

Irrevocable De-Registration and Export Request Authorisation (IDERA) Procedures

1. Introduction

The aim of the Cape Town Convention¹ is to reduce the cost of raising finance for large, high value mobile assets which routinely cross borders. Guidance to aircraft owners, financiers, corporate service providers and other interested parties on the Convention and how it has been implemented in the Isle of Man is published in [RP60](#).

In relation to the IOMAR, the main impact of the treaty is the ability of the Registered Owner to request an "Irrevocable De-Registration and Export Request Authorisation" (IDERA) over an eligible aircraft. Once an IDERA is recorded with the IOMAR, the party that has been declared by the Registered Owner as the "Authorised Party" or a "Certified Designee" (or their authorised signatory under Power of Attorney) will be the only party with the right to de-register and export the aircraft.

2. Aircraft Covered by the Cape Town Convention

Not all Isle of Man registered aircraft are eligible for the protection offered by the Cape Town Convention. The Convention applies only to –

- Aircraft (other than helicopters) which can carry at least 8 people or goods in excess of 2,750 kilograms
- Helicopters carrying 5 or more persons.

3. Definitions

"*Authorised Party*": an entity or person in favour of whom an IDERA has been issued.

"*Certified Designee*": an entity or person named in a Designation as the certified designee under an IDERA.

"*Registered Owner*": the person in whose name the aircraft is registered in accordance with Article 6(2) of the Air Navigation (Isle of Man) Order 2015².

"*Designation*": a designation made by the authorised party using the form detailed in the IDERA designation process.

"*Convention*": [Convention on International Interests in Mobile Equipment, 2001](#) (Cape Town Convention).

¹ The Cape Town Convention and the associated Aircraft Protocol have effect on the Island from 1 January 2018.

² SI 2015/870 as amended by SI 2016/155

"Protocol": [Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, 2001](#) (Aircraft Protocol).

"the Regulations": [The International Interests in Aircraft Equipment \(Cape Town Convention\) Regulations 2015³ as amended and as applied to the Isle of Man by the Aviation \(Cape Town Convention\) \(No.2\) Order 2016⁴.](#)

4. Recording of an IDERA (Form 108)

Background

The recording of an IDERA by the Registered Owner includes listing the Authorised Party i.e. an entity or person in favour of whom an IDERA has been issued.

Prerequisites

For an IDERA to be recorded with the IOMAR, the following prerequisites must be satisfied:

- It must be made in relation to an 'international interest' which was both created on or after 1 January 2018 and is registered at the [International Registry of Mobile Assets](#).
- It must not be made in connection with a pre-existing right or interest⁵, which retains the priority it enjoyed under the law of the Isle of Man before 1 January 2018 (the effective date of the Regulations)⁶. However, it can be recorded for a derivative right or interest created out of a pre-existing right established prior to 1 January 2018.
- It must be made in relation to an aircraft that is covered by the Convention and Protocol; aircraft (other than helicopters) which can carry at least 8 people or goods in excess of 2,750 kilograms, and helicopters carrying 5 or more persons.
- Only one IDERA can be recorded in relation to an aircraft at any one time.

Application

To request that the IOMAR record an IDERA, the Registered Owner of the aircraft or their authorised signatory must complete and sign a [Form 108 \(Recording an IDERA\)](#) and send this to the IOMAR with the fee.

Note: If the form is signed by an authorised signatory other than a director of the registered owner company, then a copy of the power of attorney document must be provided with the application. If the form is signed by a director of the registered owner company, a list of directors of that company is required [acceptable means of compliance include a recent company register extract, a board resolution, or recent minutes of meeting].

³ SI 2015/912

⁴ SD 2016/0229

⁵ See Regulation 51 of The International Interests in Aircraft Equipment (Cape Town Convention) Regulations 2015 [as applied to the Isle of Man](#).

⁶ The effective date is the first day of the month following the expiration of six months after the date of receipt by the Depository of the UK declaration of the extension of the UK ratification of the Cape Town Convention to the Isle of Man.

Where the aircraft is already registered with the IOMAR and there is no pending change of ownership, then a request for the IOMAR to record an IDERA should be made only after the international interest in respect of the aircraft has been registered with the International Registry.

If the aircraft is not yet registered or a change of Registered Ownership is pending a request to record an IDERA can be made by the same parties. However, this will not be progressed by the IOMAR until the registration/change of ownership is completed and the international interest in respect of the aircraft has been registered with the International Registry.

IOMAR Processing

Once the IDERA has been recorded by the IOMAR confirmation will be sent to the Registered Owner (and their authorised signatory under a power of attorney if applicable) and the Authorised Party.

If the IDERA cannot be accepted an acknowledgement of receipt and advice on why it has not been accepted will be sent to the applicant.

If the aircraft is not yet registered with the IOMAR or there is a change of registered ownership pending, an acknowledgement of receipt will be sent to the applicant and the proposed Authorised Party. The IDERA will subsequently be recorded and notification made as soon as practicable after the aircraft registration or change in registered ownership is completed.

All communications will be carried out in accordance with the IOMAR's [Service Delivery Times](#).

5. Revoking an IDERA (Form 109)

Application

To revoke an IDERA the Authorised Party of an IDERA or their authorised signatory must complete and sign a [Form 109 \(Revocation of an IDERA\)](#) and send this to the IOMAR with the fee.

- Notes:*
- (1) When a designation has been made (see Section 6 of this RP) the Authorised Party can revoke the IDERA without reference to the Certified Designee.
 - (2) If the form is signed by an authorised signatory, then a copy of the power of attorney document must be provided with the application.

