

## New Zealand Law on Piracy

Piracy on the high seas is a crime under under New Zealand law. The Crimes Act 1961 establishes two general offences in respect of piracy: "piracy by the law of nations" and "piratical acts".

2 "Piracy by the law of nations" is, in effect, any action that amounts to piracy under international law. This means that piracy on the high seas is an offence under New Zealand criminal law, regardless of the nationality of the vessel or persons involved. It is also an offence to attempt or conspire to commit piracy, or to be an accessory to piracy.

3 "Piratical acts" are acts which constitute specific offences set out in the Crimes Act. They deal with situations that include where a person on a victim ship aids and abets piracy, and also where an offender is acting under the pretence of authority of any person or any State other than New Zealand.

4 In terms of jurisdiction, piratical offences can be divided into two broad categories: those which apply to New Zealand ships; and those which apply outside New Zealand waters (to persons who are New Zealand citizens or ordinarily resident in New Zealand) and within New Zealand waters.

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*Relevant excerpts from the Crimes Act 1961, s92-97 (available online  
[www.legislation.govt.nz](http://www.legislation.govt.nz))*

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### Piracy

#### 92 *Piracy*

- (1) Every one who does any act amounting to piracy by the law of nations, whether that act is done within or outside New Zealand,—
- (a) Shall upon conviction thereof be sentenced to imprisonment for life if, in committing piracy, he murders, attempts to murder, or does any act likely to endanger the life of any person:
  - (b) Is liable to imprisonment for a term not exceeding 14 years in any other case.
- (2) Any act that by the law of nations would amount to piracy if it had been done on the high seas on board or in relation to a ship shall be piracy for the purposes of this section if it is done on board or in relation to an aircraft, whether the aircraft is on or above the sea or is on or above the land.

#### 93 *Piratical Acts*

- (1) Every one commits a piratical act who—
- (a) Within New Zealand, or, being a New Zealand citizen or a person ordinarily resident in New Zealand, outside New Zealand, under pretence

of any commission from any State other than New Zealand (whether or not that State is at war with New Zealand) or under pretence of authority from any person whatever, commits an act of hostility or robbery:

- (b) Within or outside New Zealand, enters into any New Zealand ship and throws overboard or destroys any goods on board the ship:
- (c) Within or outside New Zealand, on board any New Zealand ship—
  - (i) Turns enemy or rebel and piratically runs away with the ship or any boat, weapons, ammunition, or goods; or
  - (ii) Voluntarily yields up the ship or any boat, weapons, ammunition, or goods to any pirate; or
  - (iii) Counsels or procures any person to yield up or run away with any ship, goods, or merchandise, or to turn pirate or go over to pirates; or
  - (iv) Assaults the master or commander of any ship in order to prevent him from fighting in defence of his ship and goods; or
  - (v) Imprisons or restrains the master or commander of any ship; or
  - (vi) Makes or endeavours to make a revolt in the ship.

(2) Subsection (1) of this section shall extend and apply to aircraft as it applies to ships; and for the purposes of this subsection any reference in subsection (1) of this section to the master or commander of any ship shall be read as a reference to the pilot in command of an aircraft.

94 *Punishment of piratical acts*

Every one who commits any piratical act—

- (a) Shall upon conviction thereof be sentenced to imprisonment for life if, in committing that act, he murders, attempts to murder, or does any act likely to endanger the life of any person:
- (b) Is liable to imprisonment for a term not exceeding 14 years in any other case.

95 *Attempts to commit piracy*

Every one is liable to imprisonment for a term not exceeding 14 years who, within or outside New Zealand, attempts to do any act amounting to piracy by the law of nations.

96 *Conspiring to commit piracy*

Every one is liable to imprisonment for a term not exceeding 10 years who, within or outside New Zealand, conspires with any other person to do any act amounting to piracy by the law of nations.

97 *Accessory after the fact to piracy*

Every one is liable to imprisonment for a term not exceeding 7 years who, within or outside New Zealand, is accessory after the fact to any act amounting to piracy by the law of nations.