



Jersey

# **AIRCRAFT REGISTRATION (JERSEY) LAW 2014**

## **Official Consolidated Version**

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# AIRCRAFT REGISTRATION (JERSEY) LAW 2014

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Jersey

## AIRCRAFT REGISTRATION (JERSEY) LAW 2014

**A LAW** to provide for the registration of aircraft, aircraft engines, aircraft mortgages and aircraft engine mortgages in Jersey and for connected purposes.

Commencement [[see endnotes](#)]

### PART 1

#### PRELIMINARY

#### 1 Interpretation

(1) In this Law –

“aerial work” means any purpose (other than commercial air transport) for which an aircraft is flown for valuable consideration if valuable consideration is given or promised in respect of the flight or for the purpose of the flight, except where the valuable consideration consists only of remuneration for the services of the pilot;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“aircraft engine” means the component of the propulsion system for an aircraft that generates mechanical power;

“aircraft mortgage” means an interest in an aircraft being an interest which under the agreement creating the interest secures payment or the performance of an obligation (whether or not title in the aircraft is transferred to the mortgagee);

“aircraft engine mortgage” means an interest in an aircraft engine being an interest which under the agreement creating the interest secures payment or the performance of an obligation (whether or not title in the aircraft engine is transferred to the mortgagee);

“charter by demise” means the charter of an aircraft for a fixed period of time under which the charterer –

- (a) has possession of the aircraft;
  - (b) has operational control of the aircraft;
  - (c) has the power to appoint and dismiss the flight crew of the aircraft;
- and

- (d) is responsible to third parties as if the charterer was the owner of the aircraft,

but has no right to sell or mortgage the aircraft;

“Chicago Convention” means the Convention on International Civil Aviation which was signed on behalf of the Jersey at the International Civil Aviation Conference held at Chicago on 7th December 1944 and which came into force on 4th April 1947;

“commercial air transport” shall be construed in accordance with the laws of Jersey relating to air navigation;

“documents” means information recorded in any form (including in electronic form) and, in relation to information recorded otherwise in legible form, references to its production, however expressed, include references to the production of a copy of the information in legible form;

“Minister” means the Minister for Economic Development, Tourism, Sport and Culture;

“mortgage agreement” means an agreement creating an aircraft mortgage or aircraft engine mortgage under the provisions of this Law;

“mortgagor” means a person who causes or permits an aircraft mortgage or aircraft engine mortgage to be created in an aircraft or aircraft engine in which the person has an interest and includes the person’s successors and assigns;

“mortgagee” means a person who holds an aircraft mortgage or aircraft engine mortgage and includes the person’s successors and assigns;

“owner” means –

- (a) in the case of an aircraft or aircraft engine, a person who is entitled to a legal interest or beneficial interest in the aircraft or aircraft engine; or
- (b) in the case of an aircraft or an aircraft engine which is the subject of a charter by demise, the charterer by demise;

“prescribed” means prescribed by Order made by the Minister;

“priority notice” means a notice of intention to make an application to register an aircraft mortgage or aircraft engine mortgage in Jersey;

“qualified person” means –

- (a) a body incorporated or undertaking established in; or
- (b) a citizen or resident of,

a country specified in Schedule 1;

“Register” means the Jersey Aircraft Register established and maintained under Article 9;

“registered aircraft” means an aircraft registered in Jersey under this Law;

“registered aircraft engine” means an aircraft engine registered in Jersey under this Law;

“registered aircraft mortgage” means an aircraft mortgage registered in Jersey under this Law;

“registered aircraft engine mortgage” means an aircraft engine mortgage registered in Jersey under this Law;



“registered matter” means an aircraft, aircraft engine, aircraft mortgage, aircraft engine mortgage or priority notice that is registered under this Law;

“registered owner” means –

- (a) in the case of a registered aircraft, an owner whose name is entered in the Register under Article 20(2)(d); or
- (b) in the case of a registered aircraft engine, an owner whose name is entered in the Register under Article 27(2)(d);

“registered particulars” means, in respect of –

- (a) an aircraft, the information specified in Article 20(2)(a), (b), (c) and (e);
- (b) an aircraft engine, the information specified in Article 27(2)(a), (b), (c) and (e);
- (c) an aircraft mortgage or aircraft engine mortgage, the information specified in Article 32(2)(a), (c), (d), (e) and (f); or
- (d) a priority notice, the information specified in Article 33(2) (a), (c), (d), (e) and (f);

“registered priority notice” means a priority notice registered under this Law;

“Registrar” means the person appointed as Registrar of Aircraft under Article 2;

“relevant person” means –

- (a) in the case of an aircraft or aircraft engine, the registered owner;
- (b) in the case of an aircraft mortgage or aircraft engine mortgage, the mortgagee; or
- (c) in the case of a priority notice, the prospective mortgagee;

“serve” includes provide;

“summons” includes any document compelling a person’s attendance before a court;

“surface” means the earth’s surface;

“transmitted” means transmitted by electronic communication, facsimile transmission or other similar means which produce or enable the production of a document containing the text of the communication (in which event the document shall be regarded as served when it is received);

“unqualified person” means a person who is not a qualified person.<sup>1</sup>

- (2) For the purposes of this Law, an aircraft is deemed to be in flight –
  - (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power until the moment when it next comes to rest after landing;
  - (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;

- (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached to the surface or comes to rest on the surface;
- (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest on the surface; and
- (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest on the surface, and the words “flight” and “fly” are construed accordingly.

## **PART 2**

### **APPOINTMENT, FUNCTIONS AND POWERS OF REGISTRAR**

#### **2 Registrar**

- (1) The Minister may appoint a person to hold the office of Registrar of Aircraft.
- (2) The person appointed under paragraph (1) shall –
  - (a) have relevant experience and expertise in civil aviation; and
  - (b) be a fit and proper person to hold the office of Registrar.
- (3) The Minister may appoint any person to perform on behalf of the Registrar such of the Registrar’s functions, as the Minister or the Registrar may authorize.
- (4) Where no appointment is made by the Minister under paragraph (1), the Minister shall discharge the functions of the Registrar.

#### **3 Functions of Registrar**

- (1) The Registrar shall exercise the functions conferred on the Registrar by this Law or any other enactment and shall keep records and perform other duties as the Minister may direct.
- (2) Without prejudice to the generality of paragraph (1), the Registrar’s functions include –
  - (a) registering aircraft, aircraft engines, aircraft mortgages and aircraft engine mortgages under this Law;
  - (b) advising the Minister generally in relation to the registration of aircraft, aircraft engines, aircraft mortgages and aircraft engine mortgages; and
  - (c) administering the office of the Registrar.

**4 Ancillary powers of Registrar**

The Registrar shall have power to do anything that appears to the Registrar to be necessary or expedient for the purpose of exercising the Registrar's functions including power –

- (a) to request the production of, and otherwise obtain such documents, accounts and information from, such persons and within such periods and at such times and intervals as the Registrar thinks fit; and
- (b) subject to any provision to the contrary in this Law or any other enactment, to publish information, reports and other documents.

**5 Power to apply for directions**

The Registrar may, if the Registrar believes that it would assist in the proper and lawful exercise of the Registrar's functions, apply to the Royal Court for directions, or for a determination of any question of fact, law or procedure and on such an application the Royal Court may make such order as it thinks fit.

**6 Power to require use of forms**

- (1) The Registrar may require the use of such forms as the Registrar may direct for any purpose relating to registration or any other proceedings before the Registrar under this Law.
- (2) The Registrar shall publish the forms, and any directions of the Registrar as to their use, in such manner as the Registrar thinks fit.

