

**LAWS AND REGULATIONS
ON THE REGIME OF THE HIGH SEAS
VOLUME TWO**

**LAWS RELATING TO JURISDICTION OVER CRIMES
COMMITTED ABROAD OR ON THE HIGH SEAS**

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|-------------|----------------------------------|
| [No change] | 1. Argentina [1] |
| [No change] | 2. Australia [2] |
| [No change] | 3. Austria [3] |
| [No change] | 4. Belgium [4] |
| [No change] | 5. Bolivia [5] |
| [No change] | 6. Brazil [6] |
| [No change] | 7. Bulgaria [7] |
| [No change] | 8. Canada¹ [8] |

(a) THE CANADA SHIPPING ACT. "REVISED STATUTES OF CANADA", 1952,

CHAPTER 29

87. (1) If a person uses the British flag and assumes the British national character on board a ship owned in whole or in part by any persons not qualified to own a British ship, for the purpose of making the ship appear to be a British ship, the ship is subject to forfeiture under this Act, unless the assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in the exercise of some belligerent right.

(2) In any proceeding for enforcing any such forfeiture the burden of proving a title to use the British flag and assume the British national character shall lie upon the person using and assuming the same. 1934, c. 44, s. 85.

88. If the master or owner of a Canadian ship does anything or permits anything to be done, or carries or permits to be carried any papers or documents, with intent to conceal the British character of the ship from any person entitled by the law of Canada or of any other part of Her Majesty's dominions to inquire into the same, or with intent to assume a foreign character, or with intent to deceive any person so entitled as aforesaid, the ship is subject to forfeiture under this Act; and the master, if he commits or is privy to the commission of the offence, is in respect of each contravention of this section guilty of an indictable offence. 1934, c. 44, s. 86; 1950, c. 26, s. 2.

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91. (1) The red ensign usually worn by merchant ships, with the shield of the Coat of Arms of Canada in the fly, is hereby declared to be the proper national colours for all Canadian ships and all ships and boats that would be

¹The entire entry under Canada at page 20 of the previous volume is replaced by the present entry.

registered in Canada if they were required to be registered at all, belonging to any British subject resident in Canada, except in the case of any ship or boat for the time being allowed to wear any other national colours in pursuance of a warrant from Her Majesty or under regulations which may be made by the Governor in Council.

(2) If any distinctive national colours, except such red ensign or except the Union Jack with a white border, or if any colours usually worn by Her Majesty's ships or resembling those of Her Majesty, or if the pendant usually carried by Her Majesty's ships or any pendant resembling that pendant, are or is hoisted on board any ship or boat registered in Canada or belonging to any British subject resident in Canada without warrant from Her Majesty or under the aforesaid regulations, the master of the ship or boat, or the owner thereof, if on board the same, and every other person hoisting the colours or pendant, are for each offence liable to fine not exceeding twenty-five hundred dollars.

(3) Any commissioned officer on full pay in the naval, army or air service of Canada or in the naval, army or air service of Her Majesty or any officer of Customs in Her Majesty's dominions, or any consular officer, may board any ship or boat registered in Canada or owned by any resident of Canada on which any colours or pendant are hoisted contrary to this Act, and seize and take away the colours or pendant, and the colours or pendant shall be forfeited to her Majesty.

(4) A fine under this section may be recovered with costs in the Admiralty Court.

(5) Any offence mentioned in this section may also be prosecuted, and the fine for it recovered, summarily, but where any such offence is prosecuted summarily, the court imposing the fine shall not impose a higher fine than five hundred dollars.

(6) Nothing in this section authorizes the imposition of more than one fine in respect of the same offence. 1934, c. 44, s. 89; 1950, c. 26, s. 2.

...

Aircraft

524. The law, statutory and other, including the provisions of this Part, relating to wreck and to salvage of life or property and to the duty or obligation to render assistance to ships or vessels in distress, applies to aircraft on or over the sea or tidal waters and on and over the Great Lakes of North America, so called, as it applies to ships or vessels, and the owner of an aircraft is entitled to a reasonable reward for salvage services rendered by the aircraft to any property or persons in any case where the owner of the aircraft would be so entitled had it been a ship or vessel; but the Governor in Council may make modifications of an exemption from the provisions of such law, statutory and other, in its application to aircraft, to such extent and in such manner as appears necessary or expedient. 1934, c. 44, s. 517.

...

526. (1) The master or person in charge of a vessel shall, so far as he can do so without serious danger to his own vessel, her crew and passengers, if any, render assistance to every person, even if that person be a subject of a foreign State at war with Her Majesty, who is found at sea and in danger of being lost, and if he fails to do so he is liable to a fine not exceeding one thousand dollars.

(2) Compliance by the master or person in charge of a vessel with the provisions of this section does not affect his right or the right of any other person to salvage. 1934, c. 44, s. 519.

...

Shipping casualties and accidents on ships

551. A shipping casualty shall be deemed to occur:

(a) When any ship is lost, abandoned, stranded or damaged in any of the

inland waters of Canada or on or near the coasts of Canada, or on a voyage to or from a port in Canada;

(b) When any ship causes loss or damage to any other ship in, on or near such inland waters or coasts;

(c) When, by reason of any casualty happening to or on board any ship in, on or near such inland waters or coast, loss of life ensues;

(d) When any such loss, abandonment, stranding, damage or casualty happens elsewhere, and any competent witness thereof arrives or is found at any place in Canada;

(e) When any loss of life occurs by reason of any casualty happening to or on board any boat belonging to a fishing vessel or other vessel registered or licensed in Canada; and

(f) When any ship is lost or supposed to have been lost, and any evidence is obtainable in Canada as to the circumstances under which she proceeded to sea or was last heard of. 1934, c. 44, s. 544.

522. (1) The Minister may order an investigation to be made by any person or persons into the cause of any accident on any ship, whether attended with loss of life or not.

(2) The person or persons so appointed may summon witnesses and compel their attendance by the same process as courts of justice, and may administer oaths and examine witness touching the cause of such accident, and shall report thereon to the Minister. 1934, c. 44, s. 545.

553. (1) Whenever a shipping casualty happens, anywhere in the case of a Canadian ship, or within the limits of or on or near the coasts of Canada in the case of any other British ship, the master, or, if the master is dead, the chief surviving officer, and also every such other person belonging to the ship as the Minister, from time to time, directs, shall within twenty-four hours of his first landing in Canada, after the happening of such casualty, attend and submit himself for examination:

(a) At the office of the chief officer of Customs residing at or near the place where such casualty occurred, if the same occurred on or near the coasts of Canada, or any island or place adjacent thereto; or

(b) If the casualty occurred elsewhere at the office of the chief officer of Customs residing at or near the place of such landing; unless he has been previously examined or excused from attending for examination by any other chief officer of Customs residing at or near either of such places, or by any receiver of wreck in any part of Her Majesty's dominions outside of Canada.

(2) If any such person by this section required or by the Minister directed to attend and submit himself for examination without reasonable cause fails to do so, precisely as so required or directed, he is liable to a fine not exceeding two hundred dollars. 1934, c. 44, s. 546; 1950, c. 26, s. 2.

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Preliminary inquiries into casualties

555. (1) The Minister may appoint a chief officer of Customs or any officer of the Government of Canada, or any other person to make preliminary inquiries respecting such shipping casualties, and may define the territorial jurisdiction of any such officer or person, and the persons so appointed shall make a preliminary inquiry respecting a shipping casualty wherever so directed by the Minister.

(2) Where, upon a preliminary inquiry, the officer holding it is of opinion that any loss, or damage, or the stranding of any ship, or any loss of life has been caused by the wrongful act or default or by the incapacity of the pilot in charge, or that such pilot has been guilty of any gross act of mis-

conduct or drunkenness, the licence of such pilot may be suspended by such officer until a formal investigation under this Part has been held and a further decision rendered upon the case; but the term of suspension shall not exceed a period of three days, unless the Minister notifies such pilot within that time that a formal investigation will be held. 1934, c. 44, s. 548.

...

560. A Court so appointed is authorized to hold a formal investigation upon that being ordered by the Minister in the following cases:

(a) A shipping casualty;

...

(b) Where a master, mate, pilot or engineer has been charged with incompetency, misconduct or default whilst serving on board any British ship on or near the coast of Canada or in the course of a voyage to a port in Canada;

(c) Where a master, mate pilot or engineer is charged with incompetency, misconduct or default while serving as an officer on board a Canadian ship;

(d) Where a master, mate, pilot or engineer is charged with incompetency misconduct or default while serving on board a British ship is found in Canada;

(e) Where, in case of a collision, the master or certificated officer or pilot in charge of a vessel fails, without reasonable cause, to render to the other vessel, her master, crew and passengers, such assistance as is practicable and necessary to save them from any danger caused by the collision and to stay by the vessel until he has ascertained that she has no need of further assistance and also to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which he belongs and also the names of the ports from which he comes and to which he is bound; and

(f) Where the Minister has reason to believe that any master, mate, pilot or engineer is from any cause unfit to discharge or incapable of discharging his duties. 1934, c. 44, s. 553; 1950, c. 26, s. 2.

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Adjudications by naval courts on the high seas and abroad

580. A court (in this Act called a naval court) may be summoned by any officer in command of any ship belonging to Her Majesty, on any foreign station, or, in the absence of such an officer, by any consular officer, in the following cases:

(a) Whenever a complaint that appears to that officer to require immediate investigation is made to him by the master of any Canadian ship, by a certified mate, or by any one or more of the seamen belonging to any such ship;

(b) Whenever the interest of the owner of any Canadian ship or of the cargo thereof appears to that officer to require it; and

(c) Whenever any Canadian ship is wrecked, abandoned, or otherwise lost at or near the place where that officer may be, or whenever the crew or part of the crew of any such ship which has been wrecked, abandoned, or lost abroad arrive at that place. 1934, 3. 44, s. 573; 1950, c. 26, s. 2.

