to the Protocol as amended.

Article 21

Declarations

1 Upon depositing its instrument of ratification, acceptance, approval or accession, a State Party which is not a party to a treaty listed in the Annex may declare that, in the application of this Protocol to the State Party, the treaty shall be deemed not to be included in Article 3*ter*. The declaration shall cease to have effect as soon as the treaty enters into force for the State Party, which shall notify the Secretary-General of this fact.

2 When a State Party ceases to be a party to a treaty listed in the Annex, it may make a declaration as provided for in this article, with respect to that treaty.

3 Upon depositing its instrument of ratification, acceptance, approval or accession, a State Party may declare that it will apply the provisions of Article 3*ter* in accordance with the principles of its criminal law concerning family exemptions of liability.

Article 22

Amendments to the Annex

1 The Annex may be amended by the addition of relevant treaties that:

(a) are open to the participation of all States;

(b) have entered into force; and

(c) have been ratified, accepted, approved or acceded to by at least twelve States Parties to this Protocol.

2 After the entry into force of this Protocol, any State Party thereto may propose such an amendment to the Annex. Any proposal for an amendment shall be communicated to the Secretary-General in written form. The Secretary-General shall circulate any proposed amendment that meets the requirements of paragraph 1 to all members of the Organization and seek from States Parties to this Protocol their consent to the adoption of the proposed amendment.

3 The proposed amendment to the Annex shall be deemed adopted after more than twelve of the States Parties to this Protocol consent to it by written notification to the Secretary-General.

4 The adopted amendment to the Annex shall enter into force thirty days after the deposit with the Secretary-General of the twelfth instrument of ratification, acceptance or approval of such amendment for those States Parties to this Protocol that have deposited such an instrument. For each State Party to this Protocol ratifying, accepting or approving the amendment after the deposit of the twelfth instrument with the Secretary-General, the amendment shall enter into force on the thirtieth day after deposit by such State Party of its instrument of ratification, acceptance or approval.

Article 23

Depositary

1 This Protocol and any amendments adopted under Articles 20 and 22 shall be deposited with the Secretary-General.

2 The Secretary-General shall:

(a) inform all States which have signed this Protocol or acceded to this Protocol of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;

(ii) the date of the entry into force of this Protocol;

(iii) the deposit of any instrument of denunciation of this Protocol together with the date on which it is received and the date on which the denunciation takes effect;

(iv) any communication called for by any article of this Protocol;

(v) any proposal to amend the Annex which has been made in accordance with Article 22, paragraph 2;

(vi) any amendment deemed to have been adopted in accordance with Article 22, paragraph 3;

(vii) any amendment ratified, accepted or approved in accordance with Article 22, paragraph 4, together with the date on which that amendment shall enter into force; and

(b) transmit certified true copies of this Protocol to all States which have signed or acceded to this Protocol.

3 As soon as this Protocol enters into force, a certified true copy of the text shall be transmitted by the Secretary-General to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 24

Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this fourteenth day of October two thousand and five.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol.

Annex

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

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

3 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973.

4 International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.

5 Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979.

6 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988.

7 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988.

8 International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.

9 International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

Schedule 2
Consolidated text of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf and of the Protocol of 2005 to the Protocol

s 2

Schedule 2: inserted, on 27 May 2018, by section 23 of the Maritime Crimes Amendment Act 2017 (2017 No 49).

Article 1

1 The provisions of Article 1, paragraphs 1(c), (d), (e), (f), (g), (h) and 2(a), of Articles 2*bis*, 5, 5*bis* and 7, and of Articles 10 to 16, including Articles 11*bis*, 11*ter* and 12*bis*, of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, as amended by the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, shall also apply *mutatis mutandis* to the offences set forth in Articles 2, 2*bis* and 2*ter* of this Protocol where such offences are committed on board or against fixed platforms located on the continental shelf.

2 In cases where this Protocol does not apply pursuant to paragraph 1, it nevertheless applies when the offender or the alleged offender is found in the territory of a State Party other than the State in whose internal waters or territorial sea the fixed platform is located.

3 For the purposes of this Protocol, "fixed platform" means an artificial island, installation or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.

Article 2

1 Any person commits an offence if that person unlawfully and intentionally:

(a) seizes or exercises control over a fixed platform by force or threat thereof or any other form of intimidation; or

(b) performs an act of violence against a person on board a fixed platform if that act is likely to endanger its safety; or

(c) destroys a fixed platform or causes damage to it which is likely to endanger its safety; or

(d) places or causes to be placed on a fixed platform, by any means whatsoever, a device or substance which is likely to destroy that fixed platform or likely to endanger its safety.

2 Any person also commits an offence if that person threatens, with or without a condition, as is provided for under national law, aimed at compelling a physical or juridical person to do or refrain from doing any act, to commit any of the offences set forth in paragraphs 1(b) and (c), if that threat is likely to endanger the safety of the fixed platform.

Article 2*bis*

Any person commits an offence within the meaning of this Protocol if that person unlawfully and intentionally, when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act:

(a) uses against or on a fixed platform or discharges from a fixed platform any explosive, radioactive material or BCN weapon in a manner that causes or is likely to cause death or serious injury or damage; or

(b) discharges, from a fixed platform, oil, liquefied natural gas, or other hazardous or noxious substance, which is not covered by subparagraph (a), in such quantity or concentration that causes or is likely to cause death or serious injury or damage; or

(c) threatens, with or without a condition, as is provided for under national law, to commit an offence set forth in subparagraph (a) or (b).

