

Island of



Guernsey

Ordinance of the States

XVIII
2016

Made 2nd March, 2016

Coming into Operation 8th March, 2016

The Aviation Registry (Guernsey) (Amendment) Ordinance, 2016

The Aviation Registry (Guernsey) (Amendment) Ordinance, 2016

THE STATES, in pursuance of their Resolution of the 11th December, 2015^a, and in exercise of the powers conferred on them by sections 50 and 52 of the Aviation Registry (Guernsey) Law, 2013^b and all other powers enabling the States in that behalf, hereby order:-

Removal of restriction on use of registered aircraft.

1. Section 18 of the Aviation Registry (Guernsey) Law, 2013 ("the Law") is repealed.

Display of nationality marks.

2. In section 21 of the Law, after the words "by Schedule 3" insert ", which may be amended by Regulations of the Department".

Changes to the register: change of registered mark.

3. After section 22 of the Law, insert the following section -

"Changes to the Register: change of registered mark.

22A. Where –

- (a) an aircraft has been registered with a non-random mark, and
- (b) the identity of the registered owner changes,

the registration mark assigned to that aircraft shall revert to a random mark on the issue of the new certificate of registration under section 14, unless the Registrar otherwise agrees in accordance with the registry practice pertaining to non-random marks."

^a Article X of Billet d'État No. XIII of 2015.

^b Order in Council No. XIII of 2013, as amended by Ordinance No. XI of 2014 and No. XVIII of 2015.

De-registration and export amendment.

4. Section 40G of the Law is amended as follows -

- (a) in subsection (2)(b), delete the words "or the creditor's certified designee", and
- (b) in subsection (3)(a), for "authorised party" substitute "creditor".

Amendment to the Aircraft Registry (Interests in Aircraft) (Guernsey) Ordinance, 2015.

5. The Aircraft Registry (Interests in Aircraft) (Guernsey) Ordinance, 2015^c ("**the Ordinance**") is amended as follows -

- (a) in section 17(2)(b), delete the words " or the creditor's certified designee",
- (b) in section 17(3)(a), for "authorised party" substitute "creditor",
- (c) in section 49, delete the definition of "regulations",
- (d) in Schedule 3, for the words "Cape Town Declarations" substitute the text marked in quotation marks in the Schedule to this Ordinance, and.
- (e) after section 50, insert the following section -

"Power of the Department to make regulations.

50A. (1) This Ordinance may be amended by regulations of the Department in order to give further effect, as necessary, to the Cape Town Convention.

^c Ordinance No. XVIII of 2015.

(2) Regulations made under this section shall be deemed to be regulations made under section 52 of the Law, so the power may be exercised accordingly and the regulations shall be laid before the States after being made."

Interpretation.

6. (1) In this Ordinance -

"**the Law**" means the Aviation Registry (Guernsey) Law, 2013,

"**the Ordinance**" means the Aircraft Registry (Interests in Aircraft) (Guernsey) Ordinance, 2015, and

all other terms not defined have the same meanings as in the Law, or in the Ordinance, as the context so requires.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation.

7. This Ordinance may be cited as the Aviation Registry (Guernsey) (Amendment) Ordinance, 2016.

Commencement.

8. This Ordinance comes into force on the 8th March, 2016.

SCHEDULE

Section 5(d)

"DECLARATIONS
LODGED BY THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND
UNDER THE CAPE TOWN CONVENTION AT THE TIME OF THE DEPOSIT
OF ITS INSTRUMENT OF RATIFICATION

Pursuant to Article 39(1) of the Convention, the Government of the United Kingdom of Great Britain and Northern Ireland declares:

