

CA
REPUBLIEK VAN SUID-AFRIKA

Vol. 481

**Pretoria, 6 July
Julie 2005**

No. 27769

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GENERAL NOTICE

NOTICE 1106 OF 2005

DEPARTMENT OF TRANSPORT

PUBLICATION FOR COMMENTS: CONVENTION ON THE INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT AND THE PROTOCOL THERETO ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT BILL, 2005

The above-mentioned draft Bill is hereby published for comment. Twenty eight (28) States signed both The Convention on International Interests in Mobile Equipment ("the Convention") and the Protocol to the Convention on matters specific to Aircraft Equipment ("the Protocol"), informally known as the Cape Town Convention, on 16 November 2001 in Cape Town, at the closing ceremony of the Diplomatic Conference.

Four States has since ratified both the Convention and Protocol. In addition two States acceded to the Convention and Protocol.

With reference to the Convention and the Protocol, comments should be restricted to possible Declarations to be filed in terms of the following Articles of the Convention: (Articles 39(1), 39(4), 40, 50, 52, 53, 54(1), 54(2), 55, and 60); and the Protocol: (Articles XXX (1), XXX (2), XXX (3), XIX (1), XXX (5), XXIV (2), XXIX).

Copies of the Convention and the Protocol would be provided, free of charge, by the Department of Transport, on request. Interested parties or persons are hereby invited to submit written comments on the draft Bill and Declarations to be filed in terms of the Convention and Protocol by no later than 22 July 2005. Submissions should be marked for the attention of **Mr. E Maritz** and may be posted to the Director-General, Department of Transport, **Private Bag X 193, Pretoria 0001**, transmitted by facsimile to **(012) 309 3502** or by e-mail to **maritzE@dot.gov.za**

REPUBLIC OF SOUTH AFRICA

**CONVENTION ON THE INTERNATIONAL INTERESTS IN MOBILE
EQUIPMENT AND THE PROTOCOL THERETO ON MATTERS SPECIFIC
TO AIRCRAFT EQUIPMENT BILL, 2005**

(as introduced in the National Assembly as a section 75 Bill; explanatory
summary of bill published in Government Gazette No. of June 2005)
(The English Text is the official text of the Bill)

(Minister of Transport)

BILL

To provide for the application in the Republic of the Convention on the International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on matters specific to Aircraft Equipment; to provide for the procedure to be followed with reference to ratification of additional Protocols to the Convention; to provide for the substitution of the Convention or Protocol if necessary; to authorize the Minister to make declarations, amendments to existing declarations or withdrawal of declarations, if necessary; and to provide for matters connected therewith.

Be it enacted by the Parliament of the Republic of South Africa, as follows: -

1. Definitions

In this Act, unless the context otherwise indicates –

“Convention” means the Convention on the International Interests in Mobile Equipment signed at Cape Town on the 16th of November 2001 set out in the First Schedule to this Act, including any Convention ratified or acceded to or amendments or additions thereto, ratified in accordance with section 2(3) of this Act;”

“Depositary” means the International Institute for the Unification of Private Law (UNIDROIT), designated in terms of Article 62 as the Depositary.

“Minister” means the Minister of Transport.

“Protocol” means the Protocol to the Convention on International Interests in Mobile Equipment on matters specific to aircraft equipment, annexed hereto as Schedule 2 including any subsequent protocol or amendments or additions ratified or acceded to in terms of this Act.

“this Act” includes the Convention, Protocol and any regulations

made in terms of the Protocol.

2. Application of the Convention and Protocol

- (1) The Convention and Protocol shall, subject to the provisions of this Act, apply in the Republic.
- (2) The State President may by proclamation in the Gazette add to this Act any Schedule containing a Convention or Protocol, relating to international interests in mobile equipment, including aircraft objects, railway rolling stock and space assets, ratified on behalf of the Republic.
- (3) The State President may do all things necessary -
 - (a) to ratify or cause to be ratified on behalf of the Republic any amendment of the Convention and Protocol or any Convention or Protocol contemplated in subsection (2) which may from time to time be made;
 - (b) to ratify or cause to be ratified on behalf of the Republic any Convention or Protocol which may from time to time be adopted in substitution for the Convention or Protocol or any Convention or Protocol contemplated in subsection (2).
- (4) The Minister may from time to time make, amend or withdraw declarations made under the Convention or Protocol or make, amend or withdraw any declarations made under any Convention or Protocol contemplated in subsection (2), by publication of such declaration, amendment or withdrawal in the Government Gazette and by notifying the Depositary of such declaration, withdrawal or amendment in the appropriate form.
- (5) The Minister may, by proclamation in the Gazette -
 - (i) amend the appropriate Schedule to this Act to give effect to any amendment ratified under paragraph (a) of subsection 3 of this Act; or/and
 - (ii) substitute for the Convention appearing in the appropriate Schedule to this Act the Convention that has been ratified under paragraph (b) of subsection 3 of this Act.
- (6) The Minister shall lay a copy of every proclamation issued under section (5) upon the table in parliament within 14 days after the date of the publication of such proclamation in the Gazette, if Parliament is then in ordinary session, or, if Parliament is not then in ordinary session, within 14 days after

commencement of its next ensuing ordinary session.

3. Short title and commencement

This Act shall be called the Convention on the International Interests in Mobile Equipment Act, 2005 and shall come into operation on a date fixed by the State President by proclamation in the Gazette.

SCHEDULE 1 – CONVENTION

SCHEDULE 2 - PROTOCOL
