

Suppression Of Unlawful Acts Against The Safety Of Maritime Navigation (No. 42 of 2000)

- Sect 1

Short title and date of operation

1. This Act may be cited as the Suppression of Unlawful Acts against the Safety of Maritime Navigation Act, No. 42 of 2000 and shall come into operation on such date as the Minister, by Order published in the Gazette, certifies as the date on which the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation adopted in Rome on March 10, 1988, (hereinafter referred to as "the Convention") enters into force in respect of Sri Lanka.

Convention states

2. The Minister may, from time to time, by Order published in the Gazette, certify the States which are parties to the Convention. A State in respect of which an Order is made under this section is hereinafter referred to as "a Convention State".

Offences

- 3.
- (1) Any person who, unlawfully and intentionally-
- (a) seizes, or exercises control over, a ship, by force or threat of force or by any other form of intimidation ;
 - (b) commits an act of violence against a person on board a ship, which act is likely to endanger the safe navigation of such ship ;
 - (c) destroys, or causes damage to, a ship or its cargo so as to endanger, or to be likely to endanger, the safe navigation of such ship ;
 - (d) places or causes to be placed, in any manner whatsoever, a device or substance which is likely to destroy or cause damage to a ship or its cargo and so as to endanger, or to be likely to endanger, the safe navigation of such ship ;
 - (e) destroys, or seriously damages, maritime navigational facilities or seriously interferes with their operation, so as to endanger, or to be likely to endanger, the safe navigation of a ship ;
 - (f) communicates information which he knows to be false, thereby endangering the safe navigation of a ship ; or

(g) injures or kills any person, in connection with the commission or the attempted commission of any of the offences set out in paragraphs (a) to (f) of this subsection, shall be guilty of an offence under this Act.

(2) Any person who-

- (a) attempts to commit;
- (b) aids or abets the commission of;
- (c) threatens to commit,

(3) A person guilty of an offence under subsection (1) or subsection (2) of this section, shall on conviction after trial on indictment, by the High Court be punished with imprisonment for a term not exceeding twenty years.

(4)

a) Where the master of a ship, whether registered in Sri Lanka or not, has reasonable grounds to suspect that any person on board that ship has committed an offence under subsection (1) or subsection (2) he may deliver such person to an appropriate officer in Sri Lanka or in a Convention State.

(b) Where the master of a ship intends to deliver any person in Sri Lanka or any other Convention State in accordance with the provisions of paragraph (a), he shall give notice thereof to an appropriate officer in Sri Lanka or the Convention State, as the case may be"-

(i) of his intention to deliver that person to an appropriate officer in Sri Lanka or the Convention State, as the case may be ; and

(ii) of his reasons for doing so.

(c) Any notice under paragraph (b) by a master of a ship shall be given, wherever practicable, before that ship has entered the territorial sea of Sri Lanka or that Convention State, as the case may be.

(d) Where the master of a ship delivers any person to an appropriate officer in Sri Lanka or a Convention State, as the case may be. he shall"

(i) make to an appropriate officer in Sri Lanka or the Convention State, as the case may be, such oral or written statements relating to the alleged offence as that officer may reasonably require ; and

(ii) deliver to that appropriate officer, such other evidence relating to the alleged offence as is in the master's possession

(e) The master of a ship who fails, without reasonable cause, to comply with the provisions of paragraph (b) or paragraph (d) shall be guilty of an offence under this Act, and shall on conviction be punished with a fine not exceeding fifty thousand rupees.

(f) In this subsection –

High Court to try offences under this Act

4.

(1) The High Court of Sri Lanka holden in Colombo or the High Court established by Article 154P of the Constitution for the Western Province shall, notwithstanding anything in any other law, have exclusive jurisdiction to try offences under this Act.

2) Where an act constituting an offence under this Act is committed outside Sri Lanka, the High Court referred to in subsection (1) shall have jurisdiction to try such offence as if it were committed within Sri Lanka if "

(a) the offence is committed against, or on board, a ship registered in Sri Lanka at the time the offence is committed ;

(b) the person who committed the act is present in Sri Lanka ;

(c) such act is committed by a citizen of Sri Lanka or by stateless person who has his habitual residence in Sri Lanka ;

(d) during the commission of such act. a citizen of Sri Lanka is seized, threatened, injured or killed ;

(e) such act is committed in order to compel the Government of Sri Lanka to do, or abstain from doing, any act.

Rights of certain persons arrested for offences under this Act

5. Where a person who is not a citizen of Sri Lanka is arrested for an offence under this Act, such person shall be entitled"

(a) to communicate without delay, with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to protect his rights, or if he is a stateless person, with the nearest appropriate representative of the State in the territory of which he was habitually resident; and

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

Amendment to the Extradition Law. No. 8 of 1977

6. The Extradition Law, No. 8 of 1977 is hereby amended by the addition, immediately before Part B of the Schedule to that Law, of the following item :-

"(45) An offence covered by the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, signed at Rome on March 10,1988."

Existing extradition arrangements with convention States deemed to provide for offences in the Schedule

7. Where there is an extradition arrangement made by the Government of Sri Lanka with any Convention State in force on the date on which this Act comes into operation, such arrangement shall be deemed, for the purposes of the Extradition Law. No. 8 of 1977, to include provision for extradition in respect of the offences specified in the Schedule to this Act.

Minister may treat Convention as an extradition arrangement between Sri Lanka and certain convention States. in respect of offences in the Schedule

8. Where there is no extradition arrangement made by the Government of Sri Lanka with any Convention State, the Minister may, by Order published in the Gazette, treat the Convention, for the purposes of the Extradition Law. No. 8 of 1977, as an extradition arrangement made, by the Government of Sri Lanka with that Convention State providing for extradition in respect of the offences specified in the Schedule to this Act.

Assistance to convention State

9. The Government of Sri Lanka shall afford all such assistance to, and may through the Minister request all such assistance from, a convention State as may be necessary for the investigation and prosecution of an offence under section 3 or of an offence specified in the Schedule to this Act including, assistance relating to the taking of evidence and statements and the serving of process.

Sinhala text to prevail in case of inconsistency,

10. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail

Interpretation.

11. In this Act "ship" means a vessel of any type whatsoever not permanently attached to the seabed and includes dynamically supported craft, submersible and other floating craft but does not include a warship, a ship owned or operated by a State or used as a naval auxiliary or for customs or police purposes or a vessel which has been withdrawn from navigation or is laid up.