**7 Official seal**

- (1) The Registrar shall have an official seal for the authentication of documents required for the purpose of exercising the Registrar's functions.
- (2) Any document –
  - (a) sealed with the Registrar's official seal; and
  - (b) signed by the Registrar or by any person appointed and authorized to do so under Article 2(3),is deemed to be duly executed by or on behalf of the Registrar and is effective in law to bind the Registrar.

**8 Proof of documents**

- (1) In any legal proceeding, paragraph (2) applies in relation to any document purporting to be –
  - (a) issued by or on behalf of the Registrar; or
  - (b) signed by the Registrar or by any person appointed and authorized to do so under Article 2(3).
- (2) A document referred to in paragraph (1) –
  - (a) may be received in evidence;
  - (b) unless the contrary is proved, is deemed –

- (i) to be the document which it purports to be, and
  - (ii) to have been issued by or on behalf of the Registrar or, as the case may be, to have been signed by the person by whom it purports to have been signed, without proof of that person's identity, signature or official capacity; and
- (c) is evidence of the matters stated in that document.

## **PART 3**

### **REGISTRATION**

#### *General*

### **9 Jersey Aircraft Register**

- (1) The Registrar shall establish and maintain a register of aircraft, aircraft engines, aircraft mortgages and aircraft engine mortgages to be known as the Jersey Aircraft Register.
- (2) The Register shall be kept in such form and manner as may be prescribed.
- (3) The Registrar –
  - (a) when registering an aircraft, aircraft engine, aircraft mortgage or aircraft engine mortgage or a priority notice; and
  - (b) when issuing a certificate of registration,may rely upon the documents provided to the Registrar in all respects and shall not be bound to enquire further as to whether, in relation to the aircraft, aircraft engine, aircraft mortgage, aircraft engine mortgage or priority notice, the formalities required by this Law have been complied with.

### **10 Annual renewal procedure**

The Minister may by Order provide for the registration of aircraft or aircraft engine under this Law to be subject to an annual renewal procedure and in the Order may specify that procedure and –

- (a) the information to be provided and the form in which such information is to be provided;
- (b) without prejudice to any other provision of this Law, the sanctions, remedies or consequences which shall arise in respect of any failure to comply with the annual renewal procedure; and
- (c) the annual renewal fees.

### **11 Public access to Register and opening hours**

- (1) The Registrar shall make arrangements for –
  - (a) public inspection of the Register; and
  - (b) subject to payment of the prescribed fee, the supply of certified or uncertified copies or extracts of entries in the Register.<sup>2</sup>

- (2) The Register shall be part of the public records of Jersey.
- (3) The Registrar shall make public the days on which and hours during which the Registrar's office is open for registering aircraft, aircraft engines, aircraft mortgages, aircraft engine mortgages and priority notices and for inspecting the Register.
- (4) Any application submitted under this Law when the Registrar's office is closed shall be treated as having been received immediately after the Registrar's office is next opened.

## **12 Certificate of registration**

- (1) On registration of –
  - (a) an aircraft under Article 20;
  - (b) an aircraft engine under Article 27;
  - (c) an aircraft mortgage or aircraft engine mortgage under Article 32; or
  - (d) a priority notice under Article 33,the Registrar shall issue a certificate of registration to the relevant person.
- (2) A certificate of registration shall –
  - (a) state, in relation to the registered matter –
    - (i) the registration number,
    - (ii) the time and date of registration,
    - (iii) the registered particulars,
    - (iv) the registration number of any other registered matter to which it relates, and
    - (v) the name or address of the relevant person; and
  - (b) be signed and sealed by the Registrar.
- (3) A certificate of registration is, unless it has ceased to be valid, conclusive evidence of compliance with the requirements of this Law as to registration and of all matters stated in it.
- (4) A certificate of registration shall cease to be valid where registration is cancelled, has ceased or becomes void or where a new certificate is issued, as the case may be, in the circumstances described in Article 13(2), 14(4), 15, 22, 28 or 33(4).

## **13 Amendment of registered particulars or relevant person**

- (1) If during the continuance of the registration of a registered matter there is a change in –
  - (a) any registered particular; or
  - (b) the name and address of the relevant person,notice of the change shall, within the period of 14 days from the date of the change, be provided to the Registrar.
- (2) Upon receipt of notice under paragraph (1) or as soon as is reasonably practicable after that, and on payment of the prescribed fee by the

relevant person the Registrar shall make the appropriate change in the Register and issue a new certificate of registration or cancel the registration, as the case may be.<sup>3</sup>

- (3) A change made under paragraph (2) shall not be effective until the Registrar has made the entry in the Register.
- (4) In default of compliance with paragraph (1), the change may not be relied on by the relevant person or by any other person so as to affect adversely the rights of any third person.

## **14 Rectification of Register**

- (1) A relevant person may apply to the Registrar for the rectification of an error, defect or omission in the Register.
- (2) The Registrar, on application made under paragraph (1), may –
  - (a) in the Registrar's absolute discretion and on such terms and conditions as the Registrar thinks fit, order the rectification of any error, defect or omission –
    - (i) in the entries relating to the registered matter in the Register, or
    - (ii) in any declaration or other document provided to the Registrar in relation to it under or for the purposes of this Law; or
  - (b) refer the matter to the Inferior Number of the Royal Court, through the intermediary of the Attorney General and the Royal Court may order the rectification of any error, defect or omission –
    - (i) in the entries relating to the registered matter in the Register, or
    - (ii) in any declaration or other document provided to the Registrar in relation to it under or for the purposes of this Law.
- (3) Except where the Registrar or the Royal Court directs otherwise, the effect of rectification of the Register is that the error or omission in question shall be deemed never to have been made.
- (4) The Registrar may remove from the Register any registered matter in respect of which it appears to the Registrar that registration has ceased.

## **15 Cancellation of registration of aircraft or aircraft engine**

- (1) Where a person wishes the registration of any aircraft or aircraft engine to be cancelled, an application for cancellation shall be made to the Registrar.
- (2) An application under paragraph (1) shall –
  - (a) state the reason for such application;
  - (b) be accompanied by the consent of the registered owner in relation to the aircraft or aircraft engine; and
  - (c) contain any further information that the Registrar may require.

- (3) Subject to Article 23(2), if the conditions of paragraph (2) are satisfied, and the Registrar deems it appropriate to do so –
  - (a) the registration of the aircraft or aircraft engine shall be cancelled; and
  - (b) the Registrar shall enter in the Register a notice stating that the registration of the aircraft or aircraft engine has, under this Article, been cancelled.

## **16 Documents in a language other than English**

Where a document provided to the Registrar under this Law is not in English, a translation of it in English verified or certified in such manner as the Registrar may require shall also be provided to the Registrar.

### *Registration of aircraft*

## **17 Qualified person permitted to hold legal or beneficial interests in registered aircraft**

- (1) Only a qualified person may hold a legal or beneficial interest in a registered aircraft.
- (2) If an aircraft is chartered by demise to a qualified person, the Registrar may, whether or not an unqualified person holds a legal or beneficial interest in that aircraft, register the aircraft in Jersey in the name of the charterer by demise if the Registrar is satisfied that the aircraft may be properly registered.
- (3) Subject to this Part, an aircraft registered under paragraph (2) shall remain registered during the continuation of the charter.

## **18 Registration of aircraft permitted in Jersey**

An aircraft that is not operating for the purposes of commercial air transport or aerial work may be registered in Jersey in accordance with this Law.