581. (1) Whenever a naval court is summoned pursuant to the foregoing provisions of this Part to sit at a place in Her Majesty's dominions other than in Canada or on board a ship belonging to Her Majesty other than Her ship in right of Canada, the court is hereby authorized to proceed, with relation to Canadian ships, and with relation to their owners, masters, mates, engineers and crews, in all respects according to the law of the place or the ship where in or on board whereof the court is sitting, and such law shall, when so applied to such Canadian ships and their owners, masters, mates, engineers and crews, bind them as if it were the law of Canada.

...

(2) Alternatively, a naval court so summoned so to sit may proceed pursuant to the following provisions of this Part, which, with section 580, apply in any event to all naval courts summoned to sit on board any ship belonging to Her Majesty in right of Canada. 1934, c. 44, s. 574; 1950, c. 26, s. 2.

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Jurisdiction

689. (1) For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

(2) Where, in any legal proceeding under this Act, a question arises whether any ship or person is or is not within the provisions of this Act or of some Part, the ship or person shall be deemed to be within those provisions unless the contrary is proved. 1934, c. 44, s. 681.

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691. (1) Notwithstanding anything in the *Criminal Code*, or any other Act where any person, being a British subject domiciled in Canada, is charged with having committed any offence on board any Canadian ship on the high seas or in any port or harbour in Her Majesty's dominions other than Canada or in any foreign port or harbour or on board any British ship registered out of Canada or any foreign ship to which he does not belong, or, not being such a British subject, is charged with having committed any offence on board any Canadian ship on the high seas, and that person is found within Canada, any court that would have had cognizance of the offence if it had been committed within the limits of its ordinary jurisdiction has jurisdiction to try the offence as if it had been so committed.

(2) Where any person, being a British subject domiciled in Canada, is charged with having committed any offence on board any Canadian ship on the high seas or in any port or harbour in Her Majesty's dominions other than Canada or in any foreign port or harbour or on board any British ship registered out of Canada or any foreign ship to which he does not belong, or, not being such a British subject, is charged with having committed any offence on board any Canadian ship on the high seas and that person is found within the jurisdiction of any court in any part of Her Majesty's dominions other than Canada which court would have had cognizance of the offence if it had been committed on board a British ship registered in that part, that court has jurisdiction to try the offence as if it had been so committed. 1934, c. 44, s. 683; 1950, c. 26 s. 2.

692. All offences against property or person committed in or at any place either ashore or afloat out of Her Majesty's dominions by any master, seaman, or apprentice who at the time when the offence is committed is, or within three months previously has been, employed in any Canadian ship, shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined and adjudged in the same manner and by the same courts and in the same places as if those offences had been committed within Canada. 1934, c. 44, s. 684; 1950, c. 26, s. 2.

Damage occasioned by foreign ships

693. (1) Whenever any injury has in any part of the world been caused to any property belonging to Her Majesty or to any of Her Majesty's subjects by any foreign ship, and at any time thereafter that ship is found in any port or place in Canada or within three miles of the coast thereof, a judge or district judge of the Admiralty Court may, upon its being shown to him by any person applying summarily that the injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an

order directed to any officer of Customs or other officer named by the judge or court, requiring him to detain the ship until such time as the owner, master or consignee thereof has made satisfaction in respect of the injury, or has given security to be approved by the judge or court, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of the injury, and to pay all costs and damages that may be awarded thereon; any officer of Customs or other officer to whom the order is directed shall detain the ship accordingly.

(2) Where it appears that, before an application can be made under this section, the ship in respect of which the application is to be made will have departed from the limits of Canada or three miles from the coast thereof, the ship may be detained for such time as will allow the application to be made and the result thereof to be communicated to the officer detaining the ship, and that officer is not liable for any costs or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(3) In any legal proceeding in relation to any such injury aforesaid, the person giving security shall be made defendant and shall be stated to be the owner of the ship that has occasioned the damage; and the production of the order of the judge or court, made in relation to the security, is conclusive evidence of the liability of the defendant to the proceeding. 1934, c. 44, s. 685.

Offences committed at sea or abroad

694. (1) Whenever any complaint is made to any consular officer:

(a) That any offence against property or person has been committed at any place, either ashore or afloat, out of Her Majesty's dominions by any master, seaman, or apprentice, who at the same time when the offence was committed, or within three months before that time, was employed in any Canadian ship; or

(b) That any offence on the high seas has been committed by any master, seaman, or apprentice belonging to any ship so registered; that consular officer may inquire into the case upon oath, and may, if the case so requires, take any steps in his power for the purpose of placing the offender under the necessary restraint and of sending him as soon as practicable in safe custody to Canada.

(2) The consular officer may order the master of any ship registered in and bound to Canada to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, but so that the master is not required to receive more than one offender for every one hundred tons of his ship's register tonnage, or more than one witness for every fifty tons of that tonnage; the consular officer has the right to endorse upon the agreement of the ship particulars with respect to any offenders or witnesses sent in her as the Minister requires.

(3) Any master of a ship to whose charge an offender has been so committed shall, on his ship's arrival in Canada, give the offender into the custody of some police officer or constable, and that officer or constable shall take the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and the justice or magistrate shall deal with the matter as in cases of offences committed upon the high seas.

(4) If any master of a Canadian ship when required by any consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford a passage and a subsistence to him, or does not deliver any offender committed to his charge into the custody of some police officer or constable as hereinafter directed, he is for each offence liable to a fine not exceeding two hundred and fifty dollars.

(5) The expense of imprisoning any such offender and of conveying him and the witnesses to Canada in any manner other than in the ship to which they

respectively belong, shall, where not paid as part of the costs of the prosecution, be paid out of monies provided by Parliament for that purpose. 1934, c. 44, s. 686; 1950, c. 26, s. 2.

. . .

(b) CRIMINAL CODE 1953-4. "STATUTES OF CANADA", CHAPTER 51

Section 46. (1) Every one commits treason who, in Canada:

(a) Kills or attempts to kill Her Majesty, or does her any bodily harm tending to death or destruction, maims or wounds her, or imprisons or restrains her;

(b) Levies war against Canada or does any act preparatory thereto;

(c) Assists an enemy at war with Canada, or any armed forces against whom Canadian forces are engaged in hostilities whether or not a state of war exists between Canada and the country whose forces they are;

(d) Uses force or violence for the purpose of overthrowing the government of Canada or a province;

(e) Without lawful authority, communicates or makes available to an agent of a State other than Canada, military or scientific information or any sketch, plan, model, article, note or document of a military or scientific character that he knows or ought to know may be used by that State for a purpose prejudicial to the safety or defence of Canada;

(f) Conspires with any person to do anything mentioned in paragraphs (a) to (d);

(g) Forms an intention to do anything mentioned in paragraphs (a) to (d); and manifests that intention by an overt act; or

(h) Conspires with any person to do anything mentioned in paragraph (e) or forms an intention to do anything mentioned in paragraph (e) and manifests that intention by an overt act.

(2) Notwithstanding subsection (1), a Canadian citizen or a person who owes allegiance to Her Majesty in right of Canada commits treason if, while in or out of Canada, he does anything mentioned in subsection (1).

(3) Where it is treason to conspire with any person, the act of conspiring is an overt act of treason.

. . .

Section 58. (1) Every one who, while in or out of Canada, for the purpose of procuring a passport or visa thereof or an endorsement thereon for himself or any other person, makes a written or verbal statement that he knows is false or misleading is guilty of an indictable offence and is liable to imprisonment for two years.

(2) In this section, "passport" includes:

(a) A document issued by or under the authority of the Secretary of State for External Affairs for the purpose of identifying the holder thereof; and

(b) An emergency certificate authorized by the Secretary of State for External Affairs to be issued in lieu of a passport by a person duly authorized to issue passports outside of Canada.

. . .

Section 75. (1) Every one commits piracy who does any act that, by the law of nations, is piracy.

(2) Every one who commits piracy while in or out of Canada is guilty of an indictable offence and is liable to imprisonment for life, but if while committing or attempting to commit piracy he murders or attempts to murder another person or does any act that is likely to endanger the life of another person he shall be sentenced to death.

Section 76. Every one who, while in or out of Canada:

- (a) Steals a Canadian ship;
 - (b) Steals or without lawful authority throws overboard, damages or destroys anything that is part of the cargo, supplies or fittings in a Canadian ship;
 - (c) Does or attempts to do a mutinous act on a Canadian ship; or
 - (d) Counsels or procures a person to do anything mentioned in paragraph (a), (b) or (c);
- is guilty of an indictable offence and is liable to imprisonment for fourteen years.
- . . .

Section 229. (1) Every one who sends or attempts to send or being the master knowingly takes a Canadian ship:

- (a) On a voyage from a place in Canada to any other place, whether that voyage is by sea or by coastal or inland waters, or
 - (b) On a voyage from a place on the inland waters of the United States to a place in Canada,
- in an unseaworthy condition from any cause, and thereby endangers the life of any person, is guilty of an indictable offence and is liable to imprisonment for five years.

(2) An accused shall not be convicted of an offence under this section where he proves:

- (a) That he used all reasonable means to ensure that the ship was in a seaworthy state, or
- (b) That to send or take the ship in that unseaworthy condition was, under the circumstances, reasonable and justifiable.

(3) No proceedings shall be instituted under this section without the consent in writing of the Attorney General of Canada.

. . .

Section 240. (1) Every one commits bigamy who:

- (a) In Canada:
 - (i) Being married, goes through a form of marriage with another person;
 - (ii) Knowing that another person is married, goes through a form of marriage with that person; or
 - (iii) On the same day of simultaneously, goes through a form of marriage with more than one person; or
- (b) Being a Canadian citizen resident in Canada leaves Canada with intent to do anything mentioned in sub-paragraphs (i) to (iii) of paragraph (a) and, pursuant thereto, does outside of Canada anything mentioned in those sub-paragraphs in circumstances mentioned therein.

(c) THE EXTRADITION ACT. "REVISED STATUTES OF CANADA", 1952, CHAPTER 322, AS AMENDED BY 1953-4 "STATUTES OF CANADA", CHAPTER 51, SECTION 751

Interpretation

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2. In this Act:

- (d) "Foreign state" includes every colony, dependency and constituent part of the foreign state; and every vessel of a foreign state is deemed to be within the jurisdiction of and to be part of the state;

(c) "Fugitive" or "fugitive criminal" means a person being or suspected of being in Canada, who is accused or convicted of an extradition crime committed within the jurisdiction of a foreign state;

. . .

