

Transposition Table - Mortgaging of Aircraft Order 1972

Mortgaging of Aircraft Order 1972 – Article Number	Detail	Status	Civil Aviation (Mortgaging of Aircraft) 2025 - Article number	Notes
1	Citation and Commencement	Replaced	2	
2	Interpretations	Replaced	3 and 20	A word or expression in the new Order, unless otherwise defined, has the same meaning as that given in the Civil Aviation (Miscellaneous Provisions) Order 2020
2(1)	The Interpretation Act 1889 applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.	Not transposed	N/A	The Interpretations Acts 2015 (AT 11 of 2015) is applicable without need to reference
2(2)	"appropriate charge"	Not transposed	N/A	The phrase is not used in the new Order – charges are enabled through section 11 of the Civil Aviation Act 1982 (as amended and applied to the Island)
	"the Cape Town Convention Regulations"	Not transposed	N/A	The phrase is referenced once in the new Order so it is not defined but set out in full with a footnote
	"the Department"	Not transposed	N/A	Defined in the Civil Aviation (Miscellaneous Provisions) Order 2020
	"the Isle of Man register"	Replaced	20	Phrase replaced by 'aircraft registered in the Isle of Man' which will be defined in the Civil Aviation (Miscellaneous Provisions) Order 2020
	"mortgage of an aircraft"	Replaced	20	Phrase replaced by 'aircraft mortgage' which will be defined in the Civil Aviation (Miscellaneous Provisions) Order 2020

	"owner"	Replaced	20	Phrase replaced by 'registered owner' which will be defined in the Civil Aviation (Miscellaneous Provisions) Order 2020
	"the Register"	Replaced	20	Phrase replaced by 'Register of Aircraft Mortgages' which will be defined in the Civil Aviation (Miscellaneous Provisions) Order 2020
3	<p>Mortgage of Aircraft</p> <p>An aircraft registered in the Isle of Man register or such an aircraft together with any store of spare parts for that aircraft may be made security for a loan or other valuable consideration.</p>	Transposed	4	Minor style change
4	Registration of Aircraft Mortgages			
4(1)	Any mortgage of an aircraft registered in the Isle of Man register may be entered in the Register of Aircraft Mortgages kept by the Department.	Transposed	5(2)	Minor style change
4(2)	Applications to enter a mortgage in the Register shall be made to the Department by or on behalf of the mortgagee in the form set out in Part 1 of Schedule 1 hereto, and shall be accompanied by a copy of the mortgage , which the applicant shall certify to be a true copy, and the appropriate charge.	Replaced	6(1)	The new Order requires the application to be 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

5	(1) A notice of intention to make an application to enter a contemplated mortgage of an aircraft in the Register (hereinafter referred to as "a priority notice") may also be entered in the Register.	Replaced	20	"Priority notice" will be defined in Civil Aviation (Miscellaneous Provisions) Order 2020
	(2) Applications to enter a priority notice in the Register shall be made to the Department by or on behalf of the prospective mortgagee in the form set out in Part II of Schedule 1 hereto, and shall be accompanied by the appropriate charge .	Replaced	7(1)	The new Order requires the application to be 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
6				
6(1)	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 shall be made in respect of each aircraft or of each mortgage, as the case may be.	Transposed	6(2)	No change
6(2)	Where a mortgage is in a language other than English, the application to enter that mortgage in the Register shall be accompanied not only by a copy of that mortgage but also by a	Not transposed	N/A	Addressed by article 9A of the Civil Aviation (Miscellaneous Provisions) Order 2020

	translation thereof, which the applicant shall certify as being, to the best of his knowledge and belief, a true translation.			
7				
7(1)	When an application to enter a mortgage or priority notice in the Register is duly made, the Department shall enter the mortgage or the priority notice, as the case may be, in the Register by placing the application form therein and by noting on it the date and the time of the entry.	Replaced	5(1)	The register no longer consists of a repository of forms, but is instead a record is capable of being reproduced in a legible form, as per the aircraft register
			5(2)	In the new Order, a mortgage of an aircraft registered in the Isle of Man may be entered in the Register of Aircraft Mortgages kept by the Department.
			6(3) and 7(2)	In the new Order, the Department may register the mortgage or priority notice if it is satisfied that the application complies with the Order.
7(2)	Applications duly made shall be entered in the Register in order of their receipt by the Department.	Transposed	6 (4)	Minor style change
7(3)	<i>[omitted]</i>	N/A	N/A	N/A
8	Amendment of entries in the Register			
8(1)	Any change in the person appearing in the Register as mortgagee or as mortgagor or in the name or address of such person or in the description of the mortgaged property shall be notified to the Department by or	Replaced	8 (1)	In the new Order, any changes in the information supplied under articles 6 or 7 must be notified to the Department by or on behalf of the mortgagee as soon as possible but no later than 2 working days in a format acceptable to the Department.