## **19 Restrictions on registration of aircraft and use of registered aircraft**

- (1) An aircraft shall not be registered, or continue to be registered, in Jersey if the Registrar is satisfied that –
  - (a) subject to Article 17(2) and 23(1), a person other than a qualified person holds any legal or beneficial interest in the aircraft;
  - (b) the aircraft is registered outside Jersey and that such registration would not cease by operation of law in the place it is registered if the aircraft is, or continues to be, registered in Jersey;
  - (c) the aircraft could more suitably be registered in some other place; or
  - (d) it would not be in the public interest for the aircraft to be, or continue to be, registered in Jersey.<sup>4</sup>

- (2) A registered aircraft shall not fly on any flight for the purpose of commercial air transport or aerial work except in the case of a transfer of functions under Article 83(bis) of the Chicago Convention or in such other circumstances or for such other purposes as may be prescribed.
- (3) The owner of a registered aircraft who contravenes paragraph (2) shall be guilty of an offence and liable to imprisonment for a term of 2 years and to a fine of level 3 on the standard scale.<sup>5</sup>

## **20 Registration of aircraft**

- (1) An application for the registration of an aircraft in Jersey shall be made to the Registrar in such form and manner as the Registrar requires and shall include or be accompanied by –
  - (a) such information and documents relating to the aircraft and the ownership and chartering of the aircraft as the Registrar may require to enable the Registrar to determine whether the aircraft may be registered in Jersey;
  - (b) the proper description of the aircraft according to column 4 of the ‘Classification of Aircraft’ in Schedule 2;
  - (c) such other documents or information as may be prescribed and as the Registrar may require; and
  - (d) the prescribed fee.
- (2) If the Registrar receives an application for the registration of an aircraft in Jersey in accordance with paragraph (1) and is satisfied that the aircraft may be registered in Jersey, the Registrar shall register the aircraft, wherever it may be, by entering in the Register the following information –
  - (a) the nationality mark of the aircraft and the registration mark assigned to it by the Registrar;
  - (b) the name of the constructor of the aircraft and its designation;
  - (c) the serial number of the aircraft;
  - (d) the name and address of every owner; and
  - (e) such other information as may be prescribed and as the Registrar may think fit.

## **21 Nationality mark and registration mark of aircraft**

The nationality mark and registration mark to be assigned by the Registrar for registered aircraft and the manner in which the nationality mark and registration mark shall be displayed on a registered aircraft shall be as prescribed.

## **22 Changes to the Register in respect of aircraft**

- (1) Subject to Articles 17(2) and 23(1), if, at any time after an aircraft has been registered in Jersey –
  - (a) a person other than a qualified person becomes entitled to a legal or beneficial interest in the registered aircraft; or



- (b) the aircraft is registered outside Jersey,  
the registration of the aircraft becomes void at the same time of the occurrence of the event in sub-paragraph (a) or (b) and the certificate of registration shall be returned immediately by the registered owner to the Registrar, and the Registrar shall make the appropriate changes to the Register.
- (2) The registered owner of a registered aircraft shall immediately inform the Registrar in writing of –
  - (a) the destruction of the aircraft, or its permanent withdrawal from use; or
  - (b) in the case of an aircraft registered under Article 17(2), the termination of the charter by demise,  
and shall return the certificate of registration immediately to the Registrar, and the Registrar cancel the registration of the aircraft and shall make the appropriate changes to the Register.
- (3) Subject to Article 23(2), the Registrar may, whenever it appears to the Registrar to be necessary or appropriate in order to give effect to this Part or to bring up to date or otherwise correct the Register and, without prejudice to Article 13, 14 or 15, amend the Register or cancel the registration of an aircraft.
- (4) Subject to Article 23(2), the Registrar shall cancel the registration of an aircraft within 14 days of being satisfied that there has been a change in the ownership of the aircraft notwithstanding that the Registrar has not been notified of the change in accordance with Article 13.
- (5) The reference in paragraph (2) to the registered owner of a registered aircraft includes, in the case of a deceased person, his or her personal representative, and in the case of a legal person which has been wound up or dissolved, its successor.

## **23 Aircraft for which an aircraft mortgage is registered**

- (1) The registration of an aircraft which is the subject of an undischarged registered aircraft mortgage does not become void by virtue of Article 22(1).
- (2) The Registrar shall not under Article 15, or Article 22(3) or (4) cancel the registration of an aircraft that is the subject of an undischarged aircraft mortgage unless all persons shown in the Register as mortgagee of that aircraft have consented to the cancellation.

## **24 General provisions concerning registration of aircraft**

- (1) The States may by Regulations modify the application of any provision of this Part as the States deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the Register, either generally or in relation to a particular case or class of cases.
- (2) In this Part, references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of the person's membership of a flying club.

- (3) Nothing in this Part requires the Registrar to cancel the registration of an aircraft if in the Registrar's opinion it would not be in the public interest to do so.

*Registration of aircraft engines*

**25 Registration of aircraft engine permitted in Jersey**

An aircraft engine may be registered in Jersey under this Law.

**26 Restriction on registration of aircraft engines**

An aircraft engine shall not be registered or continue to be registered in Jersey if the Registrar is satisfied that it would not be in the public interest for the aircraft engine to be registered in Jersey.

**27 Manner of registration, and registration mark, of aircraft engine**

- (1) An application for the registration of an aircraft engine in Jersey shall be made to the Registrar in such form and manner as the Registrar requires and shall include or be accompanied by –
- (a) such information and documents relating to the aircraft engine and the ownership and use of the aircraft engine as the Registrar may require to enable the Registrar to determine whether the aircraft engine may be registered in Jersey;
  - (b) the proper description of the aircraft engine including the manufacturer, model and serial number of both;
  - (c) such other documents or information as may be prescribed and as the Registrar may require; and
  - (d) the prescribed fee.
- (2) If the Registrar receives an application for the registration of an aircraft engine in Jersey in accordance with paragraph (1), and is satisfied that the aircraft engine may be registered in Jersey, the Registrar shall register the aircraft engine, wherever it may be, by entering in the Register the following information –
- (a) the registration number assigned to the aircraft engine by the Registrar;
  - (b) the name of the constructor of the aircraft engine and its designation;
  - (c) the serial number of the aircraft engine;
  - (d) the name and address of every owner of the aircraft engine; and
  - (e) such other information as may be prescribed and as the Registrar may think fit.
- (3) The registration mark to be assigned by the Registrar for a registered aircraft engine and the manner in which a registration mark shall be displayed on an aircraft engine shall be as prescribed.

**28 Changes to the Register in respect of aircraft engine**

- (1) The registered owner of a registered aircraft engine shall immediately inform the Registrar, in writing, of the destruction of the aircraft engine or its permanent withdrawal from use.
- (2) The Registrar may, whenever it appears to the Registrar to be necessary or appropriate in order to give effect to this Part or to bring up to date or otherwise correct the Register, and without prejudice to Article 13, 14 or 15, amend the Register or cancel the registration of an aircraft engine.
- (3) The Registrar shall cancel the registration of an aircraft engine within 14 days of being satisfied that there has been a change in the ownership of the aircraft engine notwithstanding that the Registrar has not been notified of the change in accordance with Article 13.
- (4) The reference in paragraph (1) to the registered owner of a registered aircraft engine includes, in the case of a deceased person, his or her legal personal representative, and in the case of a legal person which has been wound up or dissolved, its successor.