12. Every fugitive criminal of a foreign state, to which this Part applies, is liable to be apprehended, committed and surrendered in the manner provided in this Part, whether the crime of conviction, in respect of which the surrender is sought, was committed or took place before or after the date of the arrangement or before or after the time when this Part is made to apply to such state, and whether there is or is not any criminal jurisdiction in any court of Her Majesty's dominions over the fugitive in respect of the crime. R.S., c. 37, s. 12.

. . .

First Schedule. List of Crimes

20. Piracy by municipal law or law of nations, committed on board of or against a vessel of a foreign state.

21. Criminal scuttling or destroying a vessel of a foreign state at sea, whether on the high seas or on the Great Lakes of North America, or attempting or conspiring to do so.

22. Assault on board a vessel of a foreign state at sea, whether on the high seas or on the Great Lakes of North America, with intent to destroy life or to do grievous bodily harm.

23. Revolt, or conspiracy to revolt, by two or more persons on board a vessel of a foreign state at sea, whether on the high seas or on the Great Lakes of North America, against the authority of the master.

. . .

(d) THE FUGITIVE OFFENDERS ACT. "REVISED STATUTES OF CANADA", 1952, CHAPTER 127

Application

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3. This Act applies to treason and to piracy, and to every offence, whether called felony, misdemeanour, crime or by any other name, that is, for the time being, punishable in the part of Her Majesty's dominions in which it was committed, either on indictment or information, or by imprisonment with hard labour for a term of twelve months or more, or by any greater punishment; and, for the purposes of this section, rigorous imprisonment, and any confinement in a prison combined with labour, by whatever name it is called, shall be deemed to be imprisonment with hard labour. R.S., c. 81, s. 3.

. . .

8. Whenever a warrant has been issued in a part of Her Majesty's dominions for the apprehension of a fugitive from that part who is or is suspected to be in or on the way to Canada, the Governor General or a judge of a court, if satisfied that the warrant was issued by some person having lawful authority to issue the same, may endorse a such warrant in manner provided by this Act, and the warrant so endorsed is a sufficient authority to apprehend the fugitive in Canada and bring him before a magistrate. R.S., c. 81, s. 8.

9. A magistrate in Canada may issue a provisional warrant toward the apprehension of a fugitive who is or is suspected of being in or on his way to Canada, on such information and under such circumstances as would, in his opinion, justify the issue of a warrant, if the offence of which the fugitive is accused had been committed within his jurisdiction; and such warrant may be backed and executed accordingly. R.S., c. 81, s. 9.

. . .

(c) THE AERONAUTICS ACT. "REVISED STATUTES OF CANADA", 1952, CHAPTER 2

4. (1) Subject to the approval of the Governor in Council, the Minister may make regulations² to control and regulate air navigation over Canada and the territorial waters of Canada and the conditions under which aircraft registered in Canada may be operated over the high seas or any territory not within Canada, and, without restricting the generality of the foregoing, may make regulations with respect to:

(a) Licensing pilots and other persons engaged in the navigation of aircraft, and the suspension and revocation of such licences;

(b) The registration, identification, inspection, certification and licensing of all aircraft;

(c) The licensing, inspection and regulation of all aerodromes and air-stations;

(d) The conditions under which aircraft may be used or operated;

(e) The conditions under which goods, mails and passengers may be transported in aircraft and under which any act may be performed in or from aircraft or under which aircraft may be employed;

(f) The prohibition of navigation of aircraft over such areas as may be prescribed, either at all times or at such times or on such occasions only as may be specified in the regulation, and either absolutely or subject to such exceptions or conditions as may be so specified;

(g) The areas within which aircraft coming from any places outside of Canada are to land, and the conditions to be complied with by any such aircraft;

(h) Aerial routes, their use and control;

(i) The institution and enforcement of such laws, rules and regulations as may be deemed necessary for the safe and proper navigation of aircraft in Canada or within the limits of the territorial waters of Canada and of aircraft registered in Canada wherever such aircraft may be.

(2) Any regulation made under sub-section (1) may authorize the Minister to make orders or directions with respect to such matters coming within this section as the regulations may prescribe.

(3) Every person who violates the provisions of a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding five thousand

² See the Air Regulations 1954 (P.C. 1954-1821, 23 November 1954; Statutory Orders and Regulations, "Canada Gazette", Part II, August to 8 December 1954). These regulations apply in respect of all aircraft in Canada and all Canadian aircraft when flown outside of Canada. The only exceptions are military aircraft of Her Majesty when manoeuvring under the authority of the Minister of National Defence, or military aircraft of a country other than Canada, to the extent that the Minister of National Defence has specifically exempted any such aircraft from the application of these regulations; nor do the regulations apply in respect of Canadian aircraft when flown within or over the territory of a country other than Canada, in so far as they are inconsistent with or repugnant to the laws and procedures of such other countries. Further, the Minister may exempt any person, aircraft or aerodrome in whole or in part from the application of such regulations or any portion thereof.

The Canadian *Air Regulations* apply to a multitude of matters relating to the flight of aircraft. In particular, so far as Canadian aircraft outside Canada are concerned (other than those manoeuvring under the authority of the Minister of National Defence as noted above), they prohibit any person flying or attempting to fly as a flight crew member of such aircraft under certain circumstances; they restrict the use to which such aircraft may be put in aerobatic and other exhibitions; they contain prohibitions against flying such aircraft in a negligent or reckless manner or in a manner which is dangerous to life or property; they prohibit the carriage of explosives and other dangerous articles or substances. Generally speaking they regulate the use of Canadian aircraft wherever they may be. Violation of these Regulations is punishable under section 4 (3) of the *Aeronautics Act* (R.S.C. 1952, Chapter 2) by a fine up to \$5,000 or imprisonment up to one year or both.

dollars, or to imprisonment for a term not exceeding one year or to both fine and imprisonment.

(4) Every person who violates an order or direction of the Minister made under a regulation is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. R.S., c. 3, s. 4; 1950, c. 23, s. 3.

(f) THE NATIONAL DEFENCE ACT. "REVISED STATUTES OF CANADA", 1952, CHAPTER 184 AS AMENDED BY "STATUTES OF CANADA", 1952-3, CHAPTER 24 AND "STATUTES OF CANADA", 1953-4, CHAPTER 13

Note. This Act enacts provisions applicable to persons subject to the Code of Service Discipline as set out in section 56 (1) and 2 (6) of the National Defence Act. The provisions are equally applicable inside or outside Canada. Particular reference might be made to sections 97, 99, 100 and 117 which deal with acts or omissions which may result in damage to property or loss of life or bodily injury. Sections 119 and 119A make provision for the punishment of prohibited acts or omissions which take place outside Canada.

9. Chile [9]

[No change]

10. China [10]

[No change]

11. Colombia [11]

[No change]

12. Costa Rica [12]

[No change]

13. Cuba [13]

[No change]

14. Czechoslovakia [14]

[No change]

15. Denmark [15]

[No change]

16. Dominican Republic [16]

[No change]

17. Ecuador [17]

[No change]

18. Egypt [18]

[No change]

19. El Salvador [19]

[No change]

20. Finland [20]

(a) PENAL CODE OF 19 DECEMBER 1889. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS, BASED ON THE GERMAN TRANSLATION IN B. HONKASALO, "DAS FINNISCHE STRAFGESETZBUCH" (1954)³

Chapter I. Persons subject to the penal legislation of Finland

Article 1. A national of Finland shall be tried in accordance with Finnish law:

1. For an offence committed by him in Finland or on board a Finnish ship on the high seas; or

2. For an offence committed by him elsewhere than in Finland if he is subsequently found in Finland or is sent there for trial and if the crime or offence:

(a) Was committed against Finland or a part of Finland or against a Finnish national;

(b) Was committed against the supreme authority of a foreign State or against a national of such a State, and proceedings have been instituted against the offender by the Government of the foreign State or by the person injured; or

(c) Is counterfeiting legal currency.

If a person who is not a Finnish national has committed an offence elsewhere than in Finland and has subsequently acquired Finnish nationality he shall be subject to criminal proceedings in accordance with the same rules. Act of 27 May 1932.

Article 2. A person who is not a Finnish national shall be tried in accordance with this Penal Act for an offence committed by him in Finland or on a Finnish ship on the high seas provided that nothing to the contrary concerning the trial of such a person is laid down elsewhere.

The present Penal Act shall likewise be applied to any person who, not being a Finnish national, has committed an offence against Finland or a part of Finland or against a Finnish national, and who has been surrendered to Finland for trial or is discovered in Finland, provided that he has not been extradited to a foreign State in accordance with special provisions. Act of 11 February 1922.

In addition to the provisions of Chapter I, article 2, of the Penal Act concerning the application of Finnish law to a person who is not a Finnish national, the Act of 27 May 1932 provides further that:

If a person who is not a Finnish national has committed an offence elsewhere than in Finland for which he is to be prosecuted in Finland under the terms of a treaty between Finland and a foreign State, he shall, if he is subsequently discovered in Finland, be tried by a Finnish court and according to Finnish law even if his offence is not one of those mentioned in Chapter I, article 2, of the Penal Act.

Article 3. A person who is employed in Government service and has committed an offence while engaged in his official duties shall be tried in accordance with Finnish law and by a Finnish court regardless of whether the offence was committed in Finland or elsewhere.

In the case of proceedings in respect of an offence committed by a person in the employment of the State during the performance of his duties, or in connexion with his duties, the provisions which have been issued or may hereafter be issued for that purpose shall apply. Order of 21 April 1894.

Article 4. If an offence under Chapters 41, 42, 43 or 44, or any other similar offence, has been committed elsewhere than in Finland, it shall not be punishable unless specifically provided by law or by a treaty with a foreign State. Order of 21 April 1894.

