

Traceability Matrix – Civil Aviation (Mortgaging of Aircraft) Order 2025 (“the 2025 Order”)

Article Number	Detail	Relationship to the Mortgaging of Aircraft Order 1972 (“the 1972 Order”)	Notes
1	Title	N/A	
2	<p>Commencement</p> <p>If approved by Tynwald, this Order comes into operation on [date to be inserted].</p>	N/A	<p>The commencement of operation date will enable the Department to put in place all supporting measures, such as guidance material, forms etc</p> <p>The savings provisions in the new 2025 Order means that mortgages and priority notices under the 1972 Order are seamlessly transferred and are regulated on commencement under the new 2025 Order</p>
3	<p>Interpretation</p> <p>A word or expression in this Order, unless otherwise defined in this Order, has the same meaning as that given in the Civil Aviation (Miscellaneous Provisions) Order 2020.</p>	N/A	<p>As per our other contemporary Orders, the Civil Aviation (Miscellaneous Provisions) Order 2020 provides the common standardised interpretations</p> <p>Also see article 20 of the new 2025 Order for additions and changes to those interpretations</p>
4	<p>Mortgage of aircraft</p> <p>An aircraft registered in the Isle of Man, or such an aircraft together with any store of spare parts for</p>	As per article 3 of the 1972 Order	No change

	that aircraft, may be made security for a loan or other valuable consideration.		
5	<p>Register of Aircraft Mortgages</p> <p>(1) The Department is responsible for maintaining a Register of Aircraft Mortgages and, without prejudice to the Electronic Transactions Act 2000, may record information in the register in a legible or a non-legible form so long as the record is capable of being reproduced in a legible form.</p> <p>(2) The Department may enter a mortgage of an aircraft registered in the Isle of Man, or a priority notice of an aircraft registered or intended to be registered in the Isle of Man, in the Register of Aircraft Mortgages.</p>	<p>New - The 1972 Order resulted in the register being a collation of forms. Under the new 2025 Order the register adopts the style of the aircraft register</p> <p>5(2) as per article 4(1) of the 1972 Order</p>	<p>Reflects article 6(1) of the Civil Aviation (Aircraft Registration and Marking) Order 2022 with regard to the aircraft register</p>

6	Registration of aircraft mortgages		
	(1) An application for the registration of an aircraft mortgage must be made by or on behalf of the mortgagee in a format acceptable to the Department and must include or be accompanied by such information and evidence relating to the aircraft mortgage as the Department may require.	Replaces article 4(1) of the 1972 Order	Follows the style of article 8(1) of the Civil Aviation (Aircraft Registration and Marking) Order 2022 with regard to the aircraft register. Forms and associated application requirements will be specified in Registry Publications and website. It is our intention that power of attorney and true and certified copies will not be necessary; however, declarations must be made.
	(2) Where two or more aircraft are the subject of one mortgage or where the same aircraft is the subject of two or more mortgages, separate applications must be made in respect of each aircraft or of each mortgage, as the case may be.	Transposes article 6(1) of the 1972 Order	No change
	(3) The Department may register the mortgage if it is satisfied that the application complies with this Order.	New	Follows the style of article 9(1) of the Civil Aviation (Aircraft Registration and Marking) Order 2022 with regard to the aircraft register
(4) Applications must be entered in the Register of Aircraft Mortgages in order of their receipt by the Department.	Transposes article 7(2) of the 1972 Order	No change	