*Registration of aircraft mortgages, aircraft engine mortgages and priority notices*

**29 Creation of aircraft mortgages and aircraft engine mortgages**

- (1) An aircraft mortgage or aircraft engine mortgage over a registered aircraft or registered aircraft engine may be created (in Jersey or elsewhere) by a mortgage agreement and upon registration in Jersey under this Law shall, except as otherwise provided by this Law, be effective according to the terms of the mortgage agreement and enforceable –
  - (a) as between the parties to the mortgage agreement;
  - (b) against purchasers of the aircraft or aircraft engine;
  - (c) against creditors of the mortgagor;
  - (d) against the Viscount (or a liquidator or administrator); and
  - (e) against third parties generally.<sup>6</sup>
- (2) An aircraft mortgage or aircraft engine mortgage may be created by the parties to a mortgage agreement to secure the obligation of a third party.
- (3) Nothing in –
  - (a) the [Loi \(1880\) sur la propriété foncière](#); or
  - (b) the rule of law *donner et retenir ne vaut*,shall affect the validity of an aircraft mortgage or aircraft engine mortgage.
- (4) For the purposes of this Law, a mortgage agreement shall –
  - (a) be in writing;
  - (b) be dated;
  - (c) identify and be signed by the mortgagor;
  - (d) identify the mortgagee;
  - (e) contain the information specified in Article 20(2) or 27(2) in respect of the aircraft or aircraft engine, as the case may be;

- (f) specify the events which are to constitute events of default; and
  - (g) contain provisions regarding the obligation payment or performance of which is to be secured sufficient to enable it to be identified.
- (5) Subject to paragraph (4), a mortgage agreement may be in such form, and contain or refer to such matters, as shall be agreed between the parties to such agreement.

**30** <sup>7</sup>**31 Registration of aircraft mortgage, aircraft engine mortgage or priority notice**

- (1) An aircraft mortgage, aircraft engine mortgage or a priority notice may be registered in Jersey under with this Law.
- (2) Applications properly made for the registration of aircraft mortgages, aircraft engine mortgages or priority notices shall be entered in the Register in the order of their receipt by the Registrar.

**32 Registration of aircraft mortgage or aircraft engine mortgage**

- (1) An application to register an aircraft mortgage or aircraft engine mortgage in Jersey shall be made by or on behalf of the mortgagee to the Registrar in such form and manner as the Registrar may require and shall include or be accompanied by –
  - (a) a copy of the mortgage agreement creating the aircraft mortgage or aircraft engine mortgage, which the applicant shall certify to be a true copy;
  - (b) the names and addresses of the mortgagee and mortgagor;
  - (c) details of the aircraft or aircraft engine over which the aircraft mortgage or aircraft engine mortgage is created (including registration numbers);
  - (d) such other documents or information as may be prescribed and as the Registrar may require; and
  - (e) the prescribed fee.
- (2) If the Registrar receives an application for the registration of an aircraft mortgage or aircraft engine mortgage in accordance with paragraph (1), and is satisfied that the aircraft mortgage or aircraft engine mortgage may be registered in Jersey, the Registrar shall register the aircraft mortgage or aircraft engine mortgage, by entering in the Register the following information –
  - (a) the registration number of the aircraft mortgage or aircraft engine mortgage;
  - (b) the names and addresses of the mortgagee and mortgagor;
  - (c) the date and time of registration of the aircraft mortgage or aircraft engine mortgage;

- (d) details of the aircraft or aircraft engine over which the aircraft mortgage or aircraft engine mortgage is created;
  - (e) the registration number of any other aircraft mortgages or aircraft engine mortgages or priority notices over that aircraft or aircraft engine; and
  - (f) such other information as may be prescribed and as the Registrar may think fit.
- (3) The Registrar shall provide the mortgagor with a copy of the certificate of registration issued to mortgagee under Article 12.

### **33 Registration of priority notice**

- (1) An application to register a priority notice shall be made by or on behalf of the prospective mortgagee to the Registrar in such form and manner as the Registrar may require and shall include or be accompanied by –
- (a) the names and addresses of the prospective mortgagee and mortgagor;
  - (b) details of the aircraft or aircraft engine over which the prospective aircraft mortgage or aircraft engine mortgage is to be created (including registration numbers);
  - (c) such other documents or information as may be prescribed and as the Registrar may require; and
  - (d) the prescribed fee.
- (2) If the Registrar receives an application for the registration of a priority notice in accordance with paragraph (1), and is satisfied that the priority notice may be registered, the Registrar shall register the priority notice, and enter in the Register the following information –
- (a) the registration number of the priority notice;
  - (b) names and addresses of the prospective mortgagor and mortgagee;
  - (c) the date and time of registration of the priority notice;
  - (d) details of the aircraft or aircraft engine associated with the priority notice;
  - (e) the registration number of any other aircraft mortgages, aircraft engine mortgages or priority notices over that aircraft or aircraft engine; and
  - (f) such other information as may be prescribed and as the Registrar may think fit.
- (3) The Registrar shall provide the prospective mortgagor with a copy of the certificate of registration issued to the prospective mortgagee under Article 12.
- (4) The registration of a priority notice shall expire 14 days after the date of issue of the certificate of registration.

### **34 Priority of aircraft mortgages and aircraft engine mortgages**

- (1) Preferred debts and preferred liens have priority over aircraft mortgages and aircraft engine mortgages and the person enjoying such a preferred

debt or preferred lien shall not be required to release the aircraft or aircraft engine over which the preferred debt or preferred lien attaches until the sums due to that person are unconditionally discharged.

- (2) Aircraft mortgages as between themselves rank in order of registration, with the first in time having priority.
- (3) Aircraft engine mortgages as between themselves rank in order of registration, with the first in time having priority.
- (4) If, following registration of a priority notice, the aircraft mortgage or aircraft engine mortgage contemplated in the priority notice is registered before the expiry of the priority notice, the aircraft mortgage or aircraft engine mortgage shall be deemed to have been registered at the time of registration of the priority notice, and the Registrar shall record the date and time of the registration of the aircraft mortgage or aircraft engine mortgage accordingly.
- (5) This Article shall have effect despite any express, implied or constructive notice to the mortgagee.
- (6) The priority of aircraft mortgages or aircraft engine mortgages may be varied by agreement between the holders of those aircraft mortgages or aircraft engine mortgages, but an assignee of a subordinated aircraft mortgage or subordinated aircraft engine mortgage is not bound by an agreement to subordinate that aircraft mortgage unless at the time of the assignment a subordination relating to that agreement had been filed with the Registrar in the form approved by the Registrar and entered in the Register by the Registrar.
- (7) Any priority given by this Article to an aircraft mortgage or aircraft engine mortgage over an aircraft or aircraft engine extends to the proceeds of sale of that aircraft or aircraft engine.
- (8) In this Article –
  - “preferred debt” means any taxes or fees owed to the States in respect of the aircraft or aircraft engine to which the debt attaches;
  - “preferred lien” means any lien created by the detention of an aircraft for unpaid fees including airport fees, route charges and charges for working on an aircraft or aircraft engine.

### **35 Registration not to constitute constructive notice**

Registration of an aircraft mortgage or an aircraft engine mortgage shall not constitute constructive notice of the existence of the aircraft mortgage or aircraft engine mortgage (or its terms) to any person, or constructive knowledge of the existence of the aircraft mortgage or aircraft engine mortgage (or its terms) by any person.

### **36 Discharge of aircraft mortgage or aircraft engine mortgage**

- (1) Where an aircraft mortgage or aircraft engine mortgage is discharged, the mortgagor shall notify the Registrar of the same by providing the Registrar with –
  - (a) a copy of the discharge or receipt for the aircraft mortgage or aircraft engine mortgage;

- (b) such other documents or information as may be prescribed and as the Registrar may require; and
  - (c) the prescribed fee.
- (2) Upon receipt of the documents, information and the prescribed fee specified in paragraph (1), if the Registrar is satisfied that the aircraft mortgage or aircraft engine mortgage is discharged, the Registrar shall –
  - (a) mark the relevant entries in the Register as discharged; and
  - (b) notify the mortgagee, mortgagor and owner (if different) of the aircraft or aircraft engine that this has been done.

