

such an offence has been committed, or attempted, or is about to be committed or attempted, any commissioned officer of the Union Defence Forces or of the South African Police or any officer of customs may, pending the trial of the charge, detain the aircraft from or in respect of which the offence was committed. Any person who, knowing of such detention, removes, or causes to be removed any aircraft so detained, shall be liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding twelve months without the option of a fine or to both such fine and imprisonment: Provided that where recognisances are entered into or security deposited to the satisfaction of the authority having power to demand and receive the same, that authority may, if satisfied that the ends of justice will not thereby be prejudiced, order the release of the aircraft from further detention.

(2) No officer of the customs authorized to grant clearance to any aircraft shall grant clearance to any aircraft while detained under the provisions of this section.

PENALTIES

16. (1) Any person who is guilty of a contravention of or an offence under this Act or the Convention, or who fails to comply with any provisions of this Act or of the Convention, or of the rules made under that Convention, with which it is his duty to comply, shall, except where another penalty is specially provided, be liable on conviction to a fine not exceeding two hundred pounds or to imprisonment without the option of a fine for a period not exceeding six months or to both such imprisonment and fine.

(2) This section shall apply equally to the owner of an aircraft and to the pilot or person in charge thereof, unless the owner proves to the satisfaction of the court that the said contravention, offence or failure to comply, occurred without his order, permission or connivance.

(3) The penalties provided in this Act shall be in addition to and not in substitution for any penalties imposed under any customs law or regulation, now or hereafter in force, relating to the importation or exportation of goods, and to persons entering or leaving the Union by aircraft.

JURISDICTION

17. Any offence under this Act and any offence committed on a Union aircraft shall, for purposes in relation to jurisdiction of a court to try the offence, be deemed to have been committed in any place where the accused happens to be.

APPLICATION OF ACT

18. (1) The provisions of this Act and of the Convention shall, except where expressly excluded under this Act or by proclamation or regulation, apply to all aircraft whilst in or over any part of the Union or the territorial waters thereof.

(2) This Act shall not apply to aircraft or aerodromes belonging to, or for the time being in use exclusively by, the Union or other His Majesty's Forces or to aircraft or aerodromes belonging to or in the