³ This text replaces the text in the original volume which was based upon an older French translation of the Code.

Article 5. If a person sentenced for an offence has served a part or the whole of the penalty pronounced against him by a court of a foreign State for that offence, the penalty which he has already served shall be deducted, according to the circumstances of the case, from the penalty to which he would be liable in Finland for that offence, or it shall be deemed to be equivalent to the penalty for the offence. Nevertheless, if under Finnish law the offence entails dismissal from office, ineligibility for public office, temporary removal from office or loss of civil rights, such penalties shall be pronounced against the offender in Finland.

A sentence pronounced by a foreign court in a criminal matter shall not be carried out in Finland. Order of 21 April 1894.

21. France [21]

[No change]

Note. Reference should also be made to the Decree of 1 June 1953 on Rules for the Prevention of Collisions at Sea (*Journal officiel du 7 juin*, p. 5101) which applies to all French vessels as from 1 January 1954 and which implements the Final Act of the International Conference on the Safety of Life at Sea (London 1948); and to the Law of 6 January 1954 on the Safety of Life at Sea and the Habitability of Trading, Fishing, and Pleasure Vessels (*Journal officiel du 10 janvier 1954*, p. 371). The latter applies to all French vessels and, in section VI, to foreign vessels touching at French ports.

22. Germany (Federal Republic of) [22]

[No change]

23. Greece [23]

[No change]

Note. Reference should be made to article 10 of Act 376/14/18 December 1936⁴ concerning measures for the security of fortified zones which enacts that violations of the provisions of the Act shall be punishable by penalties laid down in Article 7 and shall be triable by naval or military courts.

24. Guatemala [24]

[No change]

25. Haiti [25]

[No change]

26. Honduras [26]

[No change]

27. Hungary [27]

[No change]

28. Iceland [28]

[No change]

29. India [29]

[No change]

30. Iran [30]

[No change]

⁴For text see above, p. 24.

31. Israel [31]

(a) CRIMINAL PROCEDURE (TRIAL UPON INFORMATION) ORDINANCE, 1 SEPTEMBER 1924
[No change]⁵

(b) EXTRADITION ORDINANCE, 1 DECEMBER 1926
[Deleted]⁶

(c) AREA OF JURISDICTION AND POWERS ORDINANCE (AMENDMENT) LAW, 5716-1956,
14 FEBRUARY 1956⁷

1. The following section shall be added after section 2 of the Area of Jurisdiction and Powers Ordinance, 5708-1948:

"2A. *Vessels and aircraft.* Any vessel or aircraft, wherever situated which is registered in Israel shall, for the purposes of the jurisdiction of the courts, be deemed to be a part of the area of the State of Israel."

(d) PENAL LAW AMENDMENT (EXTRATERRITORIAL OFFENCES) LAW, 5716-1955,
13 DECEMBER 1955⁸

1. *Property offences.* The courts in Israel are competent to try a national, resident or public servant of Israel who has committed abroad one of the following offences:

(1) An offence under the Penal Law Revision (Bribery) Law, 5712-1952⁹;

(2) Such an offence under one of the sections of chapters XII, XV and XXIX to XLIII of the Criminal Code Ordinance, 1936¹⁰ as harms the property or rights of the State or of a body or an association specified in the Schedule to this Law;

(3) "Public servant", for the purpose of this section, has the same meaning as in the Criminal Code Ordinance, 1936.

2. *Offences against the State.* The courts in Israel are competent to try a person who has committed abroad one of the following offences:

(1) An offence under the Flag and Emblem Law, 5709-1949¹¹;

(2) An offence under the State Seal Law, 5710-1949¹²;

(3) An offence under the Official Secrets Ordinance¹³;

(4) An offence under sections 49 to 62 of the Criminal Code Ordinance, 1936.

3. *No punishment after judgment abroad.* A person shall not be punished under this Law for an act of mission of which he has been convicted in his presence, or acquitted, abroad.

4. *Saving of Powers.* The provisions of this Law shall not derogate from any power under another law to try offences committed abroad.

⁵ Except for the note under this entry in the previous volume which cites Articles 5 and 6 of the Ottoman Code of Criminal Procedure of 26 June 1879 as still in force. These provisions were repealed by s. 6 of the Penal Law Amendment Law, 5716-1955, the text of which is given below under (d).

⁶ The Extradition Ordinance, 1926, was repealed by the Extradition Law, 5714-1954. There are no similar provisions in the new law.

⁷ *Sefer Ha-Chukkim* No. 198, 23 February 1956. Text submitted by Ministry for Foreign Affairs of Israel; no authorized translation into English yet published.

⁸ *Sefer Ha-Chukkim* No. 192, 21 December 1955. Text submitted by Ministry for Foreign Affairs of Israel; no authorized translation into English yet published.

⁹ *Sefer Ha-Chukkim* No. 92 of 5712, p. 126; *LSI* volume VI, p. 32.

¹⁰ P.G. of 1936, Suppl. I, No. 652, p. 285 (English Edition).

¹¹ *Sefer Ha-Chukkim* No. 8 of 5709, p. 37; *LSI* volume III, p. 26.

¹² *Sefer Ha-Chukkim* No. 28 of 5710, p. 15; *LSI* volume IV, p. 13.

¹³ *Laws of Palestine* volume II, cap. 100, p. 1023 (English Edition); P.G. of 1945, Suppl. I, No. 1457, p. 183 (English Edition).

5. *Variation of Schedule.* The Minister of Justice may, with the approval of the Constitution, Legislation and Juridicial Committee of the Knesset, vary the Schedule to this Law by adding or deleting names of bodies or associations.

6. *Repeal.* Sections 5 and 6 of the Ottoman Law of Criminal Procedure of 26 June 1879, are hereby repealed.

SCHEDULE (SECTION 1 (2))

The World Zionist Organization; The Jewish Agency; The Keren Kayemet Le-Israel; The Keren Hayesod-United Jewish Appeal; A supervised body, within the meaning of the State Comptroller Law, 5709-1949¹⁴.

Note. Under Israel Law, the Israel Courts have criminal jurisdiction over offences committed by Israel nationals in Israel ships on the high seas (Cr. Appeal 174/54 A. *Stampfer v. Attorney-General, Piskei Din*, volume 10 (1956) p. 5). The following laws and ordinances also contain provisions with extra-territorial effect:

(i) *Dangerous Drugs Ordinance, 1936.* Section 8 provides that aiding and abetting offences under Sections 4, 5, 6 and 7 of the Ordinance, in or out of Israel, are punishable offences. (Palestine Gazette No. 577, Suppl. No. 1 of 19 March 1936). Section 6 was amended in 1952 (*Laws of the State of Israel*, authorized translation from the Hebrew, volume 6, 5712-1912-1951/52, p. 91).

(ii) *Offences under the Military Jurisdiction Law, 5715-1955.* Under Sections 13-16 Military Courts are competent to try any person in the service of the Israel Defence Forces whether as a soldier or as civilian for military and non-military offences, whether committed in or out of Israel. (*Sefer Ha-Hukkim* No. 189, 5715-1955 of 20 July 1955. An authorized translation from the Hebrew is not yet available.)

(iii) *The Crime of Genocide (Prevention and Punishments) Law, 5710-1950.* Under section 5 of the Law, a person committing outside Israel an act which is an offence under this law may be prosecuted and punished in Israel as if he had committed the act in Israel. (*Laws of the State of Israel*, authorized translation from the Hebrew, volume 4, 5710-1949/50 p. 101.)

(iv) *Criminal Code Ordinance, 1936.* Section 78 dealing with piracy is of extraterritorial effect (see A/CN.4/19 p. 88, paragraph 36).

(v) *Merchant Shipping Act, 1884, Sections 686 and 687.* These Sections deal with jurisdiction in offences committed on board ship. (The text is to be found in *Drayton, Laws of Palestine*, volume III, p. 2558).

(vi) *Slave Trade Act, 1873; Admiralty Offences (Colonial) Act, 1849; and Admiralty Offences (Colonial) Act, 1860.* These Acts, dealing with extraterritorial criminal jurisdiction are in force in Israel.

(vii) *Nazis and Nazis Collaborators (Punishment) Law, 5710-1950.* Under Sections 1, 3-6, certain crimes, such as crimes against the Jewish people, crimes against humanity, war crimes and other offences, committed during the period of the Nazi regime, in an enemy country, are punishable in Israel. (*Laws of the State of Israel*, volume 4, 5710-1949/50, p. 154).

(viii) *Ports Ordinance (Amendment) Law, 5713-1953.* Under Section 14F desertion and failure to join a vessel registered in Israel constitute a punishable offence even if committed abroad.

Under Section 15 (5), navigating a vessel without being qualified as required by law also constitute a punishable offence. (*Laws of the State of Israel*, volume 7, 5713-1953/53, p. 108).

(ix) *Ships (Transfer and Mortgage Restriction) Ordinance, No. 9 of 5709-1948.* Under Section 3, contraventions against any of the provisions of the Ordinance are punishable offences even when committed abroad. (*Laws of the State of Israel*, volume II, Ordinances 57-09-1948/49, p. 21.)

(x) *Emergency Regulations (Foreign Travel) (Extension of validity) Ordinance No. 7 of 5701-1948.* Under Section 2 (c) of the Schedule of the Ordinance, the Minister of Interior may limit the time for which the holder of an exit permit may stay abroad, and under Section 8 (c) the use of an exit permit otherwise than in accordance with such a condition, constitutes an offence. (*Laws of the State of Israel*, authorized translation from the Hebrew, volume II, Ordinances 5709-1948/49, p. 16.)

¹⁴ *Sefer Ha-Chukkim* No. 8 of 5709, p. 33; *LSI* volume III, p. 23; *Sefer Ha-Chukkim* No. 104 of 5712, p. 266; *LSI* volume VI, p. 78; *Sefer Ha-Chukkim* No. 145 of 5714, p. 71; *LSI* volume VIII, p. 62.

(xi) *Defence Service Law, 5789-1949*. Under Sections 16-17, offences committed abroad are punishable in Israel. The Regulations referred to in Section 17 (2) were enacted on 17 October 1955, but no translation thereof is available. (*Reshumot, Kovetz ha-Takkanot, 5716-1955* of 17 October 1955, p. 88 and p. 397).