### **37 Cancellation of registration of aircraft or aircraft engine not to affect rights of mortgagee**

The cancellation of the registration of an aircraft or aircraft engine shall not affect the rights of any mortgagee under any aircraft mortgage or aircraft engine mortgage and entries shall continue to be made in the Register in relation to the aircraft mortgage or aircraft engine mortgage as if the registration of the aircraft or aircraft engine had not been cancelled.

### **38 Indemnity in respect of errors or omissions in Register**

- (1) Subject to paragraphs (2) and (3), any person who suffers loss directly resulting from an error or omission of the Registrar or any person authorized to perform a function of the Registrar under Article 2(3) may be indemnified by the States.
- (2) No indemnity shall be payable under paragraph (1) –
  - (a) for any factual inaccuracy of registration information received by the Registrar or transmitted by the Registrar in the form in which the Registrar received that information;
  - (b) for acts or circumstances for which the Registrar is not responsible and arising prior to receipt of registration information by the Registrar;
  - (c) where the person who has suffered loss has caused the loss by his or her fraud or has derived title from a person committing fraud; or
  - (d) on account of costs or expenses incurred in taking or defending any legal proceedings without the consent of the Registrar.
- (3) Any compensation payable under paragraph (1) may be reduced to the extent that the person who suffered the loss caused or contributed to that loss.
- (4) The States may procure insurance or a financial guarantee covering the liability created by this Article.

## PART 4

### ENFORCEMENT OF AIRCRAFT MORTGAGES AND AIRCRAFT ENGINE MORTGAGES

#### **39 Part 4 to apply to aircraft mortgage or aircraft engine mortgage registered in Jersey**

This Part shall apply in respect of an aircraft mortgage or aircraft engine mortgage registered in Jersey under this Law.

#### **40 Enforcement**

- (1) The power to enforce an aircraft mortgage or aircraft engine mortgage shall become exercisable when –
  - (a) an event of default has occurred in relation to the mortgage agreement; and
  - (b) the mortgagee has served on the mortgagor written notice specifying the event of default.
- (2) Subject to Article 34(1) and 51(3), a mortgagee may exercise powers of enforcement in respect of an aircraft mortgage or aircraft engine mortgage by doing any of the following in relation to the aircraft or aircraft engine that is subject to the aircraft mortgage or aircraft engine mortgage –
  - (a) appropriating the aircraft or aircraft engine;
  - (b) selling or leasing the aircraft or aircraft engine;
  - (c) taking any of the following actions –
    - (i) taking control or possession of the aircraft or aircraft engine,
    - (ii) exercising any rights of the mortgagor in relation to the aircraft or aircraft engine,
    - (iii) instructing any person who has an obligation in relation to the aircraft or aircraft engine to carry out the obligation for the benefit of the mortgagee; or
  - (d) applying any remedy that the mortgage agreement provides for as a remedy that is exercisable pursuant to the power of enforcement, to the extent that such action is not in conflict with this Law.<sup>8</sup>
- (3) This Article does not prevent the mortgagee from taking such other action in respect of the aircraft or aircraft engine as is permitted by the aircraft mortgage or aircraft engine mortgage and is not in conflict with this Law, whether before or after the power to enforce the aircraft mortgage or aircraft engine mortgage becomes exercisable.

#### **41 Notice of appropriation, sale or lease of aircraft<sup>9</sup>**

- (1) A mortgagee shall, not less than 14 days before appropriating the aircraft or aircraft engine under Article 40(2)(a), give written notice of the default



and intention to appropriate the aircraft or aircraft engine to the following persons –

- (a) the mortgagor; and
  - (b) any person who, 21 days before the appropriation, has a registered aircraft mortgage or registered aircraft engine mortgage over the aircraft or aircraft engine.
- (2) A mortgagee shall, not less than 14 days before selling or leasing the aircraft or aircraft engine, under Article 40(2)(b) give written notice of the default and intention to sell or lease to the following persons –
- (a) the mortgagor; and
  - (b) any person who, 21 days before the sale or lease, has a registered aircraft mortgage or registered aircraft engine mortgage over the aircraft or aircraft engine.<sup>10</sup>
- (3) Paragraph (2) does not apply to the extent that the Royal Court orders, on an ex parte application, that notice need not be given under paragraph (2).
- (4) If the mortgagee and another person have agreed in writing in one or both of the following terms –
- (a) that notice need not be given under this Article to the other person; or
  - (b) for notice under this Article to be given to the other person within a period different from that specified in this Article,
- this Article shall, in relation to that person, have effect subject to that term or those terms.

## **42 Methods of sale of aircraft engine**

- (1) A mortgagee may effect a sale of an aircraft or aircraft engine under Article 40(2)(b) by auction, public tender, private sale, or any other method.
- (2) A mortgagee is not prevented by this Part from buying an aircraft or aircraft engine that the mortgagee sells under this Part.

## **43 Duty to obtain fair valuation or fair price**

- (1) A mortgagee who appropriates an aircraft or aircraft engine under this Part owes a duty –
  - (a) to take all reasonable steps to determine the fair market value of the aircraft or aircraft engine, as at the time of the appropriation; and
  - (b) to act in other respects in a reasonable manner in relation to the appropriation.
- (2) A mortgagee who sells or leases an aircraft or aircraft engine under this Part owes a duty –
  - (a) to take all reasonable steps to obtain a fair market value for the aircraft or aircraft engine, as at the time of the sale or lease;
  - (b) to act in other respects in a reasonable manner in relation to the sale or lease; and

- (c) to enter any agreement for or in relation to the sale or lease only on reasonable terms.<sup>11</sup>
- (3) A duty under this Article is owed to the following persons –
  - (a) the mortgagor; and
  - (b) any person who has a registered aircraft mortgage or registered aircraft engine mortgage over the aircraft or aircraft engine immediately before the appropriation, sale or lease.<sup>12</sup>

#### **44 Extinction of subordinate aircraft mortgages and aircraft engine mortgages on appropriation, sale or lease<sup>13</sup>**

If an aircraft or aircraft engine is appropriated under Article 40(2)(a) or sold or leased under Article 40(2)(b), all aircraft mortgages or aircraft engine mortgages in the aircraft or aircraft engine that are subordinate to the aircraft mortgage or aircraft engine mortgage of the mortgagee who appropriated, sold or leased the aircraft or aircraft engine shall be extinguished on the appropriation, sale or lease of the aircraft or aircraft engine.<sup>14</sup>

#### **45 Mortgagee to give statement of account to mortgagor and others**

If an aircraft or aircraft engine is appropriated under Article 40(2)(a) or sold or leased under Article 40(2)(b) by a mortgagee, the mortgagee shall, within the 14 days after the day on which the aircraft or aircraft engine is appropriated, sold or leased, give the persons referred to in Article 46(1)(a) and (b) a statement of account in writing, showing –

- (a) in the case of –
  - (i) an appropriation, the gross value realized by virtue of the appropriation,
  - (ii) a sale, the amount of the gross proceeds of the sale, or
  - (iii) a lease, the amount of the gross proceeds of the lease which, in accordance with the lease agreement, is expected over the term of the lease and the residual value that aircraft or aircraft engine is expected to have on expiry of the lease;
- (b) the amount of the mortgagee's reasonable costs incurred in relation to the appropriation, sale or lease (being the costs referred to in Article 48(2) or (3));
- (c) the amount of any other reasonable expenses incurred by the mortgagee in enforcing the aircraft mortgage or aircraft engine mortgage after the event of default;
- (d) the net value, or net proceeds of the sale or lease, of the aircraft or aircraft engine, referred to in Article 48(2) or (3); and
- (e) the surplus owing by, or debt owing to, the mortgagee, as the case may be.<sup>15</sup>