	on behalf of the mortgagee, in the form set out in Part III of Schedule 1 hereto.			
8(2)	On receipt of the said form, duly completed and signed by or on behalf of the mortgagor and the mortgagee and on payment of the appropriate charge , the Department shall enter the notification in the Register and shall notify the mortgagor, the mortgagee and the owner that it has done so.	Replaced	8 (2)	Upon receiving the notification under paragraph (1), the Department must, whenever 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.
9	<p>Discharge of Mortgages</p> <p>On receipt of the form set out in Part IV of Schedule 1 hereto duly completed and signed by or on behalf of the mortgagee and of a copy of the document of discharge or receipt for the mortgage money, or of any other document which shows, to the satisfaction of the Department, that the mortgage has been discharged and on payment of the appropriate charge , the Department shall enter the said form in the Register and mark the relevant entries in the Register "Discharged" and shall notify the mortgagee, mortgagor</p>	Replaced	10	<p>The new Order requires the application to be 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>On discharge the register entry is marked as 'discharged and deregistered'.</p>

	and the owner that it has done so.			
9A	<p>Transfer to International Registration</p> <p>(1) This article applies where the mortgagee applies to the Authority for the removal of an entry from the register on the grounds that an international interest has been registered, or is to be registered, under the Cape Town Convention in respect of the aircraft to which the mortgage relates.</p> <p>(2) The Authority must—</p> <p>(a) enter the application in the Register;</p> <p>(b) mark the relevant entries in the Register ‘Removed on application in respect of registration of international interest’, and</p> <p>(c) notify the mortgagee, the mortgagor and the owner that it has done so.</p>	Not transposed	11	Enabled in the new Order by the ability to de-register a mortgage.
10	Rectification of the Register The High Court of Justice of the Isle of Man may order such	Replaced	14	New provisions for the Department to be able to propose amendments to the Register, including removal. Process

	<p>amendments to be made to the Register as may appear to the court to be necessary or expedient for correcting any error therein including the removal of incorrect or outdated entries if the court thinks it necessary or appropriate. On being served with the order the Department shall make the necessary amendment to the Register.</p>			<p>gives rights to make representations and how these are to be managed by the Department.</p> <p>Rights provided for a person aggrieved by a decision of the Department to the High Bailiff against that decision.</p>
11	<p>Inspection of Register and copies of entries</p> <p>(1) Any person may, on application to the Department and on payment to it of the appropriate charge inspect any entry in the Register specified in the application.</p> <p>(2) The Department shall, on the application of any person and on payment by him of the appropriate charge, supply to the applicant a copy, certified as a true copy, of the entries in the Register specified in the application.</p> <p>(3) The Department shall, on the application of any person and on payment by him of the appropriate charge, notify the</p>	Replaced	13	<p>The new Order requires the Department to make available to any person whether a mortgage or priority notice relating to an aircraft registered in the Isle of Man is registered in the Register of Aircraft Mortgages.</p> <p>The new Order also makes the following absolutely exempt information for the purposes of the Freedom of Information Act 2015 –</p> <p>(a) details of the mortgagee;</p> <p>(b) the mortgage agreement.</p>

	<p>applicant whether or not there are any entries in the register relating to any aircraft specified in the application by reference to its nationality and registration marks.</p> <p>(4) A document purporting to be a copy of an entry in the Register shall be admissible as evidence of that entry if it purports to be certified as a true copy by the Department.</p> <p>(5) Nothing done in pursuance of paragraph (2) or (3) of this Article shall affect the priority of any mortgage.</p>			
12	<p>Removal of aircraft from the Isle of Man register</p> <p>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.</p>	Not transposed	12	Once the aircraft is deregistered the mortgage is also deregistered. There is no logic to continued rights once the aircraft has been deregistered as the Mortgage Order only provides for the Department to not deregister an aircraft unless first obtaining mortgagee consent
13	Register as notice of facts appearing in it	Transposed	15	No change