(xii) *Ports (Sea-going vessels) Rules, 1935, as amended in 1956 and 1957*. These Rules contain a prohibition for vessels registered in Israel to leave any port or to proceed on an international voyage unless certain conditions have been fulfilled. These conditions relate to the proper loading of the vessel, its equipment, crew, sea-worthiness, etc. International voyage under the Rules mean any voyage from any place in Israel or in a foreign State to an eventual destination, being a place outside the territorial waters of Israel or of a foreign State. No authorized translation of the relevant provisions (enacted in 1956 and 1957 in Hebrew) is available (*Palestine Gazette* No. 490 of 24 January 1935, Supplement No. 2, p. 85; *Reshumot, Kovetz ha-Takkanot, 5713-1953*, p. 1372; *5716-1956*, p. 1046; *5717-1957*, p. 712).

32. Italy [32]

[No change]

33. Japan¹⁵ [33]

(a) PENAL CODE, 24 APRIL 1907 AS AMENDED

Article 1. This Code shall apply to every person who commits a crime in Japan.

The same shall apply to every person who commits a crime on board a Japanese ship or aircraft which is outside Japan.

Article 2. This Code shall apply to every person who commits any one of the following crimes outside Japan:

1. (Deleted);
2. The crimes as provided in Articles 77 to 79;
3. The crimes as provided in Articles 81, 82, 87 and 88;
4. The crimes as provided in Article 148 and the attempts thereof;
5. The crimes as provided in Articles 154, 155, 157 and 158;
6. The crimes as provided in Articles 162 and 163;
7. The crimes as provided in Articles 164 to 166 and the attempts of the crimes as provided in paragraph 2 of Article 164, paragraph 2 of Article 165, and paragraph 2 of Article 166.

Article 3. This Code shall apply to any Japanese who commits any one of the following crimes outside Japan:

1. The crimes as provided in Article 108 and paragraph 1 of Article 109, and the crimes punishable as provided in Article 108 and paragraph 1 of Article 109, and the attempts thereof;
2. The crime as provided in Article 119;
3. The crimes as provided in Articles 159 to 161;
4. The crimes as provided in Article 167 and the attempt of the crime as provided in paragraph 2 of the same Article;
5. The crimes as provided in Articles 176 to 179, 181 and 184;
6. The crimes as provided in Articles 199 and 200 and the attempts thereof;
7. The crimes as provided in Articles 204 and 205;
8. The crimes as provided in Articles 214 to 216;
9. The crimes as provided in Article 218 and the crimes of causing injury or death of persons as result of the commission thereof;
10. The crimes as provided in Articles 220 and 221;

¹⁵ The present entry replaces in its entirety the entry relating to Japan in the previous volume at pp. 71-3. All texts were provided by the Permanent Mission of Japan to the United Nations.

11. The crimes as provided in Articles 224 to 228;
12. The crimes as provided in Article 230;
13. The crimes as provided in Articles 235, 236, 238 to 241 and 243;
14. The crimes as provided in Articles 246 to 250;
15. The crime as provided in Article 253;
16. The crime as provided in paragraph 2 of Article 256.

Article 4. This Code shall apply to the public servant of Japan who commits any one of the following crimes outside Japan:

1. The crime as provided in Article 101 and the attempt thereof;
2. The crime as provided in Article 156;
3. The crimes as provided in Article 193, paragraph 2 of Article 195, and Articles 197 to 197 (3); and the crime of causing injury or death of a person as result of the commission of the crime as provided in paragraph 2 Article 195.

Note. The Penal Code of Japan contains the following provision with respect to the destruction of vessels:

"Article 126. A person who overturns, damages or destroys a railroad train or an electric car in which persons are present shall be punished with penal servitude for life or for not less than three years.

"The same shall apply to a person who capsizes or destroys a vessel in which persons are present.

"A person who, by the commission of crimes provided in the preceding two paragraphs, causes the death of any other person shall be punished with death or with penal servitude for life.

"Article 129. A person who, through negligence, endangers the inovement of a railroad train, electric car or vessel, or overturns, damages or destroys a railroad train or electric car or capsizes or destroys a vessel shall be punished with a fine of not more than five hundred yen.

"When a person commits the crime as provided in the preceding paragraph in the conduct of his professional or occupational duties, he shall be punished with imprisonment for not more than three years or a fine of not more than one thousand yen."

N.B. The Fines provided in these Articles have been made 25,000 yen and 50,000 yen respectively being fifty times the amounts specified above, under Law for Temporary Measures Concerning Fine, etc. (Law No. 251, 18 December 1948.)

The contents of the provisions mentioned in Articles 2 to 4 are as follows:

Articles 77 to 79. Insurrection;

Articles 81 to 88. Foreign aggression;

Article 148. Counterfeiting currency, utterance, delivery and import of currency counterfeited;

Articles 154 to 158. Forgery of Imperial rescripts, official documents, false entry into the original of notarial deed, and utterance of documents through such illegal acts;

Articles 162 and 163. Counterfeiting securities;

Articles 164 to 166. Counterfeiting Imperial Seal, public seal or mark of public office, and utterance of such counterfeited things;

Articles 108 and 109. Arson;

Article 119. Inundation causing the flooding and damaging of buildings, etc.;

Articles 159 to 161. Forgery of private documents, etc.

Article 167. Counterfeiting private seals or signatures, etc.;

Articles 176 to 184. Indecency by violence or threat, rape and bigamy;

Articles 199 to 200. Homicide and killing of lineal ascendant;

Articles 204 and 205. Bodily injury, injury causing death;

Articles 214 to 216. Abortion in the conduct of profession and abortion without consent;

Article 218. Abandonment of a person in need of assistance (e.g. a child);

- Articles 220 and 221.* Unlawful arrest and confinement;
Articles 224 to 228. Kidnapping and abduction;
Article 230. Defamation;
Articles 235 to 243. Larceny and robbery;
Articles 246 to 250. Fraud and extortion;
Article 253. Embezzlement of property in one's custody in the conduct of business;
Article 256. Transporting, receiving for deposit, buying and acting as broker in the disposal of stolen property;
Article 101. Making prisoners escape by person responsible for guarding or escorting them;
Article 156. Preparation of false document by public official;
Articles 193 and 195 and Articles 197 to 197 (3). Official corruption.

(b) CODE OF CRIMINAL PROCEDURE, 10 JULY 1948

Article 2. The territorial jurisdiction of courts shall be determined by the place of offence, or the place of domicile or residence of the accused or by the place where the accused is at present.

With respect to the crime committed on board a vessel of Japan which is outside the territory of Japan, such jurisdiction shall be determined by the place where such vessel is registered, or the place where the vessel has lain at anchor subsequent to the commission of the offence, in addition to the places mentioned in the preceding paragraph.

With respect to the crime committed in an aircraft of Japan which is outside Japan such jurisdiction shall be determined by the place whereon such aircraft lands (including the waters), in addition to the places provided for in paragraph 1.

(c) THE MARITIME SAFETY BOARD LAW; LAW NO. 28 OF 27 APRIL 1948

Article 1. For the purpose of protecting life and property at sea and preventing, detecting and suppressing violation of law at sea, the Maritime Safety Board shall be established as an external organ under the jurisdiction of the Minister of Transportation.

2. The line of demarcation between a port in the mouth of a river and the river shall be fixed by separate law.

Article 2. The Maritime Safety Board shall perform the functions concerning enforcement of laws and regulations at sea, rescue work at sea, prevention and suppression of crimes at sea, detection and arrest of criminals at sea, services concerning waterways and navigation aids, other services for insuring maritime safety, and those concerning matters incident thereto.

Article 17. A Maritime Safety official may, when necessary for performance of his duties, direct the shipmaster or other person in charge of vessel to produce the ship's official papers required to be kept aboard by Laws and Regulations; visit and inspect the vessel for the purpose of ascertaining her identity, port of registry, name of the shipmaster, last port or place of departure, port or place of destination, nature of her cargo or whether she is carrying any cargo or not, and other particulars deemed important concerning the vessel, cargo and navigation; and question the crew and passengers on matters necessary in the discharge of his duties.

2. When a Maritime Safety official visits and inspects a vessel and asks questions as mentioned in the preceding paragraph, he shall be in uniform or carry with him a certificate testifying to his official status.

3. The uniform of the Maritime Safety official shall be fixed by Ministry of Transportation Ordinance.

Article 18. A Maritime Safety official may, whenever deemed unavoidable from the various circumstances, for performance of his duties, take any of the following

measures, besides those specified in other laws and regulations regarding the performance of his duties:

- (1) To stop a vessel from proceeding or to suspend its departure;
- (2) To make a vessel change its course or to make it sail to a port designated by him;
- (3) To make the crew, passengers and other persons on board disembark the vessel or to restrict or prohibit their disembarkation;
- (4) To cause the cargo to be discharged or to restrict or prohibit its discharge;
- (5) To restrict or prohibit traffic between a vessel in question and other vessels or between the vessel and shore, when the vessel concerned is under quarantine, or is undergoing investigation, or is under seizure, or it constitutes a menace to life.

34. Jordan [34]

[No change]

35. Lebanon [35]

[No change]

36. Luxembourg [36]

[No change]

37. Mexico [37]

[No change]

38. Monaco [38]

[No change]

39. Netherlands [39]

(a) PENAL CODE, 3 MARCH 1881, AS AMENDED.

Note. To the text of Article 3 the words "or aircraft" should be inserted after "vessel". In Article 4 (1) the following articles should be enumerated: 92-96, 97a, 98-98c, 105, and 108-110.

(b) CODE OF CRIMINAL PROCEDURE, 15 JANUARY 1921.

[No change]

40. Nicaragua [40]

[No change]

41. Norway¹⁶ [41]

(a) GENERAL PENAL CODE, 22 MAY 1902, AS AMENDED. "NORGES LOV, 1682-1954," PP. 482-530. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

...

