

Chapter XIX

CRIMES OF INFRINGEMENT UPON PUBLIC SAFETY, PUBLIC ORDER

(...)

Article 212.- Breaching the regulations on operating waterborne transport devices

1. Those who operate waterborne transport devices and violate the regulations on waterway traffic safety, causing loss of lives or serious damage to the health and/or property of other persons, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and ten years of imprisonment:

- a) Having no permits, licenses or professional certificates corresponding to the assigned tasks;
- b) Being in the state of intoxication due to the use of alcohol beyond the prescribed limits or the use of other strong intoxicants;
- c) Causing an accident then fleeing in order to shirk responsibility or deliberately refusing to assist the victims;
- d) Failing to obey the orders of the persons who command or persons competent to control and maintain waterway traffic order and safety;
- e) Causing very serious consequences.

3. Committing the offense and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. Committing the crime in cases where particularly serious consequences may actually occur if not warded off in time, the offenders shall be subject to a fine of between five million dong and thirty million dong, non-custodial reform for up to two years or a prison term of between six months and three years.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 213.- Obstructing waterway traffic

1. Those who commit one of the following acts of obstructing waterway traffic, causing loss of lives or serious damage to the health and/or property of other persons shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform or a prison term of between one and five years:

- a) Illegally carrying out drillings or diggings, thus damaging the structure of waterway traffic works;
- b) Creating barricades, thus obstructing waterway traffic without placing and maintaining signals;

- c) Removing signals, reducing their effect and usefulness;
- d) Dismantling signals or destroying waterway traffic works;
- e) Grabbing and occupying waterway traffic lines or their protection corridors;
- f) Other acts of obstructing waterway traffic.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. Committing the crime in cases where it may actually entail particularly serious consequences if not warded off in time, the offenders shall be subject to a fine of five million dong to thirty million dong, to non-custodial reform for up to one year or to a prison term of between three months and two years.

Article 214.- Putting into use waterborne transport devices which fail to meet safety standards

1. Those who are directly responsible for the mobilization or technical status of waterway traffic means but permit the use of the waterborne transport devices which obviously fail to meet safety standards, causing loss of lives or serious damage to the health and/or property of other persons, or who have already been disciplined or administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to criminal record remission but continue to commit it, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced between seven and fifteen years of imprisonment.

4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 215.- Mobilizing or assigning unqualified persons to operate waterborne transport devices

1. Those who mobilize or assign persons who have no driving permits or licenses or who fail to meet other conditions as prescribed by law to operate waterborne transport devices, causing the loss of lives or serious damage to the health and/or property of other persons, or who have already been disciplined or administratively sanctioned for such act or have already been sentenced for such offense, not yet entitled to criminal record remission but continue to commit it, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform or to a prison term of between one and five years.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between three years and ten years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between seven and fifteen years of imprisonment.

4. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 216.- Breaching regulations relating to the operation of aircrafts

1. Those who command or operate aircraft but violate the regulations on air traffic safety, which may actually entail particularly serious consequences if not warded off in time, shall be subject to a fine of between five million dong and fifty million dong, to non-custodial reform for up to three years or a prison term of between one and five years.

2. Committing the crime and causing the loss of lives or serious damage to the health and/or property of other persons, the offenders shall be sentenced to between three to ten years of imprisonment.

3. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between seven years and fifteen years of imprisonment.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between twelve and twenty years of imprisonment.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 217.- Obstructing air traffic

1. Those who commit one of the following acts of obstructing air traffic, causing loss of lives or serious damage to the health and/or property of other persons or have already been disciplined or administratively sanctioned for such act or sentenced for such offense, not yet entitled to criminal record remission but continue to commit it, shall be subject to a fine of between ten million dong and fifty million dong, non-custodial reform for up to three years or a prison term of between one and five years:

- a) Placing barricades which obstruct air traffic;
- b) Illegally removing, dislocating, shielding or destroying air traffic safety signs and/or signals;
- c) Wrongly using or interfering with communications frequencies;
- d) Providing wrong information, posing danger to flights;
- e) Damaging airport equipment or other support facilities;
- f) Other acts of obstructing air traffic.

2. Committing the crime in one of the following cases, the offenders shall be sentenced to between three and ten years of imprisonment:

- a) They are persons directly responsible for ensuring the air traffic safety or directly manage air traffic safety equipment;

b) Causing very serious consequences.