- (a) all categories of non-consensual rights or interests which under the law of the United Kingdom of Great Britain and Northern Ireland, the law of Gibraltar, the law of the Cayman Islands or the law of the Island of Guernsey at the date of this declaration, or created after that date, have priority over an interest in an object equivalent to that of the holder of a registered international interest and shall to that extent have priority over a registered international interest, whether in or outside insolvency proceedings; and
- (b) that nothing in the Convention shall affect the rights of the United Kingdom of Great Britain and Northern Ireland, Gibraltar, the Cayman Islands and the Island of Guernsey or any intergovernmental organization of which the United Kingdom of Great Britain and Northern Ireland is a Member State, or other private provider of public services in the United Kingdom of Great Britain and Northern Ireland, Gibraltar, the Cayman Islands and the Island of Guernsey to arrest or detain an airframe, aircraft engine or helicopter under the law of the United Kingdom of Great Britain and Northern Ireland, the law of Gibraltar, the law of the Cayman Islands or the law of the Island of Guernsey for payment of amounts owed to such entity, organization or provider directly relating to those services in respect of that object or another object, or in the case of the Island of Guernsey in respect of that object only.

Pursuant to Article 39(4) of the Convention, the Government of the United Kingdom of Great Britain and Northern Ireland declares that a right or interest in a category referred to in sub-paragraph (a) above, in the United Kingdom of Great Britain and Northern Ireland, or in the territory of Gibraltar, the Cayman Islands or the Island of Guernsey, shall have priority over an international interest registered prior to the date of deposit of the United Kingdom of Great Britain and Northern Ireland's instrument of ratification.

Pursuant to Article 52 of the Convention, the Government of the United Kingdom of Great Britain and Northern Ireland declares that the United Kingdom's Ratification shall be extended to the territories of the Island of Guernsey, the Cayman Islands and Gibraltar for whose international relations the Government of the United Kingdom of Great Britain and Northern Ireland is responsible.

Pursuant to Article 53 of the Convention, the Government of the United Kingdom of Great Britain and Northern Ireland declares that the following courts are the relevant courts for the purposes of Article 1 and Chapter XII of the Convention: the High Court of Justice in England and Wales, the Court of Session in Scotland, the High Court of Justice in Northern Ireland, the Supreme Court of Gibraltar, the Grand Court of the Cayman Islands and the Royal Court of Guernsey.

Pursuant to Article 54(2) of the Convention, the Government of the United Kingdom of Great Britain and Northern Ireland declares that any remedy available to the creditor in the United Kingdom of Great Britain and Northern Ireland or the territory of Gibraltar, the Cayman Islands or the Island of Guernsey under any provision of the Convention which is not there expressed to require application to the court may be exercised without the leave of the court.

DECLARATIONS

LODGED BY THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND UNDER THE AIRCRAFT PROTOCOL AT THE TIME
OF THE DEPOSIT OF ITS INSTRUMENT OF RATIFICATION

Pursuant to Article XXIX of the Protocol, the Government of the United Kingdom of Great Britain and Northern Ireland declares that the United Kingdom's Ratification of the Protocol shall be extended to the territories of the Island of

Guernsey, the Cayman Islands and Gibraltar for whose international relations the United Kingdom is responsible.

Pursuant to Article XXX(1) of the Protocol, the Government of the United Kingdom of Great Britain and Northern Ireland declares that Articles VIII and XII of the Protocol shall apply to the territories of the Cayman Islands and the Island of Guernsey.

Pursuant to Article XXX(1) of the Protocol, the Government of the United Kingdom of Great Britain and Northern Ireland declares that it will apply Article XIII of the Protocol to the United Kingdom of Great Britain and Northern Ireland and the territories of the Cayman Islands and the Island of Guernsey.

Pursuant to Article XXX(2) of the Protocol, the Government of the United Kingdom of Great Britain and Northern Ireland declares that Article X of the Protocol shall apply to the Island of Guernsey, and that the time period referred to in Article X(2) of the Protocol shall be 10 working days for the purposes of Article 13(1)(a) to (c) of the Convention and 30 working days for the purposes of Article 13(1)(d) and (e) of the Convention.

Pursuant to Article XXX(3) of the Protocol, the Government of the United Kingdom of Great Britain and Northern Ireland declares that Alternative A under Article XI of the Protocol shall apply to the Cayman Islands and the Island of Guernsey with a waiting period of 60 days."

**Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.**

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