Article 12. Norwegian criminal law shall apply in so far as nothing else has been decided or agreed upon by treaty with a foreign State, to any act committed:

1. In the realm, including a Norwegian vessel on the high seas and Norwegian aircraft outside territories under the jurisdiction of any State;
2. In a Norwegian vessel or aircraft wherever it may be, by a member of its crew or others on board the craft;
3. Abroad by a Norwegian national or any person domiciled in Norway when the act:

¹⁶ This entry replaces in its entirety the entry relating to Norway at pages 85-88 of the previous volume.

(a) Belongs to the acts described in chapters 8, 9, 10, 11, 12, 14, 17, 18, 20, 23, 24, 25, 26 or 33, articles 135, 141, 142, 144, 163, 191-195, 199, 202, 204, cf. 202, 205-209, 223-225, 228-235, 242-245, 291, 292, 294 no. 2, 318, 326-328, 330 last paragraph, 338, 367-370, 380, 381 or 423 of this law, and in any case when;

(b) The act is a crime or an offence (misdemeanour) against the Norwegian State or a Norwegian authority, or;

(c) Is liable to punishment also according to the laws of the country in which it has been committed;

4. Abroad by a foreigner, when the act either:

(a) Is one described in articles 83, 88, 89, 90, 91, 91a, 93, 94, 98-104, 110-132, 148, 149, 152, 1st and 2nd paragraphs, 153, 1st, 2nd, 3rd and 4th paragraphs, 154, 159, 160, 161, 169, 174-178, 182-185, 187, 189, 190, 191-195, 202, 217, 220, 221, 223-225, 229, 231-235, 243, 244, 256, 258, 267-269, 276, 292, 324, 325, 328, 415 or 423 of this law or the Defence Secret Law, articles 1, 2, 3, or 5, or;

(b) Is a crime punishable also according to the laws of the country in which it has been committed, and the guilty person is domiciled in the realm or is staying here.

In cases where the punishability of the act depends on or is influenced by an actual or intended effect, the act shall be considered to have been committed and also where the effect has occurred or is intended to occur.

Article 13. An act referred to in paragraph 4 of article 12 may be prosecuted only by order of the King.

An act referred to in paragraph 4 (b) of article 12 may be prosecuted only if it is also punishable according to the laws of the country in which it has been committed. Nor can a more severe punishment be inflicted than that permitted by the laws of that country.

In any case when a person who has been punished in a foreign country is sentenced for the same offence in this country, the punishment previously suffered shall be deducted as far as possible from the punishment inflicted.

Article 14. The application of the aforementioned provisions shall be subject to the exceptions recognized in international law.

...

Note. The Norwegian General Penal Code provides for the punishment of certain crimes connected with collisions between ships. For instance, it punishes: persons causing an accident at sea (articles 148-151); the captain who by navigating an improperly equipped ship causes an accident at sea (article 304); the captain who does not render assistance to another ship after a collision with it (article 315); the captain who does not give the necessary details about his ship to the captain of a ship with which his ship has collided (article 415).

The provisions numerated in article 12, paragraphs 3 (a) and 4 (a) relate to the following acts:

Chapter

8	Crimes against the autonomy and security of the State;
9	Crimes against the Constitution and the head of government;
10	Crimes relating to the exercise of citizens' rights;
11	Crimes connected with the exercise of public functions;
12	Crimes against public officers;
14	Crimes against public security;
17	Counterfeiting;
18	Forgery;
20	Crimes related to family relations;
23	Defamation;
24	Embezzlement and theft;
25	Extortion and robbery;
26	Fraud and dishonesty;
33	Offences connected with the exercise of public functions;

<i>Article</i>	
135	Public disturbances;
141	Encouragement of emigration;
142	Ridiculing religious beliefs;
144	Revealing professional secrets;
169	False accusations;
191-209	Crimes against morals;
223-225	Deprivation of liberty;
228-245	Crimes against life and health;
291-292	International damage to property;
294 (2)	Abuse of confidential information;
318	Crimes related to stolen property;
326-328	Offences against public officers;
330 (2)	Criminal associations;
338	Offences connected with celebration of marriages;
367-370	Falsification and false statements;
380	Work endangering the morality of employees;
381	Work endangering children;
423	Illegal use of flags on vessels and illegal coast-wise trading;
83	Incorporation of Norway into a foreign State;
88	Crimes connected with supplying and transporting troops;
89	Crimes related to negotiations with foreign governments;
90-91	Divulging public secrets;
91 <i>a</i>	Collection of information;
93	Destruction of public documents;
94	Entering into alliances;
98-104	Crimes against the Constitution and the head of government;
110-132	Crimes connected with the exercise of public functions and against public officers;
148-149	Causing a catastrophe by fire, explosion, etc.;
152-153	Poisoning public water supplies or selling poisonous substances;
154	Spreading contagious diseases;
159-161	Crimes against public security;
169	False accusations;
174-178	Counterfeiting;
182-190	Forgery;
191-195	Crimes against morals;
202	Encouragement of prostitution;
217	Kidnapping;
220-221	Crimes connected with invalid marriages;
223-225	Deprivation of liberty;
229, 231, 232	Assault;
233-235	Murder;
243-244	Abandonment;
256	Serious cases of embezzlement;
258	Serious cases of theft;
267-269	Robbery;
276	Serious cases of fraud;
292	Damage to public objects;
324-325	Improper exercise of public functions;
328	Impersonating public officials;
415	Offences connected with collisions between vessels;
423	Illegal use of flags on vessels and illegal coast-wise trading.

(b) CODE OF CRIMINAL PROCEDURE, 1 JULY 1887, AS AMENDED. "NORGES LOVER, 1682-1954", P. 225. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS.

...

Article 135. Separate judicial acts shall as a rule take place within the jurisdiction where the person concerned is domiciled or staying or where the object concerned is located or is likely to be located.

Judicial inquiry shall be instituted within the jurisdiction where the offence has been committed or where the accused has been arrested or is domiciled or staying or where the major part of the evidence is likely to be found.

Article 136. An offence shall be tried in the jurisdiction where it was committed or, in case of doubt, in one of the jurisdictions where it is presumed to have been committed.

An offence committed on board a Norwegian ship situated abroad or on the high seas shall be prosecuted in the jurisdiction where the ship is registered or where it first puts in or where investigation is first commenced.

If there is no such jurisdiction, or if a trial there would entail material inconvenience for the accused or witnesses, the offence may be prosecuted in the place of domicile or, in default thereof, in the place of residence of the accused.

Article 137. If no jurisdiction according to article 136 can be found in the realm or, if prosecution within any of these jurisdictions would entail substantial inconvenience for the accused or witnesses, the case may be prosecuted where the accused has been arrested or where the evidence can be brought forth most easily.

...

42. Pakistan¹⁷

(a) PENAL CODE. ACT NO. XLV OF 1860.

...

3. *Punishment of offences committed beyond, but which by law may be tried within, Provinces, etc.* Any person liable, by any Pakistan Law to be tried for an offence committed beyond the Provinces and the Capital of the Federation shall be dealt with according to the provisions of this Code for any act committed beyond the Provinces and the Capital of the Federation in the same manner as if such act had been committed within the Provinces and the Capital of the Federation.

4. *Extension of Code to Extra-territorial offences.* The provisions of this Code apply also to any offence committed by:

(1) Any British subject domiciled in Pakistan in any place without and beyond the Provinces and the Capital of the Federation;

(2) Any other British subject within the territories of any Acceding State or the tribal areas;

(3) Any servant of the Queen, whether a British subject or not, within the territories of any Acceding State or the tribal areas;

(4) Any person on any ship or aircraft registered in the Provinces and the Capital of the Federation wherever it may be.

Explanation. In this section the word "offence" includes every act committed outside the Provinces and the Capital of the Federation which, if committed in the Provinces and the Capital of the Federation, would be punishable under this Code.

...

280. *Rash navigation of vessel.* Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

281. *Exhibition of false light, mark or buoy.* Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

282. *Conveying person by water for hire in unsafe or overloaded vessel.* Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either

¹⁷ Texts supplied by the Permanent Mission of Pakistan to the United Nations.

description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

283. *Danger or obstruction in public way or line of navigation.* Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to two hundred rupees.

...

(b) CODE OF CRIMINAL PROCEDURE. ACT No. V OF 1898.

...

188. *Liability of British subjects for offences committed out of the Provinces, etc.* When a British subject domiciled in Pakistan commits an offence at any place without and beyond the limits of the Provinces and the Capital of the Federation, or

When any British subject commits an offence in an Acceding State or tribal area, or

When a servant of the Queen (whether a British subject or not) commits an offence in an Acceding State or tribal area, or

When any person commits an offence on any ship or aircraft registered in the Provinces and the Capital of the Federation wherever it may be,

He may be dealt with in respect of such offence as if it had been committed at any place within the Provinces and the Capital of the Federation at which he may be found.

...

(c) MERCHANT SHIPPING ACT. ACT No. XXI OF 1923.

...

245P. (1) The master of a British ship registered in the Provinces and the Capital of the Federation on receiving a signal of distress by wireless telegraphy from any other ship shall proceed with all speed to the assistance of the persons in distress, unless he is unable or, in the special circumstances of the case, considers it unreasonable or unnecessary to do so, or unless he receives information that his assistance is no longer required.

(2) If the master is unable or in the special circumstances of the case considers it unreasonable or unnecessary to proceed to the assistance of the persons in distress, he shall forthwith send a message by wireless telegraphy informing the master of the ship in distress accordingly, and shall enter in the official log-book his reasons for not going to the assistance of those persons.

(3) Any master failing to comply with the provisions of sub-section (1) shall be liable to imprisonment for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or to both.

(4) Any master failing to comply with the provisions of sub-section (2) shall be liable to a fine which may extend to one thousand rupees.

...

