

2014 No. 3281

CIVIL AVIATION

**The Air Navigation (Overseas Territories) (Amendment) (No. 2)
Order 2014**

Made - - - - - *10th December 2014*

Laid before Parliament *17th December 2014*

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 10th day of December 2014

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by section 8(2) and (3) of the Civil Aviation Act 1949(a), as extended to certain territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969(b), is pleased by and with the advice of Her Privy Council to make the following Order.

Citation and Commencement

1.—(1) This Order may be cited as the Air Navigation (Overseas Territories) (Amendment) (No. 2) Order 2014 and comes into force in accordance with paragraphs (2) and (3).

(2) This Order comes into force in relation to any Territory on the day that is the first day of the month following the expiration of three months after the date of receipt by UNIDROIT (the International Institute for the Unification of Private Law) of the instrument of ratification of the Cape Town Convention and the Aircraft Protocol deposited by the United Kingdom if that instrument includes a declaration made under Article 52 of the Cape Town Convention and under Article XXIX of the Aircraft Protocol in respect of that Territory.

(3) This Order otherwise comes into force in relation to any Territory on the day that is the first day of the month following the expiration of six months after the date of receipt by UNIDROIT of a subsequent declaration, made by the United Kingdom under Article 57 of the Cape Town Convention and under Article XXXIII of the Aircraft Protocol, in respect of that Territory.

(4) In this article—

- (a) “the Aircraft Protocol” means the Protocol to the Cape Town Convention on Matters Specific to Aircraft Equipment;
- (b) “the Cape Town Convention” means the Convention on International Interests in Mobile Equipment signed at Cape Town on 16th November 2001; and

(a) 1949 c.67.

(b) S.I. 1969/592, as amended by S.I. 2001/1452 and S.I. 2011/2979. There are other amendments but none is relevant.

- (c) “Territory” has the same meaning as in article 3 of the Air Navigation (Overseas Territories) Order 2013(a).

Amendment of the Air Navigation (Overseas Territories) Order 2013

2. The Air Navigation (Overseas Territories) Order 2013 is amended as follows.

Registration of aircraft

3. At the end of article 18 (changes to the register) insert—

“(5) Subject to paragraph (6) the Governor must also cancel the registration of an aircraft as soon as reasonably practicable if satisfied that a person wishes, and is entitled, under the law of the Territory, to procure the de-registration of the aircraft in accordance with Article IX of the Aircraft Protocol.

(6) Paragraph (5) is subject to any transitional provisions under the law of the Territory in respect of Article 60 of the Cape Town Convention.

(7) In this article and in article 20A—

- (a) “Aircraft Protocol” means the Protocol to the Cape Town Convention on Matters Specific to Aircraft Equipment”; and
- (b) “the Cape Town Convention” means the Convention on International Interests in Mobile Equipment signed at Cape Town on 16th November 2001.”.

4. After article 20 (aircraft subject to a mortgage) insert—

“Aircraft subject to an international interest

20A.—(1) This article applies to an aircraft which is—

- (a) the subject of an international interest and which has been registered at the International Registry in accordance with Chapter 4 of the Cape Town Convention; and
- (b) in respect of which there is recorded, in accordance with the law of the Territory, in the register of the Territory maintained by the Governor in accordance with article 15, an irrevocable de-registration and export request authorisation in respect of the aircraft.

(2) The registration of such an aircraft does not become void by virtue of article 18(1).

(3) The Governor may cancel the registration of such an aircraft under article 18(4) only in pursuance of an application made by the person who is recorded in the register as the authorised party under the irrevocable de-registration and export request authorisation in respect of the aircraft.

(4) The requirement under article 20 for the Governor to obtain the consent of all persons shown in the Register of Aircraft Mortgages as being mortgagees of that aircraft does not apply to an aircraft to which this article applies.

(5) Paragraph (4) is subject to any transitional provisions under the law of the Territory in respect of Article 60 of the Cape Town Convention.

(6) In this article—

“creditor” has the same meaning as in Article 1(i) of the Cape Town Convention; “international interest” means an interest held by a creditor to which Article 2 of the Cape Town Convention applies;

“International Registry” means the international registration facilities established for the purposes of the Cape Town Convention and the Aircraft Protocol; and

(a) S.I. 2013/2870, as amended by S.I. 2014/2925.

“irrevocable de-registration and export request authorisation” means an authorisation in respect of which the United Kingdom has made a declaration in respect of the Territory pursuant to Article XXX(1) of the Aircraft Protocol.”.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

Amendments are made to Part 2 of the Air Navigation (Overseas Territories) Order 2013 (“the Order”), in order to facilitate any extensions of the ratification by the United Kingdom of the Convention on International Interests in Mobile Equipment, signed at Cape Town on 16th November 2001 (“the Cape Town Convention”), and the Protocol to the Cape Town Convention on Matters Specific to Aircraft Equipment (“the Aircraft Protocol”), to the Overseas Territories.

This Order provides that the registration of an aircraft in respect of which there is registered an international interest and in respect of which there is recorded in the register of the Territory, an irrevocable de-registration and export request authorisation in respect of the aircraft does not cease to be valid if an unqualified person subsequently becomes entitled to a property interest in the aircraft. (*Article 4*)

This Order also provides that the Governor must cancel the registration of an aircraft registered in the register of aircraft of an Overseas Territory if satisfied that a person wishes, and is entitled, under the law of the Territory, to procure the de-registration of the aircraft. (*Articles 3 and 4*)

The amendments come into effect in a Territory when a declaration has been deposited by the United Kingdom with UNIDROIT (the International Institute for the Unification of Private Law) in respect of that Territory.

The date that the amendment come into force in an Overseas Territory, following the deposit of the declaration at UNIDROIT, will be published in the official government Gazette of the Overseas Territory in respect of which such a declaration has been so deposited and on a list to be published on www.direct.gov.uk.

A copy of the Cape Town Convention and the Aircraft Protocol can be downloaded from the Unidroit website at <http://www.unidroit.org/instruments/security-interests/cape-town-convention>.

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