

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10638; Amdt. 47-11]

PART 47—AIRCRAFT REGISTRATION

Cancellation of Certificate of Aircraft Registration for Export Purpose; Recorded Rights-Satisfaction or Consent to Transfer

The purpose of this amendment to Part 47 of the Federal Aviation Regulations is to provide that the holder of a Certificate of Aircraft Registration who wishes to cancel the Certificate for the purpose of export to a foreign country that has not ratified or does not adhere to the Convention on International Recognition of Rights in Aircraft (Mortgage Convention) must submit evidence satisfactory to the Administrator that each holder of a recorded right (other than a contract of conditional sale) has been satisfied or has consented to the transfer.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rule making (Notice 70-40) issued on October 1, 1970, and published in the FEDERAL REGISTER on October 17, 1970 (35 F.R. 16321). Five public comments were received, each of which either concurred in or had no objection to the proposal.

Under paragraph (b) of § 47.47, if the aircraft was to be exported to a foreign country that had ratified or adhered to the Mortgage Convention, the holder formerly was required to submit evidence satisfactory to the Administrator that each holder of a recorded right had been satisfied or had consented to the transfer. This provision fulfilled the obligations of the United States under Article IX of the Mortgage Convention. However, the provision did not apply where the aircraft was to be exported to a country that had not ratified or did not adhere to the Convention, and in such a case the certificate holder needed only to request cancellation and in addition, if there was a contract of conditional sale, submit the written consent of the seller, bailor, or lessor under the contract. As a result, when a recorded right in the aircraft was not a contract of conditional sale, and the aircraft was to be exported to a non-Mortgage Convention country, it was not necessary to show satisfaction

of the recorded right or consent to the transfer. In such a case, the obligations under the Convention could be frustrated by a request indicating that the aircraft would be exported to a non-Mortgage Convention country when in fact it would be exported to a Mortgage Convention country either directly or after a period of registration in the non-Mortgage Convention country.

This amendment modifies § 47.47 to treat all cancellations of Certificates of Aircraft Registration in the same manner and affords greater protection to holders of recorded rights in the United States. It also more fully complies with the objectives of the Mortgage Convention.

In consideration of the foregoing, § 47.47 of the Federal Aviation Regulations is amended effective June 10, 1971, to read as follows:

§ 47.47 Cancellation of Certificate for export purpose.

(a) The holder of a Certificate of Aircraft Registration who wishes to cancel the Certificate for the purpose of export must submit to the FAA Aircraft Registry—

(1) A written request for cancellation of the Certificate describing the aircraft by make, model, and serial number, stating the United States identification number and the country to which the aircraft will be exported; and

(2) The applicable satisfaction of conveyance or consent to transfer, as follows:

(i) When the aircraft is under a contract of conditional sale, the written consent of the seller, bailor, or lessor under the contract.

(ii) When the aircraft is subject to a recorded right other than a contract of conditional sale, evidence satisfactory to the Administrator that the holder of the recorded right has been satisfied, or has consented to the transfer.

(b) The FAA notifies the country to which the aircraft is to be exported of the cancellation by ordinary mail, or by airmail at the owner's request. The owner must arrange and pay for the transmission of this notice by means other than ordinary mail or airmail.

(Secs. 313(a), 503, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1403; section 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.47(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(a)))

Issued in Washington, D.C., on April 29, 1971.

J. H. SHAFFER,
Administrator.

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