246. (1) For the purpose of inquiries and investigations under this Part a shipping casualty shall be deemed to occur when:

(a) On or near the coasts of the Provinces and the Capital of the Federation, any ship is lost, abandoned, stranded or materially damaged;

(b) Any loss of life ensues by reason of any casualty happening to, or on board of, any ship on or near those coasts;

(c) On or near those coasts, any ship causes loss or material damage to any other ship;

(d) In any place any such loss, abandonment, stranding, damage or casualty occurs to, or on board of, any British ship, and any competent witness thereof is found at any place in the Provinces and the Capital of the Federation; or

(e) Any British ship is supposed to have been lost, and any evidence can be obtained in the Provinces and the Capital of the Federation as to the circumstances under which she proceeded to sea or was last heard of.

(2) In sub-section (1), the word "coasts" includes the coasts of creeks and tidal rivers.

(3) In the cases mentioned in clauses (a), (b) and (c) of sub-section (1), the master, pilot, harbour-master or other person in charge of the ship, or (where two ships are concerned) in charge of each ship, at the time of the shipping casualty, and,

in cases under clause (d) of sub-section (1), where the master of the ship concerned or (except in the case of a loss) where the ship concerned proceeds to any place in the Provinces and the Capital of the Federation from the place where the shipping casualty has occurred, the master of the ship,

shall, on arriving in the Provinces and the Capital of the Federation, give immediate notice of the shipping casualty to the nearest Magistrate and also to the officer appointed in this behalf by the Central Government.

(4) Any person bound to give notice under this section and wilfully failing to give the same shall be liable to a fine which may extend to five hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to three months.

247. (1) Whenever any such officer receives credible information that a shipping casualty has occurred, he shall forthwith report in writing the information to the Central Government, and also to the Provincial Government on or near whose coasts the casualty occurred, or within whose territories any witness resides, or evidence can be obtained as the case may be; and may proceed to make a preliminary inquiry into the casualty.

(2) Any such officer:

(i) May go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipment or articles on board thereof, to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage;

(ii) May enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make;

(iii) May, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make;

(iv) May require and enforce the production of all books, papers or documents which he considers important for such purpose; and

(v) May administer oaths, or may, in lieu of requiring or administering an oath, require any person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination.

(3) An officer making a preliminary inquiry under this section shall send a report thereof to the Central Government and shall send a copy thereof to the Provincial Government.

...

282. Any person committing any offence against this Act or any rule thereunder, may be tried for the offence in any place in which he may be found or which the Central Government may, by notification in the official Gazette, direct in this behalf, or in any other place in which he might be tried under any other law for the time being in force.

...

43. Panama [42]

[No change]

44. Paraguay [43]

[No change]

45. Peru [44]

[No change]

46. Philippines [45]

[No change]

47. Poland [46]

(a) PENAL CODE, ENACTED BY PRESIDENTIAL DECREE, 11 JULY 1932.

[No change]

(b) CODE OF CRIMINAL PROCEDURE, 19 MARCH 1928

Note. The text of this Code was the subject of some formal changes in a new uniform text of the Code published by a Pronouncement of the Polish Minister of Justice on 3 September 1950 (*Dziennik Ustaw*, 1950, No. 40, p. 364).

The effect of these changes is to re-number the former Articles 26 and 27 into paragraph 3 of the new Article 21 and to add the following as paragraph 2 of Article 21:

"If any difficulty is encountered in instituting proceedings in the court of the district in which the offence was committed, jurisdiction may be assumed by the court of the district in which the suspected person is to be found."

48. Portugal [47]

[No change]

49. Romania [48]

(a) PENAL CODE, 18 MARCH 1936

Note. Article 7 of the above Code has been amended by Law No. 13 of February 1948 so that para. 1 is now deleted and paras. 2 and 3 become 1 and 2 respectively.

(b) CODE OF CRIMINAL PROCEDURE, 19 MARCH 1936

Note. Articles 21-23 have become Articles 19-21. Article 24 has become Article 22 and the final part of the fourth paragraph, from the words "if such place is situated..." to the end of that paragraph, is to be deleted. Article 26 has been repealed by Law No. 345 of 29 December 1947 without being replaced by any similar provision.

50. Spain [49]

(a) PENAL CODE, 23 DECEMBER 1944

[No change]

(b) CODE OF CRIMINAL PROCEDURE, 14 SEPTEMBER 1882

[No change]

(c) PROVISIONAL LAW CONCERNING THE ORGANIZATION OF JUDICIAL POWER,
15 SEPTEMBER 1870

[No change]

(d) PENAL LAW OF THE MERCHANT MARINE, 21 JUNE 1923, RATIFIED BY ARTICLE 4
OF THE LAW OF 29 MARCH 1941

[Repealed: See under (f)]

(e) CODE OF MILITARY JUSTICE, 17 JULY 1945

[No change]

(f) PENAL AND DISCIPLINARY LAW OF THE MERCHANT MARINE, 22 DECEMBER 1955.
TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

CHAPTER 2. OFFENCES AGAINST INTERNATIONAL LAW AND CUSTOMS

Section I. Piracy

Article 9. The term "piracy" shall mean any act of depredation or violence against the person committed on or from the sea by the members of the crew of a ship who have placed themselves outside the jurisdiction of any State belonging to the international community and who commit such acts indiscriminately, and without being in possession of any lawful commission of war, against nationals of one or another country.

Article 10. In addition to the persons expressly included in the definition given in the preceding article, the following shall be liable to punishment for the offence of piracy:

(a) Any member of the crew of a ship or any person on board such ship who aids and abets any member of the crew of another ship or any person on board such other ship in the seizure of the first ship by violence or in robbing, harming or wounding persons on board the said first ship;

(b) Any person who, by the use of false signals or other fraudulent means from sea or land, causes the shipwreck, stranding (*varado*) or running aground (*encallamiento*) of a vessel for the purpose of committing an offence against persons or goods on board such vessel.

Article 11. The penalties laid down in this section shall be applicable in the case of the offences herein defined if committed on or from the sea against aircraft or similar craft.

Article 12. A person who is guilty of piracy against Spaniards or non-belligerent nationals of any other country shall be liable to a penalty varying from long term rigorous imprisonment with forced labour (*reclusión mayor*) to death if:

1. Any craft has been forced to collide or set on fire;
2. The offence was accompanied by murder, homicide in any other degree or any of the injuries referred to in article 418, 419 and 420, paragraphs 1 and 2, of the ordinary Penal Code;
3. The pirates have committed any of the offences against decency referred to in Book II, Title IX, Chapter 1, of the said Code;
4. The pirates left any person without means of self-preservation;
5. He is the chief, captain or leader of the pirates.

In all other cases the penalty shall vary from medium-term rigorous imprisonment with forced labour (*reclusión menor*) to long term rigorous imprisonment with forced labour.

Section II. Denial of assistance

Article 13. If any member of the crew of a merchant vessel fails to use every means in his power to rescue shipwrecked persons adrift in the sea or persons on board a vessel or aircraft in danger of sinking when he could do so without endangering his person he shall be liable to a penalty varying from medium-term imprisonment with light work (*prisión menor*) to long-term imprisonment with light work (*prisión mayor*).

If the master of a ship receives, while at sea, a signal for assistance from another vessel or from an aircraft and fails to proceed to its assistance with all speed in order to rescue all persons in danger he shall be liable to a penalty varying from detention for not more than six months (*arresto mayor*) to medium-term imprisonment with light work unless it is impossible or, owing to the existence or onset of special circumstances, unreasonable for him to do so. If

the master of a ship acts with evident and culpable negligence in the course of rescue operations he shall be liable to the same penalty.

Article 14. The master of a ship who, without a good and sufficient reason, fails in such circumstances to comply with the requisition of his ship by the master of a ship in danger, any radio operator who fails to act upon or communicate as quickly as possible any signal or request for assistance received by him and any member of the crew or person on board a ship who is aware that another vessel or an aircraft in danger has requested assistance and maliciously conceals such information or prevents it from taking effect, shall be liable to a penalty varying from detention for not more than six months arrest to medium-term imprisonment with light work.

Article 15. The master of a ship who fails to assist in saving a vessel with which the vessel under his command has collided, or the cargo thereof, shall be liable to a penalty varying from detention for not more than six months to medium-term imprisonment with light work: the master of a ship who, in such circumstances, fails to inform the master of the other vessel involved in the collision of the name, port of registration, port of departure and destination of his own vessel shall be liable to detention for not more than six months.

Article 16. The master of a merchant ship who, on finding the signal buoy of a foundered submarine, fails to render the assistance indicated by the said buoy or to report the discovery forthwith to the nearest authorities by the most expeditious means available shall be liable to a penalty varying from long-term imprisonment with light work to medium-term rigorous imprisonment.

Article 17. Any member of the crew of a ship who, on being asked to do so by a port maritime authority, refuses to render emergency assistance to another ship or an aircraft in distress shall be liable to detention for not more than six months.

Section III. Breach of international rules

Article 18. Any person who, being on board a merchant ship or a member of its crew, ill-treats a wounded, sick or shipwrecked person or robs him of his clothing and effects shall be liable to medium-term imprisonment with light work.

Article 19. If the master of a merchant ship contravenes the international rules of maritime warfare in a manner likely to endanger the interests or neutrality of Spain he shall be liable to suspension from the practice of his profession for not less than six months nor more than three years and to detention for not more than six months.

Article 20. Any person who wilfully causes the breaking of or injury to international submarine cable shall be liable to medium-term imprisonment with light work.

Any person who causes such breaking or injury through culpable negligence or incompetence shall be liable to detention for not more than six months.

Article 21. Any person who wrongfully uses the Spanish flag by flying or using it on a merchant ship in any unlawful manner or without proper authority shall be liable to detention for not more than six months.

The maximum penalty shall be imposed if the offender is the master or the offence is committed outside Spain.

If the owner, whether an individual or a body, consignee or the charterer of the vessel commits or abets such an offence he shall be liable further to a fine of not less than 2,500 nor more than 10,000 pesetas.

Any person who maliciously flies another and different flag in place of the lawful national flag shall be liable to the penalties laid down in the three paragraphs last preceding.

Article 22. Any person who, on board a merchant ship not authorized under the regulations in force to wear them, misuses the distinctive markings prescribed by international Conventions for military hospital ships and for hospital ships equipped by private individuals or officially recognized relief societies or at the expense of neutral entities or States shall be liable to a penalty varying from detention for not more than six months to medium-term imprisonment with work chosen by the prisoner.

