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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 5**

**PROCEDURE**

*Jurisdiction*

**Choice of forum**

**42.**—(1) Where the parties to a transaction make a written choice that the courts of any Part of the United Kingdom are to have jurisdiction in respect of claims brought under the Cape Town Convention, the courts have jurisdiction in accordance with this regulation.

(2) Jurisdiction in accordance with paragraph (1)—

- (a) applies whether or not the United Kingdom has a connection with the parties or the transaction; and
- (b) is exclusive unless otherwise agreed between the parties.

(3) The courts of any Part of the United Kingdom must give effect to choices of jurisdiction made in accordance with Article 42 of the Cape Town Convention as a result of which courts of another Contracting State have jurisdiction.

**Grant of relief**

**43.**—(1) The courts of any Part of the United Kingdom may grant relief in respect of an aircraft object under regulation 25(1)(a), (b) or (c) if—

- (a) those courts are chosen by the parties, or
- (b) the aircraft object is situated in the United Kingdom.

(2) The courts of any Part of the United Kingdom may grant relief under regulation 25(1)(d) and (e) or other interim relief by virtue of regulation 25(4) if—

- (a) those courts are chosen by the parties, or
- (b) the debtor is situated in the United Kingdom, where the relief is granted in terms under which it is enforceable only in the United Kingdom.

(3) Paragraphs (1) and (2) apply even if the final determination of the claim referred to in regulation 25(1) will or may take place in a court of another Contracting State or by arbitration.

**Courts with UK jurisdiction**

**44.** Where the courts of any Part of the United Kingdom have jurisdiction in accordance with this regulation, the jurisdiction is to be exercised—

- (a) in England and Wales, by the High Court;
- (b) in Scotland, by the Court of Session;
- (c) in Northern Ireland, by the High Court.

**Exclusion of insolvency proceedings**

45. Regulations 42 to 44 do not apply to insolvency proceedings.

**Waiver of sovereign immunity**

46.—(1) A waiver of sovereign immunity from jurisdiction of the courts specified in regulation 42 or 44 or relating to enforcement of rights and interests relating to an aircraft object under these Regulations or the Cape Town Convention—

- (a) is binding, and
  - (b) if the other conditions for jurisdiction or enforcement have been satisfied, is effective to confer jurisdiction and permit enforcement.
- (2) A waiver must—
- (a) be in writing, and
  - (b) contain a description of the aircraft object.

**Interpretation: “the court”**

47. A reference in these Regulations to “the court” is a reference to a court which has jurisdiction in accordance with this Part (or which has jurisdiction to hear insolvency proceedings, as the case may be).