	(5) The Department must notify the applicant of the date and time of the entry of the aircraft mortgage in the Register of Aircraft Mortgages and of the register number of the entry and must send a copy of the notification to the mortgagor and the registered owner.	Transposes article 7(4) of the 1972 Order	No change
7	Registration of priority notices (1) An application for the registration of a priority notice must be made by or on behalf of the mortgagee in a format acceptable to the Department and must include or be accompanied by such information and evidence relating to the priority notice as the Department may require.	Replaces article 5 of the 1972 Order	Follows the style of article 8 (1) of the Civil Aviation (Aircraft Registration and Marking) Order 2022 with regard to the aircraft register Forms and associated application requirements will be specified in Registry Publications and website <i>It is our intention that power of attorney and true and certified copies will not be necessary; however, declarations must be made.</i>
	(2) The Department may register the priority notice if it is satisfied that the application complies with this Order.	As above, replaces article 5 of the 1972 Order	
	(3) The Department must notify the applicant of the date and time of the entry of the priority notice in the Register of Aircraft Mortgages and of the register number of the entry and must send a copy of the notification to the mortgagor and the registered owner or intended registered owner.	Transposes article 7(4) Article 7(4) was a generic article that covered registration of mortgages and priority notices – these are now split out	No tangible change

	4) The registration of a priority notice expires 30 working days after being entered into the Register of Aircraft Mortgages unless the registration is extended by the Department to an absolute maximum of 60 working days in accordance with paragraph (5).	New	The 1972 Order did not specify an expiry, but the resultant rights from registering a priority notice relied on entering the subsequent mortgage within 14 days A longer period is considered to be appropriate.
	5) Subject to paragraph (6), an application for the extension of the registration of a priority notice must be made prior to expiry after the 30 working day expiry date, by or on behalf of the mortgagee in a format acceptable to the Department. The Department must amend the expiry of the priority notice in the Register of Aircraft Mortgages, notify the applicant and send a copy of the notification to the mortgagor and the registered owner.	New	Provides process for extension
	(6) A priority notice extended in accordance with paragraphs (4) retains its original date of registration for the purposes of article 9.	New	Ensures clarity of priority date
8	Changes to the Register of Aircraft Mortgages (1) Any changes in the information supplied under articles 6 (registration of aircraft mortgages) or 7 (registration of priority notices) must be notified to the Department by, or on behalf of, the mortgagee as soon as practicable and in any event no later than 2 working days after the change occurs in a format acceptable to the Department.	Replaces article 8(1) of the 1972 Order	Introduces time requirements as per the Civil Aviation (Aircraft Registration and Marking) Order 2022 for aircraft registration <i>Forms and associated notification requirements will be specified in Registry Publications and website</i>
	(2) Upon receiving the notification under paragraph (1), the Department must, whenever	Replaces article 8(2) of the 1972 Order	Content on charges removed. Charges are specified by a

	satisfied that it is necessary or appropriate, amend the Register of Aircraft Mortgages, notify the applicant, and, send a copy of the notification to the mortgagor and the registered owner or intended registered owner.		separate Scheme and do not need to be referenced to be applicable.
9	Priority of mortgages		
	(1) Subject to the following provisions of this article, a mortgage of an aircraft entered in the Register of Aircraft Mortgages shall have priority over any other mortgage of or charge on that aircraft, other than another mortgage entered in the Register of Aircraft Mortgages.	Replaces 14(1) of the 1972 Order	Reference to pre 1 May 2007 mortgages no longer relevant
	(2) Where two or more mortgages of an aircraft are entered in the Register of Aircraft Mortgages, those mortgages shall as between themselves have priority according to the times at which they were respectively entered in the Register.	Replaces article 14(2) of the 1972 Order	Reference to pre 1 May 2007 mortgages no longer relevant
	(3) If following registration of a priority notice, the aircraft mortgage contemplated in the priority notice is registered before the expiry of the priority notice, the aircraft mortgage shall be deemed to have priority from the time when the priority notice was registered.		
	(4) The priorities determined under this article shall have effect notwithstanding any express, implied or constructive notice affecting the mortgagee. (5) Nothing in this article shall be construed as giving a registered mortgage any priority over any possessory lien in respect of work done on the aircraft (whether before or after the creation of	Replaces article 14(4),(5) and (6) of the 1972 Order	No substantive changes