#### **46 Distribution of surplus**

- (1) Subject to Article 34, if a mortgagee has appropriated an aircraft or aircraft engine under Article 40(2)(a) or sold or leased an aircraft or

aircraft engine under Article 40(2)(b), the mortgagee shall pay the following persons the amount of any resulting surplus by satisfying the claims of those persons in the following order –

- (a) in payment, in due order of priority, of mortgagees whose aircraft mortgages or aircraft engine mortgages were registered after the aircraft mortgage or aircraft engine mortgage of the mortgagee exercising the power of sale or lease was registered, if paragraph (2) applies to such subsequently registered aircraft mortgages or aircraft engine mortgages; and
  - (b) as to the balance (if any remains) in payment to the mortgagor, or in the event that the mortgagor has become insolvent or been subjected to any other judicial arrangement consequent upon insolvency, to the Viscount, liquidator or other proper officer.<sup>16</sup>
- (2) This paragraph applies to the aircraft mortgage or aircraft engine mortgage of any mortgagee on whose behalf (as well as on his or her own behalf) the mortgagee exercising the power of sale or lease was, immediately before the exercise of such power, holding possession of or exercising control over the aircraft or aircraft engine.<sup>17</sup>

#### **47 Surplus may be paid into the Royal Court**

- (1) The mortgagee may alternatively discharge its obligation under Article 46 to pay any amount of resulting surplus by paying that amount into the Royal Court.
- (2) The surplus may then only be paid out if the Royal Court so orders on application by a person entitled to the surplus.
- (3) That entitlement to the surplus shall be determined in accordance with Article 46.

#### **48 Existence of surplus**

- (1) For the purposes of Articles 46 and 47, a surplus exists if –
  - (a) a mortgagee has appropriated the aircraft or aircraft engine under this Part, and the net value of the aircraft or aircraft engine exceeds –
    - (i) the amount of the debt owed to the mortgagee by the mortgagor (where the aircraft or aircraft engine secures payment), or
    - (ii) the monetary value of the obligation owed to the mortgagee (where the aircraft or aircraft engine secures performance of a non-monetary obligation); or
  - (b) a mortgagee has sold or leased the aircraft or aircraft engine under this Part, and the net proceeds of the sale or lease exceed –
    - (i) the amount of the debt owed to the mortgagee by the mortgagor (where the aircraft or aircraft engine secures payment), or

- (ii) the monetary value of the obligation owed to the mortgagee (where the aircraft or aircraft engine secures performance of a non-monetary obligation).<sup>18</sup>
- (2) In paragraph (1)(a), “net value of the aircraft or aircraft engine” means the value of the aircraft or aircraft engine, minus the mortgagee’s reasonable costs incurred in, and incidental to, the appropriation.
- (3) In paragraph (1)(b), “net proceeds of the sale or lease” means the proceeds of the sale or lease minus the mortgagee’s reasonable costs incurred in, and incidental to, taking possession or control of, holding, valuing, and preparing the sale or lease of, and selling or leasing, the aircraft or aircraft engine.<sup>19</sup>

#### **49 Realization of aircraft facilitated by Royal Court**

The Royal Court may, on application by the mortgagee when an event of default occurs in relation to an aircraft mortgage or aircraft engine mortgage, make any of the following orders if it appears to the Court to be reasonably necessary to do so in order to make it possible or practicable for the mortgagee to exercise his or her rights under this Part –

- (a) an order for delivery of an aircraft or aircraft engine to the mortgagee;
- (b) an order transferring the aircraft or aircraft engine into the name of the mortgagee or the mortgagee’s nominee;
- (c) an order vesting title to the aircraft or aircraft engine in the mortgagee or the mortgagee’s nominee free of the right of redemption under Article 51;
- (d) an order enforcing an instruction given under Article 40(2)(c)(iii); or
- (e) any other order.

#### **50 Effect of disposal of aircraft or aircraft engine to purchaser or lessor for value and in good faith<sup>20</sup>**

- (1) A purchaser or lessor, for value and in good faith, of an aircraft or aircraft engine appropriated, sold or leased by a mortgagee takes the aircraft or aircraft engine free from the following interests –
  - (a) the interest of the mortgagor;
  - (b) any interest subordinate to that of the mortgagor; and
  - (c) any interest subordinate to that of the mortgagee.<sup>21</sup>
- (2) Paragraph (1) applies whether or not –
  - (a) there has been compliance with this Part in relation to the aircraft or aircraft engine; or
  - (b) the registration of aircraft mortgages or aircraft engine mortgages relating to an aircraft or aircraft engine that are subordinate to the aircraft mortgage or aircraft engine mortgage of the mortgagee appropriating, selling or leasing the aircraft or aircraft engine has been removed from the Register.<sup>22</sup>

**51 Entitled persons may redeem aircraft**

- (1) Paragraphs (2) and (3) apply at any time before a mortgagee who appropriates an aircraft or aircraft engine under Article 40(2)(a), enters into any agreement to sell or lease the aircraft or aircraft engine under this Part, or has otherwise acted irrevocably in relation to the aircraft or aircraft engine, after an event of default.<sup>23</sup>
- (2) A person who is listed in Article 41(1)(a) or (b) may redeem the aircraft or aircraft engine by –
  - (a) tendering fulfilment of the obligations secured by the aircraft or aircraft engine; and
  - (b) paying a sum equal to the reasonable costs incurred referred to in Article 48(2) or (3), as the case requires, and any other reasonable expenses incurred by the mortgagee in enforcing the aircraft mortgage or aircraft engine mortgage after the event of default.
- (3) The mortgagor's right to redeem the aircraft or aircraft engine has priority over any other person's right to redeem the aircraft or aircraft engine.

**52 Effect of subsequent bankruptcy of mortgagor**

- (1) Subject to Article 34(1), upon the mortgagor becoming bankrupt –
  - (a) to the extent that the proceeds of sale or lease of the aircraft or aircraft engine is sufficient, the amount due to a mortgagee in respect of an aircraft mortgage or aircraft engine mortgage shall be paid in priority to all other claims; and
  - (b) nothing in this Law shall affect the vesting in the Viscount or other body or person, under the law relating to bankruptcy in Jersey, of the rights of the mortgagor to the aircraft or aircraft engine.<sup>24</sup>
- (2) If the mortgagor of a registered aircraft or registered aircraft engine becomes bankrupt or the mortgagor or the mortgagor's property is subjected, whether in Jersey or elsewhere, to any other judicial arrangement or proceeding consequent upon insolvency, the power of a mortgagee who has an aircraft mortgage or aircraft engine mortgage over the aircraft or aircraft engine to appropriate, sell or lease, or otherwise act in relation to the aircraft or aircraft engine, under this Part shall not be affected.<sup>25</sup>
- (3) <sup>26</sup>
- (4) In this Article references to a person becoming bankrupt shall, unless the contrary intention appears, be construed as references to either –
  - (a) the grant by the Royal Court of an application made by that person to place the person's property under the control of the Court (*de remettre ses biens entre les mains de la Justice*);
  - (b) the declaring of the property of that person to be *en désastre*;
  - (c) the grant by the Royal Court of an application made by that person to make a general cession of the person's property (*de faire cession générale de tous ses biens-meubles et héritages*);
  - (d) a decision of the Royal Court adjudging the property of that person to be renounced (*adjudée renoncée*); or

- (e) the winding up of –
- (i) a company by means of a creditors' winding up under Chapter 4 of Part 21 of the [Companies \(Jersey\) Law 1991](#) or a winding up under Article 155 of that Law,
  - (ii) a limited liability partnership under the Limited Liability Partnerships (Jersey) Law 1997 and the Limited Liability Partnerships (Insolvent Partnerships) (Jersey) Regulations 1998,
  - (iii) an incorporated limited partnership under Parts 3 and 4 of the [Incorporated Limited Partnerships \(Jersey\) Regulations 2011](#), or
  - (iv) an insolvent foundation under Chapter 3 of Part 2 of the [Foundations \(Winding up\) \(Jersey\) Regulations 2009](#) or a foundation on just and equitable grounds under Part 4 of those Regulations,<sup>27</sup>

and references to “bankruptcy” shall be construed accordingly.