Article 2*ter*

Any person also commits an offence within the meaning of this Protocol if that person:

(a) unlawfully and intentionally injures or kills any person in connection with the commission of any of the offences set forth in Article 2, paragraph 1, or Article 2*bis*; or

(b) attempts to commit an offence set forth in Article 2, paragraph 1, Article 2*bis*, subparagraph (a) or (b), or subparagraph (a) of this article; or

(c) participates as an accomplice in an offence set forth in Article 2, Article 2*bis* or subparagraph (a) or (b) of this article; or

(d) organizes or directs others to commit an offence set forth in Article 2, Article 2*bis* or subparagraph (a) or (b) of this article; or

(e) contributes to the commission of one or more offences set forth in Article 2, Article 2*bis* or subparagraph (a) or (b) of this article, by a group of persons acting with a common purpose, intentionally and either:

(i) with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of an offence set forth in Article 2 or 2*bis*; or

(ii) in the knowledge of the intention of the group to commit an offence set forth in Article 2 or 2*bis*.

Article 3

1 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in Articles 2, 2*bis* and 2*ter* when the offence is committed:

(a) against or on board a fixed platform while it is located on the continental shelf of that State; or

(b) by a national of that State.

2 A State Party may also establish jurisdiction over any such offence when:

(a) it is committed by a stateless person whose habitual residence is in that State;

(b) during its commission a national of that State is seized, threatened, injured or killed; or

(c) it is committed in an attempt to compel that State to do or abstain from doing any act.

3 Any State Party which has established jurisdiction mentioned in paragraph 2 shall notify the Secretary-General. If such State Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General.

4 Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in Articles 2, 2*bis* and 2*ter* in cases where the alleged offender is present in its territory and it does not extradite the alleged offender to any of the States Parties which have established their jurisdiction in accordance with paragraphs 1 and 2.

5 This Protocol does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 4

Nothing in this Protocol shall affect in any way the rules of international law pertaining to fixed platforms located on the continental shelf.

Article 4*bis*

Final clauses of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 2005

The final clauses of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 2005, shall be Articles 8 to 13 of the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. References in this Protocol to States Parties shall be taken to mean references to States Parties to the 2005 Protocol.

Final Clauses

[Articles 8 to 13 of the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.]

Article 8

Signature, ratification, acceptance, approval and accession

1 This Protocol shall be open for signature at the Headquarters of the Organization from 14 February 2006 to 13 February 2007 and shall thereafter remain open for accession.

2 States may express their consent to be bound by this Protocol by:

(a) signature without reservation as to ratification, acceptance or approval; or

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval: or

(c) accession.

3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

4 Only a State which has signed the 1988 Protocol without reservation as to ratification, acceptance or approval, or has ratified, accepted, approved or acceded to the 1988 Protocol may become a Party to this Protocol.

Article 9

Entry into force

1 This Protocol shall enter into force ninety days following the date on which three States have either signed it without reservation as to ratification, acceptance or approval, or have deposited an instrument of ratification, acceptance, approval or accession with the Secretary-General. However, this Protocol shall not enter into force before the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation has entered into force.

2 For a State which deposits an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the conditions in paragraph 1 for entry into force thereof have been met, the ratification, acceptance, approval or accession shall take effect ninety days after the date of such deposit.

Article 10

Denunciation

1 This Protocol may be denounced by any State Party at any time after the date on which this Protocol enters into force for that State.

2 Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General.

3 A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the deposit of the instrument with the Secretary-General.

Article 11

Revision and amendment

1 A conference for the purpose of revising or amending this Protocol may be convened by the Organization.

2 The Secretary-General shall convene a conference of States Parties to this Protocol for revising or amending the Protocol, at the request of one third of the States Parties, or five States Parties, whichever is the higher figure.

3 Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to this Protocol shall be deemed to apply to the Protocol as amended.

Article 12

Depositary

1 This Protocol and any amendments adopted under Article 11 shall be deposited with the Secretary-General.

2 The Secretary-General shall:

(a) inform all States which have signed this Protocol or acceded to this Protocol of:

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;

(ii) the date of the entry into force of this Protocol;

(iii) the deposit of any instrument of denunciation of this Protocol together with the date on which it is received and the date on which the denunciation takes effect;

(iv) any communication called for by any article of this Protocol; and

(b) transmit certified true copies of this Protocol to all States which have signed or acceded to this Protocol.

3 As soon as this Protocol enters into force, a certified true copy of the text shall be transmitted by the Secretary-General to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 13

Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this fourteenth day of October two thousand and five.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol.

Notes

1 General

This is a consolidation of the Maritime Crimes Act 1999 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

Crimes Amendment Act 2026 (2026 No 50): section 40

Maritime Powers Act 2022 (2022 No 23): sections 56–57

Family Violence (Amendments) Act 2018 (2018 No 47): section 41

Maritime Crimes Amendment Act 2017 (2017 No 49)

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

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

Policing Act 2008 (2008 No 72): sections 116(a)(ii), 130(1)

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