	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.			
14	Priority of Mortgages			
14(1)	Subject to the following provisions of this article, a mortgage of an aircraft entered in the Register shall have priority over any other mortgage of or charge on that aircraft, other than another mortgage entered in the Register:	Transposed	9 (1)	
14(1) continued	Provided that mortgages made before 1st May 2007, whether entered in the Register or not, shall up to and including 31st July 2007 have the same priority as they would have had if this Order had not been made.	Not transposed	N/A	This allowed mortgages made prior to this order to be registered by 31 July 2007 and retain priority on the date of mortgage being made. There are no mortgages registered that fall into that category so no need to maintain this provision.
14(2)	Subject to the following provisions of this article, where two or more mortgages of an aircraft are entered in the Register, those mortgages shall as between themselves have priority according to the times at	Transposed	9 (2)	Minor style changes

	which they were respectively entered in the Register:			
14(2) continued	<p>Provided that:</p> <p>(i) mortgages of an aircraft made before 1st May 2007 which are entered in the Register before 31st July 2007 shall have priority over any mortgages of that aircraft made on or after 1st May 2007 and shall as between themselves have the same priority as they would have had if this Order had not been made;</p>	Not transposed	N/A	This allowed mortgages made prior to this order to be registered by 31 July 2007 and retain priority on the date of mortgage being made. There are no mortgages registered that fall into that category so no need to maintain this provision.
14(2) continued	(ii) without prejudice to proviso (i), where a priority notice has been entered in the Register and the contemplated mortgage referred to therein is made and entered in the Register within 14 days thereafter that mortgage shall be deemed to have priority from the time when the priority notice was registered.	Replaced	9 (3)	In the new Order, 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 been registered at the time of the initial registration of when the priority notice was registered.
		Replaced	7	New article established that a priority notice expires after 30 working days unless the priority notice registration is extended by the Department to an absolute maximum of 60 working days.
14(3)	In reckoning the period of 14 days under the preceding paragraph of this article, there shall be excluded Saturdays,	Replaced	7	New article established that a priority notice expires after 30 working days unless the priority notice registration is extended by the Department to an absolute maximum of 60 working days.

	Sundays, Christmas Day, Good Friday and bank holidays.			
14(4)	The priorities provided for by the preceding provisions of this article shall have effect notwithstanding any express, implied or constructive notice affecting the mortgagee.	Transposed	9 (4)	Minor style change
14(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 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.	Transposed	9 (5)	No change
14(6)	This article is subject to the rules set out in regulation 16 of the Cape Town Convention Regulations	Transposed	9 (6)	Minor style change
15	Mortgage not affected by bankruptcy 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	Transposed	16	No change

	registered, notwithstanding that at the commencement of his bankruptcy the mortgagor had the aircraft in his possession, order or disposition, or was reputed 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.			
16	<i>[omitted]</i>	N/A	N/A	N/A
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 which is false in a material particular, he shall be guilty of an offence.</p> <p>(2) Any person guilty of an offence under paragraph (1) of this article shall:—</p> <p>(a) on summary conviction be liable to a fine not exceeding £5,000;</p>	Transposed	17	Update to penalties

	<p>(b) on conviction on information be liable to a fine of such amount as the court thinks fit or to custody for a term not exceeding 2 years or to both such a fine and such custody.</p> <p>(3) The Forgery Act 1952 (an Act of Tynwald) 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) of that Act.</p>			
18	<p>Indemnity</p> <p>(1) Subject to paragraph (2) of this article, any person who suffers loss by reason of any error or omission in the Register or of any inaccuracy in a copy of an entry in the Register supplied pursuant to Article 11(2) of this Order or in a notification made pursuant to Article 11(3) of this Order shall be indemnified by the Department.</p> <p>(2) No indemnity shall be payable under this article:</p> <p>(a) where the person who has suffered loss has himself</p>	Not transposed	N/A	Covered by the Government Departments Act 1987 (AT 13 of 1987) which provides for liability and indemnity (sections 6, 7 and 8)

	<p>caused or substantially contributed to the loss by his fraud or had derived title from a person so committing fraud;</p> <p>(b) on account of costs or expenses incurred in taking or defending any legal proceedings without the consent of the Department.</p>			
Schedule 1	Forms	Not transposed	N/A	Form content not specified in the new Order.