## PART 5

### RECORDING AND REGISTRATION OF BIRTHS AND DEATHS

#### 53 Recording and registration of births and deaths

- (1) The States may by Regulations provide for such persons as may be specified in the Regulations to keep records and make returns to the Registrar of –
- (a) births and deaths occurring in any part of the world in any aircraft registered in Jersey; and
  - (b) the death outside Jersey of any person who, being a traveller on such an aircraft, is killed on the journey in consequence of an accident,
- and for the keeping by the Registrar of a record of any returns made to the Registrar in accordance with any such requirement.
- (2) Where Regulations made under paragraph (1) provide for the keeping of records by the Registrar, the Regulations shall also provide for the transmission of certified copies of those records to the Superintendent Registrar in Jersey.
- (3) The Superintendent Registrar shall cause the records received under paragraph (3) to be filed and preserved in books to be kept by the Superintendent Registrar for the purpose, and to be called respectively the Register of Births on Jersey Registered Aircraft and the Register of Deaths on Jersey Registered Aircraft.
- (4) Regulations made under paragraph (1) shall provide for the rectification of any records kept by the Registrar pursuant to the Regulations and for the transmission of certified copies of any corrected entry in the records to the Superintendent Registrar.

- (5) The [Marriage and Civil Status \(Jersey\) Law 2001](#) shall have effect as if the Register of Births on Jersey Registered Aircraft and the Register of Deaths on Jersey Registered Aircraft were certified copies or duplicate registers transmitted to the Superintendent Registrar in accordance with that Law.
- (6) The States may by Regulations provide –
  - (a) for the keeping by the Registrar of a record of persons reported to the Registrar as missing, being persons with respect to whom there are reasonable grounds for believing that they have died in consequence of an accident to an aircraft registered in the Jersey;
  - (b) for the rectification of any such record; and
  - (c) for the transmission of information as to the matters for the time being entered on the record to the Superintendent Registrar.
- (7) In this Article “Superintendent Registrar” has the meaning assigned to it by Article 1 of the [Marriage and Civil Status \(Jersey\) Law 2001](#).

## PART 6

### MISCELLANEOUS

#### 54 Confidentiality

- (1) A person who –
  - (a) under or for the purposes of this Law receives any information relating to the business or other affairs of any person; or
  - (b) obtains information referred to in sub-paragraph (a) directly or indirectly from a person who has so received it,shall not disclose the information without the consent of the person to whom it relates and (if different) the person from whom it was so obtained.
- (2) Paragraph (1) does not preclude –
  - (a) the disclosure of information –
    - (i) which at the time of disclosure is or has already been made available to the public from other sources, or
    - (ii) which is in a form which prevents information relating to any particular person to be ascertained from it;
  - (b) the disclosure of information for the purpose of enabling or assisting the Registrar to discharge the Registrar’s functions;
  - (c) the disclosure of information for the purpose of assisting, in the public interest, any authority appearing to the Registrar to exercise, in a place outside Jersey, functions corresponding to those of the Registrar;
  - (d) the disclosure of information in compliance with, or for the purposes of enabling or assisting a person to comply with, any requirement imposed by or under this Law or any other enactment;

- (e) a disclosure of information which is authorized by or under this Law or any other enactment;
  - (f) the disclosure of information –
    - (i) for the purposes of the investigation, prevention or detection of crime, or
    - (ii) with a view to the institution of, or otherwise for, the purposes of any criminal proceedings, whether under this Law or otherwise;
  - (g) the disclosure of information in connection with any other proceedings arising out of this Law;
  - (h) the disclosure of information with a view to the institution of, or otherwise for the purposes of, any disciplinary proceedings relating to the exercise of the professional functions of any person;
  - (i) the disclosure of information in connection with the discharge of any international obligation to which Jersey may from time to time be subject; or
  - (j) the disclosure of information to comply with an order of a court.
- (3) A person who discloses any information in contravention of this Article shall be guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.

## 55 Limitation of liability

- (1) Subject to Article 38 –
- (a) the Minister or any person who is, or is acting as, an officer, servant or agent in an administration of the States for which the Minister is assigned responsibility;
  - (b) the Registrar; and
  - (c) a person appointed under Article 2(3) to perform the functions of the Registrar,
- are not liable in damages for any act done in the discharge, or purported discharge, of any function of the Registrar.
- (2) Paragraph (1) does not apply –
- (a) if it was shown that the act was done in bad faith; or
  - (b) so as to prevent an award of damages made in respect of an act on the ground that the act was unlawful as a result of Article 7(1) of the [Human Rights \(Jersey\) Law 2000](#).

## 56 Appeal

A person aggrieved by a decision of the Registrar under this Law may, within 28 days of that decision or within such further time as the Royal Court allows, appeal to the Royal Court against that decision.



## 57 Service of documents

- (1) Subject to paragraph (5), a document may be served under this Law in any of the following ways –
  - (a) on an individual, by delivering it to the individual personally or by leaving it at the individual's proper address or by sending it by recorded delivery post to the individual at that address;
  - (b) on a body corporate, by serving it in accordance with sub-paragraph (a) on the secretary or clerk of that body;
  - (c) on a partnership, by serving it in accordance with sub-paragraph (a) on a partner or a person having the control or management of the partnership business; or
  - (d) on an unincorporated body or unincorporated association of persons, by serving it in accordance with sub-paragraph (a) on any person having the control or management of its affairs.
- (2) For the purposes of this Article, and of Article 7 of the [Interpretation \(Jersey\) Law 1954](#) in its application to this Article, the proper address of any person on whom a document is to be served is the person's last known address, except that –
  - (a) in the case of service on a body corporate or its secretary or clerk, it is the address of the registered or principal office of the body; or
  - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it is the address of the principal office of the partnership.
- (3) In the case of a body incorporated outside Jersey or of a partnership carrying on business outside Jersey, its principal office within Jersey is its principal office for the purposes of this Article.
- (4) If a person who is to be served under this Law with any document has specified an address within Jersey other than the person's proper address (as determined in accordance with paragraph (2)) as the one at which the person or someone on his or her behalf will accept service of documents, that address may be treated as the proper address for the purposes of this Article.
- (5) This Article does not apply to any document for which provision for service is made by Rules of Court, but it does not prevent service by any other mode that is permitted by any other enactment or rule of law.
- (6) Despite the other provisions of this Article and of any other rule of law in relation to the service of documents, no document to be served on the Registrar under or for the purposes of this Law shall be deemed to have been served until it is received.
- (7) The Minister may by Order make provision for the service of documents to be effected by means in addition to or instead of the methods described in this Article.

## 58 Documents to be submitted in electronic form

- (1) This Article applies to any document to be served on the Registrar, including any application, statement, consent, declaration or signature.

- (2) The Registrar may require or permit any document to be served on the Registrar under or for the purposes of this Law to be in such electronic form and be served by such electronic means as the Registrar may determine, whether in any particular case or class of cases or generally.
- (3) This Article is without prejudice to the [Electronic Communications \(Jersey\) Law 2000](#).
- (4) This Article does not apply to any document for which provision for service is made by Rules of Court, but it does not prevent service by any other mode that is permitted by any other enactment or rule of law.
- (5) In this Article “electronic” has the meaning given to it under Article 1 of the [Electronic Communications \(Jersey\) Law 2000](#).

