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STATUTORY INSTRUMENTS

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**2015 No. 912**

**The International Interests in Aircraft Equipment  
(Cape Town Convention) Regulations 2015**

**PART 2**

**THE INTERNATIONAL INTEREST**

*Recognition and application*

**International interest to have effect in the law of the United Kingdom**

6.—(1) The international interest provided for by Articles 2 to 7 of the Cape Town Convention is recognised in relation to aircraft objects.

(2) These Regulations are subject to, and to be applied in accordance with, the provisions of—

- (a) the Cape Town Convention,
- (b) the Aircraft Protocol, and
- (c) Protocol Regulations.

(3) In accordance with paragraph (1), the international interest has effect where the conditions of the Cape Town Convention and the Aircraft Protocol are satisfied (with no requirement to determine whether a proprietary right has been validly created or transferred pursuant to the common law *lex situs* rule).

**Description of aircraft objects**

7.—(1) A description of an aircraft object that contains the information listed in paragraph (2) is necessary and sufficient to identify the object for the purposes of Article 7(c) of the Cape Town Convention and Article V(1)(c) of the Aircraft Protocol.

(2) The information required by paragraph (1) in relation to an aircraft object is—

- (a) its manufacturer's serial number,
- (b) the name of the manufacturer, and
- (c) its model designation.

**Helicopters and airframes**

8.—(1) Without prejudice to Article 3(1) of the Cape Town Convention, these Regulations also apply in relation to a helicopter, or to an airframe pertaining to an aircraft, registered in an aircraft register of a Contracting State which is the State of registry.

(2) Where the registration is made pursuant to an agreement for registration of the aircraft it is deemed to have been effected at the time of the agreement.

### **Exclusions and modifications by agreement**

9.—(1) The parties may, by agreement in writing, exclude the application of regulation 37.

(2) In their relations with each other, the parties may derogate from or vary the effect of regulations 19(1) to (3), 20(1) and (2), 21, 22 and 25(1).

### *Registry, Registrar and Supervisory Authority*

#### **The Registry**

10. Schedule 3 makes provision about the International Registry established in accordance with Article 16 of the Cape Town Convention.

#### **The Registrar**

11. Schedule 3 also makes provision about the Registrar appointed in accordance with Article 17(2) of the Cape Town Convention.

#### **Supervisory Authority**

12. Schedule 4 makes provision about the Supervisory Authority established in accordance with Article 17 of the Cape Town Convention and Chapter III of the Aircraft Protocol.

#### **Enforcement of orders against the Registrar**

13.—(1) The court may make orders for or in connection with the enforcement of awards or orders made under Article 44 of the Cape Town Convention (jurisdiction to make orders against the Registrar).

(2) This regulation is without prejudice to the exclusivity of the jurisdiction provided for in that Article.

### *Registration procedure and duration*

#### **Registration procedure**

14.—(1) Registration of an international interest or other matter in accordance with the Cape Town Convention (including any amendment or extension) has effect for the purposes of these Regulations only if and to the extent that it complies with the provisions of Articles 18 to 20 of the Convention (registration requirements; validity and time of registration; consent to registration) as modified or supplemented by Article XX of the Aircraft Protocol and by Protocol Regulations.

(2) A document in the form prescribed by Protocol Regulations which purports to be a certificate issued by the International Registry is to be taken as evidence or, in Scotland, sufficient evidence, unless the contrary is proved—

- (a) that it has been so issued, and
- (b) of the facts recited in it, including the date and time of registration.

#### **Duration of registration**

15.—(1) Registration of an international interest has effect for the purposes of these Regulations while it remains effective in accordance with the provisions of Article 21 of the Cape Town Convention (duration of registration).

(2) The effect of registration is subject to the obligations imposed under Article 25 of the Cape Town Convention (discharge of registration) as modified by Article XX of the Aircraft Protocol and by Protocol Regulations.

(3) Holders of interests, intending creditors or assignees, and persons in whose favour an incorrect or erroneous registration has been made, must comply with those obligations.

(4) This regulation is subject to regulation 41.