	<p>registration of the mortgage) on the express or implied authority of any persons lawfully entitled to possession of the aircraft or over any right to detain the aircraft under any Act of Parliament or Act of Tynwald.</p> <p>(6) This article is subject to the rules set out in regulation 16 (priority of competing interests) of the International Interests in Aircraft Equipment (Cape Town Convention) Regulations 2015.</p>		
10	<p>Discharge of mortgage</p> <p>(1) The mortgagee or a person acting on their behalf must notify the Department of the discharge of the mortgage in a format acceptable to the Department accompanied by such information and evidence relating to the aircraft mortgage as the Department may require.</p> <p>(2) Upon receiving the notification under paragraph (1), the Department must, whenever satisfied that the mortgage has been discharged, mark the relevant entry in the Register of Aircraft Mortgages as "discharged and deregistered ", notify the applicant, and send a copy of the notification to the mortgagor and the registered owner.</p>	Replaces article 9 of the 1972 Order	<p>Forms and associated application requirements will be specified in Registry Publications and website.</p> <p>It is our intention that power of attorney and true and certified copies will not be necessary; however declarations must be made.</p> <p>Once the aircraft is deregistered the mortgage is also deregistered.</p> <p>There is no logic to continued rights once the aircraft has been deregistered as the 1972 Order and the new Order only provides for the Department to not deregister an aircraft unless first obtaining mortgagee consent.</p>

<p>11</p>	<p>De-registration of mortgage</p> <p>(1) An application for the deregistration of an aircraft mortgage that has not otherwise been discharged under article 10 (discharge of mortgage), must be made by or on behalf of the mortgagee in a format acceptable to the Department and must include or be accompanied by such information and evidence relating to the aircraft mortgage as the Department may require.</p> <p>(2) Upon receiving the application at paragraph (1), the Department must, whenever satisfied that it is necessary or appropriate, mark the relevant entry in the Register of Aircraft Mortgages as "deregistered", notify the applicant, and send a copy of the notification to the mortgagor and the registered owner.</p>	<p>New</p>	<p>Facility introduced for a mortgagee to deregister an undischarged mortgage.</p> <p>Also enables transfer to the International Registry as was enabled under article 9A of the 1972 Order but which hasn't been transposed.</p>
<p>12</p>	<p>Cancellation of aircraft registration with mortgagee consent</p> <p>(1) This article applies where the Department cancels the registration of an aircraft registered in the Isle of Man, with the prior consent of the mortgagee, under article 12 of the Civil Aviation (Aircraft Registration and Marking) Order 2022 .</p> <p>(2) In the circumstances specified in paragraph (1), following the cancellation of the registration of the aircraft, the Department must mark the relevant entry in the Register of Aircraft Mortgages as "de-registered".</p>	<p>New</p>	<p>Once the aircraft is deregistered with mortgagee consent, the mortgage will also be deregistered.</p> <p>There is no logic to continued rights once the aircraft has been deregistered as the 1972 Order only provides for the Department to not deregister an aircraft unless first obtaining mortgagee consent</p>

			Note article 12 of the 1972 Order has not been transposed (“The removal of an aircraft from the Isle of Man register shall not affect the rights of any mortgagee under any registered mortgage and entries shall continue to be made in the Register in relation to the mortgage as if the aircraft had not been removed from the Isle of Man register”)
13	<p>Inspection of the register and freedom of information</p> <p>(1) The Department must, at all reasonable times, make available to any person information as to whether a mortgage or priority notice in respect of an aircraft registered in the Isle of Man is entered in the Register of Aircraft Mortgages.</p> <p>(2) The following are absolutely exempt information for the purposes of the Freedom of Information Act 2015 —</p> <ul style="list-style-type: none"> (a) details of the mortgagee; (b) the mortgage agreement. 	Replaces article 11 of the 1972 Order	<p>The details provided are significantly constrained from the 1972 Order. Now limited to whether there is a mortgage registered or not for an aircraft that is currently registered.</p> <p>Protections enacted to withhold under Fol: mortgagee information (personal data) and mortgage information (likely to prejudice the commercial interests of a person)</p> <p><i>A unique identifier reference number will be used when the Register is made public and the status of that entry will be indicated. No details of</i></p>