## **59 Information required by Registrar**

- (1) The Registrar may, by written notice require a relevant person to provide the Registrar, in such form and at such times as may be specified in the notice, such information as the Registrar may reasonably require for the exercise of the Registrar’s functions under this Law.
- (2) The Minister may by Order require any person to provide the Registrar, in such form and at such times as may be prescribed, with information which the Registrar may reasonably require for the exercise of the Registrar’s functions under this Law.
- (3) A person who fails to comply with a requirement to provide information under paragraph (1) or (2) that is in the person’s control or possession shall be guilty of an offence and liable to a fine of level 3 on the standard scale.<sup>28</sup>
- (4) Where a person fails to comply with a requirement to provide information under paragraph (1) or (2), the Registrar may, whether or not any proceedings in respect of the requirement have been brought under paragraph (3), revoke or refuse to issue, any registration which was given, or to be given, by the Registrar and to which the requirement related.

## **60 False or misleading information**

- (1) A person who makes a statement in any document, material, evidence or information which is required to be provided to the Registrar under this Law that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact the omission of which makes the statement false or misleading, shall be guilty of an offence and liable to imprisonment for a term of 2 years and to a fine.
- (2) A person shall not be guilty of the offence if the person did not know that the statement was false or misleading and with the exercise of all due diligence could not have known that the statement was false or misleading.

**61 Criminal liability of partners, directors and other officers**

- (1) Where an offence under this Law is committed by a limited liability partnership, a separate limited partnership, any other partnership having separate legal personality or a body corporate is proved to have been committed with the consent or connivance of –
  - (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
  - (b) any person purporting to act in any such capacity,the person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to acts and defaults of a member in connection with the member's functions of management as if he or she were a director of the body corporate.

**62 Defence of due diligence**

In any proceedings for an offence under Article 19(3), 54(3) or 59(3) it is a defence for the defendant to prove that he or she took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or herself and by any person under his or her control.

**63 Power to give effect to Cape Town Convention**

The States may by Regulations give effect to the Convention on International Interests in Mobile Equipment and associated Protocol to the Convention on Matters Specific to Aircraft Equipment (the "Cape Town Convention") which was signed on 16th November 2001 by the United Kingdom.

**64 Regulations**

The States may by Regulations –

- (a) make such other provision as the States think fit for the purposes of carrying this Law into effect;
- (b) amend Article 1 and Part 2;
- (c) create offences for breach of any provision of Regulations made under this Law, and specify penalties for such offences not exceeding imprisonment for 2 years and a fine;
- (d) make such consequential, incidental, supplementary and transitional provision as appear to the States or the Minister, as the case requires, to be necessary or expedient for the purposes of the Regulations.

**65 Orders**

The Minister may, by Order, make provision –

- (a) for any matter which is to be prescribed under this Law;
- (b) as to the manner of filing of applications and other documents;

- (c) requiring and regulating the translation of documents and the filing and authentication of any translation;
- (d) for the service of documents;
- (e) authorizing the rectification of irregularities of procedure;
- (f) for time limits for anything required to be done in connection with any proceeding under this Law and for the extension of any such time limit whether or not it has already expired;
- (g) for fees to be payable, in addition to any fees prescribed under this Law;
- (h) amending the Schedules.<sup>29</sup>

## **66 Rules of Court**

The power to make Rules of Court under the [Royal Court \(Jersey\) Law 1948](#) shall include the power to make Rules for the purposes of this Law.

## **67 Citation**

This Law may be cited as the Aircraft Registration (Jersey) Law 2014.

## **SCHEDULE 1<sup>30</sup>**

(Article 1(1))

### **QUALIFIED PERSONS**

#### **List of Countries**

- (1) Jersey.
- (2) A Commonwealth country.
- (3) Guernsey.
- (4) Isle of Man.
- (5) A European Economic Area country.
- (6) Switzerland.

**SCHEDULE 2**

(Article 20(1)(b))

**CLASSIFICATION OF AIRCRAFT**

Table of general classification of aircraft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
Aircraft	Lighter than air aircraft	Non-power driven	Free Balloon
			Captive Balloon
		Power driven	Airship
	Heavier than air aircraft	Non-power driven	Glider
			Kite
		Power driven (flying machines)	Aeroplane (Landplane)
			Aeroplane (Seaplane)
			Aeroplane (Amphibian)
			Aeroplane (Self-launching Motor Glider)
			Powered Lift (Tilt Rotor)
		Rotorcraft	Helicopter
			Gyroplane

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Aircraft Registration (Jersey) Law 2014	<a href="#">L.23/2014</a>	21 October 2015 ( <a href="#">R&amp;O.127/2015</a> )
Aircraft Registration and Air Navigation (Miscellaneous Provisions) (Jersey) Law 2015	<a href="#">L.10/2015</a>	21 October 2015
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016
Aircraft Registration (Amendment of Law) (Jersey) Order 2016	<a href="#">R&amp;O.73/2016</a>	9 July 2016
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )
Aircraft Registration (Amendment) (Jersey) Law 2016	<a href="#">L.18/2016</a>	28 October 2016

### Table of Endnote References

<sup>1</sup> Article 1(1)	<i>amended by L.10/2015, R&amp;O.158/2015</i>
<sup>2</sup> Article 11(1)	<i>amended by L.10/2015</i>
<sup>3</sup> Article 13(2)	<i>amended by L.10/2015</i>
<sup>4</sup> Article 19(1)	<i>amended by L.18/2016</i>
<sup>5</sup> Article 19(3)	<i>amended by L.1/2016</i>
<sup>6</sup> Article 29(1)	<i>amended by L.10/2015</i>
<sup>7</sup> Article 30	<i>repealed by L.10/2015</i>
<sup>8</sup> Article 40(2)	<i>amended by L.10/2015</i>
<sup>9</sup> Article 41 heading	<i>amended by L.10/2015</i>
<sup>10</sup> Article 41(2)	<i>amended by L.10/2015</i>
<sup>11</sup> Article 43(2)	<i>amended by L.10/2015</i>
<sup>12</sup> Article 43(3)	<i>amended by L.10/2015</i>
<sup>13</sup> Article 44 heading	<i>amended by L.10/2015</i>
<sup>14</sup> Article 44	<i>amended by L.10/2015</i>
<sup>15</sup> Article 45	<i>amended by L.10/2015</i>
<sup>16</sup> Article 46(1)	<i>amended by L.10/2015</i>
<sup>17</sup> Article 46(2)	<i>amended by L.10/2015</i>
<sup>18</sup> Article 48(1)	<i>amended by L.10/2015</i>
<sup>19</sup> Article 48(3)	<i>amended by L.10/2015</i>
<sup>20</sup> Article 50 heading	<i>amended by L.10/2015</i>
<sup>21</sup> Article 50(1)	<i>amended by L.10/2015</i>
<sup>22</sup> Article 50(2)	<i>amended by L.10/2015</i>
<sup>23</sup> Article 51(1)	<i>amended by L.10/2015</i>
<sup>24</sup> Article 52(1)	<i>amended by L.10/2015</i>
<sup>25</sup> Article 52(2)	<i>amended by L.10/2015</i>

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- <sup>26</sup> *Article 52(3)* *deleted by L.10/2015*
- <sup>27</sup> *Article 52(4)* *editorial change in paragraph (e)(iv), “Up” deleted, “up” inserted instead*
- <sup>28</sup> *Article 59(3)* *amended by L.1/2016*
- <sup>29</sup> *Article 65* *amended by L.10/2015*
- <sup>30</sup> *Schedule 1* *substituted by R&O.73/2016*