Article 23. Any person who, on board a merchant ship which he knows to be in no danger, uses any of the signals established by national or international conventions or regulations for the purpose of requesting assistance at sea shall be liable to a penalty varying from detention for not more than six months to medium-term imprisonment with work chosen by the prisoner.

Any person who deliberately uses any signal which may be confused with any of the said signals shall be liable to detention for not more than six months.

CHAPTER 5. OFFENCES AGAINST THE SAFETY OF SHIPS, COLLISION, SHIPWRECK, STRANDING AND DAMAGE

Article 59. Any person who, even with the consent of the owner, whether an individual or body, deliberately causes the collision, wrecking or destruction of a ship at sea shall be liable to a penalty varying from long-term imprisonment with compulsory labour (*presidio mayor*) to long-term rigorous imprisonment with forced labour.

Any person who commits such an offence through serious negligence or imprudence shall be liable to a penalty varying from detention for not more than six months to medium-term imprisonment with work chosen by the prisoner.

Article 60. Any person who, even with the consent of the owner, whether an individual or body, deliberately causes the collision, wrecking or destruction of a vessel in port shall be liable to a penalty varying from long-term imprisonment with compulsory labour to medium-term rigorous imprisonment with forced labour.

Any person who commits such offence through serious negligence or imprudence shall be liable to detention for not more than six months or to the suspension of his master's certificate for not more than two years.

Article 61. Any person who maliciously causes a vessel to run aground shall be liable to medium-term imprisonment with compulsory labour (*presidio menor*).

Any person who commits such an offence through serious negligence or imprudence shall be liable to detention for not more than six months or to the suspension of his master's certificate for not more than two years.

Article 62. If any person contravenes the measures for the safety of navigation and the prevention of collisions in such a manner as to endanger the ship he shall, even if the offence does not cause any damage, be liable to detention for more than six months or a fine of not less than 1,000 nor more than 5,000 pesetas.

Article 63. Any person who, even with the consent of the owner, whether an individual or a body, maliciously causes damage to a ship shall be liable to a penalty varying from detention for not more than six months to long-term imprisonment with compulsory labour.

TITLE II. DISCIPLINARY PROVISIONS

Chapter I. Disciplinary powers and the exercise thereof

Article 80. The following shall be authorized to take disciplinary action in accordance with the rules laid down in this title against any person who commits any offence against discipline, service or good order on board a merchant ship or any act likely to prejudice the proper control thereof:

(a) With regard to all persons on board a merchant ship at sea or in a foreign port where there is no Spanish consul: the master of the ship;

(b) With regard to offences committed while the ship is in a foreign port: the Spanish consul;

(c) With regard to offences committed by any person in waters or territory under their jurisdiction: the local maritime authorities;

(d) With regard to offences committed by the master of a ship at sea: the local maritime authorities of the first Spanish port of call;

(e) With regard to offences committed by persons in any category or in any place: the Minister of Marine.

Article 84. With regard to the offences referred to in article 80, Spanish consuls in foreign ports shall possess the powers conferred on local maritime authorities under article 82 except the power provided by paragraph (a), subparagraph 4, thereof.

SUPPLEMENTARY PROVISIONS

1. The provisions of this Act shall not apply to offences which are committed by the non-Spanish crew of foreign vessels, even in Spanish jurisdictional waters, and which affect only the internal order of the vessel and are participated in solely by foreign nationals. In such cases the Spanish authorities shall confine their action to rendering to the master of the ship and to the consul of the home country of the ship such assistance as they may request and as is in accordance with international treaties.

51. Sweden [50]

(a) PENAL CODE, 16 FEBRUARY 1864, AS AMENDED. TRANSLATION BY THE SECRETARIAT OF THE UNITED NATIONS

Note. By an amendment effective from 1 January 1958 Articles 1 and 2 now read as follows:

Article 1. A Swedish national shall be judged according to Swedish law and before a Swedish court for an offence committed by him within the Kingdom or on board a Swedish vessel or aircraft or committed outside the Kingdom against Sweden or a Swedish national, or for any other offence committed outside the Kingdom if His Majesty decrees that such offence may be prosecuted within the Kingdom.

Article 2. An alien within the Kingdom shall be judged according to Swedish law and before a Swedish court for an offence committed by him within the Kingdom or on board a Swedish vessel or aircraft outside the Kingdom.

An alien within the Kingdom who in any other case has committed an offence outside the Kingdom may also, if His Majesty decrees that prosecution may take place, be judged in accordance with the provisions of the first paragraph if the offence was committed against Sweden or a Swedish national or if the act is punishable under Swedish law by imprisonment at labour and was not exempt from punishment under the law in force at the place where the act was committed.

(b) MARITIME LAW, 12 JUNE 1891, AS AMENDED.

[No change]

(c) EXTRADITION LAW, 4 JUNE 1913.

Note. A proposal of the Government, now before the *Rikstag*, envisages a new Extradition Law which, when introduced, will involve certain changes in Article 3 of the Law of 4 June 1913.

52. Switzerland [51]

[No change]

53. Syria [52]

[No change]

54. Thailand [53]

[No change]

55. Turkey [54]

[No change]

56. Union of South Africa¹⁸ [55]

- (a) MAGISTRATES' COURTS ACT, 1944 (ACT No. 32 OF 1944) AS AMENDED BY ACTS Nos. 40 OF 1952, 14 OF 1954, AND 62 OF 1955. TEXT FROM COOPER AND BAMFORD, "HANDBOOK ON THE CRIMINAL PROCEDURE ACT AND THE CRIMINAL PROVISIONS OF THE MAGISTRATES' COURTS ACT" (CAPETOWN, 1955), P. 185.

...

Section 90. Local limits of jurisdiction

(1) Subject to the provisions of section eighty-nine, any person charged with any offence committed within any district or regional division may be tried by the court of that district or of that regional division, as the case may be.

(2) When any person is charged with an offence:

(a) Committed within the distance of two miles beyond the boundary of the districts, or of the regional division; or

(b) Committed in or upon any vessel or vehicle on a voyage or journey any part whereof was performed within the distance of two miles of the district or of the regional division; or

(c) Begun or completed within the district or within the regional division, such person may be tried by the court of the district or of the regional division, as the case may be, as if he had been charged with an offence committed within the district or within the regional division respectively.

(3) Where it is uncertain in which of several jurisdictions an offence has been committed, it may be tried in any of such jurisdictions.

(4) A person charged with an offence may be tried by the court of any district, or any regional division, as the case may be, where in any act or omission or event which is an element of the offence took place.

(5) A person charged with theft of property or with obtaining property by an offence, or with an offence which involves the receiving of any property by him, may also be tried by the court of any district or of any regional division, as the case may be, wherein he has or had part of the property in his possession.

(6) A person charged with kidnapping, child-stealing or abduction may also be tried by the court of any district or of any regional division, as the case may be, through or in which he conveyed or concealed or detained the person kidnapped, stolen or abducted.

(7) Where by any special provision of law a magistrate's court has jurisdiction in respect of an offence committed beyond the local limits of the district, or of the regional division, as the case may be, such court shall not be deprived of such jurisdiction by any of the provisions of this section.

(8) Notwithstanding anything contained in this section, the Attorney-General may, with the consent of the person charged with having committed an offence within the area of jurisdiction of such Attorney-General, cause such person to be tried for such offence in the court of any district or any regional division, as may be required, in such area.

¹⁸ This entry replaces in its entirety the entry relating to the Union of South Africa in the previous volume at p. 120. The Magistrates' Courts Act, 1917 (Act No. 32 of 1917) there cited was repealed by the Act of 1944 given above (with the exception of the Second Schedule).

(b) MERCHANT SHIPPING ACT, 1951 (ACT No. 57 OF 1951). "STATUTES OF THE UNION OF SOUTH AFRICA," 1951, P. 418.¹⁹

...

327. (1) If any person:

(a) Being a South African citizen, is charged with having committed an offence on board a South African ship on the high seas, or on board a South African ship in any port outside the Union, or on board any ship (other than a South African ship) to which he does not belong; or

(b) Not being a South African citizen is charged with having committed an offence on board a South African ship on the high seas, and that person is found within the area of jurisdiction of any court in the Union which would have had jurisdiction to try the offence if it had been committed within the said area, that court shall have jurisdiction to try the offence.

(2) If any South African citizen:

(a) Is charged with having committed an offence on board a South African ship during a voyage to a port in any part of the Commonwealth outside the Union, or on board a South African ship in a port in any part of the Commonwealth outside the Union; or

(b) Who is a seaman belonging to a South African ship which is in a port in any part of the Commonwealth outside the Union, is charged with having committed an offence in that part of the Commonwealth, and he is found within the area of jurisdiction of any court in that part of the Commonwealth which, according to the laws in force in that part of the Commonwealth, would have had jurisdiction to try the offence if the act or omission which under the laws in force in the Union constitutes the offence were also punishable under the criminal law in force in that part of the Commonwealth and if the act had been committed or the omission had occurred on board a ship registered in that part of the Commonwealth or within the said area, that court shall have jurisdiction to try the offence, provided the Minister has generally or in the particular case requested that the courts of that part of the Commonwealth shall exercise such jurisdiction.

(3) The Governor-General may by proclamation in the *Gazette* declare that the provisions of sub-section (2) shall apply in respect of the courts of any foreign country mentioned in that proclamation as if that foreign country were a member of the Commonwealth; and thereupon the said provisions shall apply in respect of the courts of that foreign country as if it were a member of the Commonwealth.

(4) In this section the expression "offence" means any act or omission which is punishable under the criminal law in force in the Union.

...

57. Union of Soviet Socialist Republics [56]

[No change]

58. United Kingdom [57]

[No change]

59. United States [58]

[No change]

¹⁹ This Act has not yet come into force and is included as an indication of the Government's views on this matter.

60. Uruguay [59]

[No change]

61. Venezuela [60]

[No change]

62. Yugoslavia [61]

[No change]