3. Committing the crime and causing particularly serious consequences, the offenders shall be subject to between seven and fifteen years of imprisonment.

4. Committing the crime which may actually entail particularly serious consequences if not warded off in time, the offenders shall be subject to a fine of between five million dong and twenty million dong, to non-custodial reform for up to three years or a prison term of between six months and three years.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 218.- Putting into use aircrafts which fail to meet safety standards

1. Those who are directly responsible for the mechanical status of aircrafts but permit the use of such aircraft which obviously fail to meet technical safety standards shall be sentenced to between one and five years of imprisonment.

2. Committing the crime and causing the loss of lives or serious damage to the health and/or property of other persons, the offenders shall be sentenced to between three years and ten years of imprisonment.

3. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between eight years and fifteen years of imprisonment.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between twelve years and twenty years of imprisonment.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 219.- Mobilizing or assigning unqualified persons to operate aircrafts

1. Those who mobilize or assign persons who have no piloting licenses or fail to fully meet other conditions prescribed by law to operate aircrafts shall be sentenced to between one and five years of imprisonment.

2. Committing the crime and causing the loss of lives or serious damage to the health and/or property of other persons, the offenders shall be sentenced to between three years and ten years of imprisonment.

3. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between eight years and fifteen years of imprisonment.

4. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between twelve years and twenty years of imprisonment.

5. The offenders may also be banned from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 220.- Breaching regulations on maintenance, repair and/or management of traffic works

1. Those who are responsible for the maintenance, repair and/or management of road, railway, waterway or airway traffic works but violate the regulations thereon, causing the loss of lives or serious damage to the health and/or property of other persons shall be subject to a between of from five million dong and one hundred million dong, non-custodial reform or a prison term of between six months and three years.

2. Committing the crime and causing very serious consequences, the offenders shall be sentenced to between two years and seven years of imprisonment.

3. Committing the crime and causing particularly serious consequences, the offenders shall be sentenced to between five and fifteen years of imprisonment.

4. The offenders may also be subject to a fine of between five million dong and fifty million dong, a ban from holding certain posts, practicing certain occupations or doing certain jobs for one to five years.

Article 221.- Hijacking aircrafts, ships

1. Those who use force, threaten to use force or use other tricks to appropriate aircrafts or ships shall be sentenced to between seven and fifteen years of imprisonment.

2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between twelve years and twenty years of imprisonment:

- a) In an organized manner;
- b) Using weapons or dangerous means;
- c) Inflicting injury on or causing harm to the health of other persons;
- d) Dangerous recidivism.

3. Committing the crime and causing human death or other particularly serious consequences, the offenders shall be sentenced to twenty years imprisonment, life imprisonment or capital punishment.

4. The offenders may also be subject to probation or residence ban for between one and five years.

Article 222.- Operating aircrafts in violation of aviation regulations of the Socialist Republic of Vietnam

1. Those who operate aircrafts into or out of Vietnam and violate the aviation regulations of the Socialist Republic of Vietnam in circumstances other than those stipulated in Articles 80 and 81 of this Code shall be subject to a fine of between one hundred million dong and three hundred million dong or a prison term of between six months and three years.

2. Committing the crime and causing serious consequences, the offenders shall be subject to a fine of between three hundred million dong and five hundred million dong or a prison term of between two and seven years.

3. Committing the crime and causing very serious or particularly serious consequences, the

offenders shall be subject to a fine of between five hundred million dong and one billion dong or a prison term of between five years and ten years.

4. The aircraft may be confiscated.

Article 223.- Operating maritime means in violation of navigation regulations of the Socialist Republic of Vietnam

1. Those who operate ships or other waterborne transport devices into or out of Vietnam or pass through Vietnam's territorial waters and violate the navigation regulations of the Socialist Republic of Vietnam in circumstances other than those stipulated in Articles 80 and 81 of this Code shall be subject to a fine of between fifty million dong and two hundred million dong or a prison term of between three months and two years.

2. Committing the crime and causing serious consequences, the offenders shall be subject to a fine of between two hundred million dong and five hundred million dong or a prison term of between one and three years.

3. Committing the crime and causing very serious or particularly serious consequences, the offenders shall be subject to a fine of between five hundred million and eight hundred million dong or a prison term of between three and seven years.

4. The waterborne transport device may be confiscated.