			<i>mortgagee, mortgagor or the mortgage will be made public.</i>
14	<p>Rectification of the Register of Aircraft Mortgages by the Department</p> <p>(1) The Department may propose to the mortgagee or a person acting on their behalf, such amendments to the Register of Aircraft Mortgages as may appear to be necessary or expedient, including the amendment or removal of an entry, together with the reasons for it and, send a copy of the proposal to the mortgagor and the owner.</p> <p>(2) The mortgagee, or a person acting on their behalf, may, within 20 working days after the date of service of that proposal, serve on the Department a request that the Department consider their representations with respect to the proposal.</p> <p>(3) In the absence of any representations made under paragraph (2), the Department must —</p> <ul style="list-style-type: none"> (a) rectify the Register of Aircraft Mortgages and mark relevant entries as ‘rectified by the Department’; (b) notify the mortgagee, or a person acting on their behalf, and send a copy of the notification to the mortgagor and the registered owner. 	Replaces article 10 of the 1972 Order	<p>Significant update</p> <p>Follows the principle of the Civil Aviation (Miscellaneous Provisions) Order 2020 for where the Department proposes regulatory steps on certificates, approvals, licences etc. Also adds the ability for High Bailiff appeal similar to that in place for the Civil Aviation (CORSIA) Order 2025</p>

	<p>(4) Where the mortgagee, or a person acting on their behalf, makes a request under paragraph (2), the Department must, before making a decision —</p> <ul style="list-style-type: none">(a) consider any representations made; and(b) where, in those representations, they have requested the opportunity to make oral representations, afford them an opportunity of being heard by a person appointed by the Department, and consider the report of that person. <p>(5) A person appointed under paragraph (4) shall sit with such technical assessors as the Department may appoint.</p> <p>(6) No person who participated in the original proposal, which is to be the subject of the Department's decision shall —</p> <ul style="list-style-type: none">(a) be appointed under paragraph (4)(b) or (5); or(b) participate in the decision of the Department. <p>(7) Where the Department makes a decision pursuant to paragraph (4), the Department must serve a statement of its reasons for the decision to the mortgagee or a person acting on their</p>		
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	<p>behalf, and send a copy to the mortgagor and the registered owner.</p> <p>(8) The mortgagee, or a person acting on their behalf, aggrieved by a decision of the Department under paragraph (7) may, within 20 working days of that decision or within such further time as the High Bailiff allows, appeal to the High Bailiff against that decision. A person making such appeal shall immediately provide the Department with evidence of their appeal submission. The bringing of such an appeal suspends the effect of the decision pending the final determination or withdrawal of the appeal.</p> <p>(9) In determining an appeal made under paragraph (8) the High Bailiff may —</p> <ul style="list-style-type: none">(a) affirm the decision;(b) quash the decision or vary any of its terms;(c) substitute a deemed refusal with a decision of the High Bailiff; or(d) give directions as to the exercise of the Department’s functions under this Order. <p>(10) Where the decision pursuant to paragraph (7) upholds the Department’s proposal and in the absence of being notified by the mortgagee, or person acting on their behalf, of an appeal to the High Bailiff, the Department must —</p> <ul style="list-style-type: none">(a) rectify the Register of Aircraft Mortgages and mark relevant		
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	<p>entries as ‘rectified by the Department’; and</p> <p>(b) notify the mortgagee or a person acting on their behalf and send a copy of the notification to the mortgagor and the registered owner.</p>		
15	<p>Register as notice of facts appearing in it</p> <p>All persons shall at all times be taken to have express notice of all facts appearing in the Register, but the registration of a mortgage shall not be evidence of its validity.</p>	Transposes article 13 of the 1972 Order	No changes
16	<p>Mortgage not affected by bankruptcy</p> <p>A registered mortgage of an aircraft shall not be affected by any act of bankruptcy committed by the mortgagor after the date on which the mortgage is registered, notwithstanding that at the commencement of the mortgagor’s bankruptcy they had the aircraft in their possession, order or disposition, or was reputed registered owner thereof, and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.</p>	Transposes article 15 of the 1972 Order	No changes
17	<p>False statement and forgery</p> <p>(1) If, in furnishing any information for the purpose of this Order, any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement</p>	Transposes article 17 of the 1972 Order	No substantive changes – update to the penalties

