



Civil Aviation (Cape Town Convention and Aircraft Protocol Declarations) Order 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 18th day of October 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 107 of the Civil Aviation Act 1990, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

1 Title

This order is the Civil Aviation (Cape Town Convention and Aircraft Protocol Declarations) Order 2010.

2 Commencement

This order comes into force on 1 November 2010.

3 Copies of declarations issued

- (1) A copy of New Zealand's declarations under the Cape Town Convention, as specified in the Instrument of Accession of New Zealand and set out in Schedule 1, is issued.
- (2) A copy of New Zealand's declarations under the Aircraft Protocol, as specified in the Instrument of Accession of New Zealand and set out in Schedule 2, is issued.

Schedule 1

cl 3(1)

New Zealand's declarations under Cape Town Convention

In its instrument of accession to the Cape Town Convention, New Zealand declared,—

- in accordance with Article 39(1)(a), that all categories of non-consensual right or interest, which under New Zealand law have and will in the future have priority over an interest in an object equivalent to that of the holder of a registered international interest shall have priority over a registered international interest, whether in or outside insolvency proceedings; and
- in accordance with Article 52, that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this accession shall not extend to Tokelau unless and until a declaration to this effect is lodged by the Government of New Zealand

with the Depository on the basis of appropriate consultation with that territory; and

- in accordance with Article 53, that the following courts are the relevant courts for the purposes of Article 1 and Chapter XII of the Convention: the High Court, with right of appeal to the Court of Appeal and to the Supreme Court with the leave of that Court; and
- in accordance with Article 54(2), that all remedies available to the creditor under the Convention which are not expressed under the relevant provision thereof to require application to the court may be exercised without leave of the court; and
- in accordance with Article 55, that it will not apply any of the provisions of Article 13 or Article 43.

Schedule 2

cl 3(2)

New Zealand's declarations under Aircraft Protocol

In its instrument of accession to the Aircraft Protocol, New Zealand declared,—

- under Article XXX(1), that it will apply Article VIII; and
- under Article XXX(3), that it will apply Article XI, Alternative A in its entirety to all types of insolvency proceedings and that the waiting period for the purposes of Article XI(3) of that Alternative shall be sixty (60) calendar days; and
- under Article XXX(1), that it will apply Article XII; and
- under Article XXX(1), that it will apply Article XIII; and
- under Article XXX(5), that it will not apply Article XXI, wholly or in part; and
- under Article XXIX, that, consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this accession shall not extend to Tokelau unless and until a declaration to this effect is lodged by the Government of New Zealand with the

Depositary on the basis of appropriate consultation with that territory.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on 1 November 2010, issues—

- a copy of New Zealand’s declarations with respect to the Convention on International Interests in Mobile Equipment done at Cape Town on 16 November 2001; and
 - a copy of New Zealand’s declarations with respect to the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment done at Cape Town on 16 November 2001.
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 21 October 2010.

This order is administered by the Ministry of Transport.