IOMAR Processing

Once the IDERA is revoked a confirmation will be sent to the Registered Owner and the Authorised Party (and their authorised signatory if applicable).

If the revocation of the IDERA cannot be accepted an acknowledgement of receipt and advice on why it has not been accepted will be sent to the applicant.

All communications will be carried out in accordance with the IOMAR's [Service Delivery Times](#).

- Note:*
- (1) If the request to revoke an IDERA is not made expeditiously any de-registration request or change of registered ownership request will be delayed.
 - (2) The IOMAR have no responsibility for ensuring any subsequent update to the International Register of Mobile Assets.

6. Recording a Certified Designee (Form 110)

Background

Once an IDERA has been recorded, the Authorised Party may wish to record a Certified Designee who is authorised to request deregistration on behalf of the Authorised Party in the event of a default in repayments by the Registered Owner.

Prerequisites

For the Authorised Party to make a Designation of a Certified Designee, the following prerequisites must be satisfied:

- There can be only one designation in place at any one time. If an existing designation is in place this must be removed prior to the recording of the new designation (see IDERA Designation Removal Process below).

Note: The Authorised Party can revoke the IDERA or remove the designation without reference to the Certified Designee.

Application

To designate a Certified Designee, the Authorised Party of an IDERA or their authorised signatory must complete and sign a [Form 110 \(Designate a Certified Designee on an IDERA\)](#) and send this to the IOMAR with the fee.

Note: If the form is signed by an authorised signatory, see Section 9 – Power of Attorney then a copy of the power of attorney document must be provided with the application.

IOMAR Processing

Once the IDERA designation is completed confirmation will be sent to the Authorised Party and Certified Designee (and their authorised signatory if applicable).

If the designation of the IDERA cannot be accepted an acknowledgement of receipt and advice on why it has not been accepted will be sent to the applicant.

All communications will be made in accordance with IOMAR's [Service Delivery Times](#).

7. Removing a Certified Designee (Form 111)

Application

The Authorised Party, Certified Designee or their authorised signatories can remove an existing designation by completing and submitting [Form 111 \(Request to Remove a Designation on an IDERA\)](#) to the IOMAR with the fee.

Notes: (1) The Authorised Party can remove the designation without reference to the Certified Designee and vice versa.

(2) As soon as a designation is removed the IDERA reverts to the Authorised Party.

(3) If the form is signed by an authorised signatory, then a copy of the power of attorney document must be provided with the application.

IOMAR Processing

Once the removal of the IDERA designation is completed confirmation will be sent to the Certified Designee and Authorised Party (and their authorised signatory under a power of attorney if applicable).

If the removal of the designation of the IDERA cannot be accepted an acknowledgment of receipt and advice on why it has not been accepted will be sent to the applicant.

All communications will be made in accordance with IOMAR's [Service Delivery Times](#).

8. IDERA De-registration Request (Form 112)

Prerequisites

- An IDERA may only be exercised in the event of default by the Registered Owner by the Authorised Party, Certified Designee or their authorised signatories.
- If, at the time of the IDERA de-registration request, a registered mortgage is currently entered on the Isle of Man Register of Aircraft Mortgages that was created prior to 1 January 2018, the mortgage must be discharged or the mortgagee must consent in writing prior to the de-registration of the aircraft.
- If, at the time of the IDERA de-registration request, a letter of undertaking is in effect that was created prior to 1 January 2018, the letter of undertaking must be released or the party with rights under the letter of undertaking must consent in writing prior to the de-registration of the aircraft.

Notes: (1) If a registered mortgage is currently entered on the Isle of Man Register of Aircraft Mortgages that was created after 1 January 2018, consent of the mortgagee (in terms of the Isle of Man Register of Aircraft Mortgages) is NOT required prior to de-registration.

(2) Consent of the Registered Owner or other party on Isle of Man Registry's registration records is NOT required.

(3) If other parties are disputing whether the IDERA can be exercised they must obtain a court order to prevent the Isle of Man Aircraft Registry from de-registering the aircraft.

(4) Although de-registration will normally be actioned within 3 working days, this may be delayed if an Export Certificate of Airworthiness (CoA) is required, as the aircraft must remain registered for the Export CoA to be issued. It is therefore essential that the de-registration request is made only once the aircraft is ready to be de-registered.

(5) As a consequence of de-registration any CoA or Permit to Fly in force over the aircraft will be suspended and then revoked.

Application

In the event of a default the Authorised Party, Certified Designee or their authorised signatories can request the de-registration of an aircraft by completing and submitting [Form 112 \(IDERA Deregistration Request Form\)](#) to the IOMAR with the fee.

Notes: (1) If the form is signed by an authorised signatory, then a copy of the power of attorney document must be provided with the application.

(2) There is no requirement to complete a Form 11 (Application for Deregistration) as all information that we require is contained on the Form 112. However, the standard aircraft deregistration and export C of A survey charges are applicable in addition to the IDERA deregistration charge.

IOMAR Processing

Once the aircraft is de-registered confirmation will be sent to the Authorised Party and Certified Designee if a designation is in place (and their authorised signatory under a power of attorney if applicable), the Registered Owner and National Aviation Authority of the country that the aircraft has been de-registered to.

If the de-registration cannot be carried out for any reason an acknowledgement of receipt and advice on why the request has not been accepted will be sent to the applicant.

The IOMAR aim to carry out all communications in accordance with its [Service Delivery Times](#).

Note: The IOMAR have no responsibility for ensuring any subsequent update to the International Register of Mobile Assets.