	<p>which is false in a material particular, he shall be guilty of an offence.</p> <p>(2) Any person who commits an offence under paragraph (1) shall —</p> <p>(a) on summary conviction be liable to a fine not exceeding level 5 on the standard scale; or</p> <p>(b) on conviction on information be liable to a fine.</p> <p>(3) The Forgery Act 1952 shall apply in relation to documents forwarded to the Department in pursuance of this Order as if such documents were included in the list of documents in section 3(3) (forgery of certain documents with intent to defraud or deceive) of that Act.</p>		
18	<p>Saving</p> <p>Anything done under or by virtue of the Mortgaging of Aircraft Order 1972, if it could have been done under or for the purpose of the corresponding provision of this Order, is to be deemed to have been done under or by virtue of the corresponding provision of this Order and anything begun under, or by virtue of, any such article or regulation may be continued under this Order as if begun under this Order.</p>	New	Ensures efficient transfer to the new legal basis
19	<p>Amendment of the Civil Aviation (Subordinate Legislation) (Application) Order 2006</p>		

	<p>The Civil Aviation (Subordinate Legislation) (Application) Order 2006 is amended as follows —</p> <p>(a) In Schedule 1 omit — “1972/1268 Mortgaging of Aircraft Order 1972”; “1981/611 Mortgaging of Aircraft (Amendment) Order 1981”.</p> <p>(b) In Schedule 2 omit Part 3.</p>	New	Revokes the 1972 Order as applied to the Island
20	<p>Amendment of the Civil Aviation (Miscellaneous Provisions) Order 2020</p> <p>(1) The Civil Aviation (Miscellaneous Provisions) Order 2020 is amended as follows.</p> <p>(2) In article 4 (interpretation), at the appropriate place insert —</p> <p>“aircraft registered in the Isle of Man” means an aircraft registered pursuant to article 6 (department to register aircraft in the Isle of Man) of the Civil Aviation (Aircraft Registration and Marking) Order 2022;</p> <p>“aircraft mortgage” means a legal or equitable interest (excluding a lien or floating charge), creating security over title to an aircraft and any specified store of spare parts for that aircraft, under which the agreement creating the interest secures payment or the performance of an obligation (whether or not title in the aircraft is transferred to the mortgage);</p>	New	New and updated interpretations

	<p>“mortgagor” means a person who causes or permits an aircraft mortgage to be created in an aircraft in which the mortgagor has an interest and includes the persons successors and assigns;</p> <p>“mortgagee” means a person who holds an aircraft mortgage and includes the persons successors and assigns;</p> <p>“priority notice” means a notice of intention to make an application to enter a contemplated aircraft mortgage in the Register of Aircraft Mortgages;</p> <p>“registered owner” means the person specified as being the owner of the aircraft on the certificate of registration issued pursuant to article 9 of the Civil Aviation (Aircraft Registration and Marking) Order 2022.</p> <p>(3) In article 4, for the following definition substitute —</p> <p>“Register of Aircraft Mortgages” means the register kept by the Department under the Civil Aviation (Mortgaging of Aircraft Order) 2025.</p>		
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