



Civil Aviation Act 1982

1982 CHAPTER 16

PART IV

AIRCRAFT

Rights etc. in relation to aircraft

86 Power to provide for the mortgaging of aircraft.

- (1) Her Majesty may by Order in Council make provision for the mortgaging of aircraft registered in the United Kingdom or capable of being so registered.
- (2) Without prejudice to the generality of the powers conferred by subsection (1) above, an Order in Council under this section may, in particular—
 - (a) include provisions which correspond (subject to such modifications as appear to Her Majesty in Council to be necessary or expedient) to any of the provisions of the [^{F1}Merchant Shipping Act 1995] relating to the mortgaging of ships;
 - (b) make provision as respects the rights and liabilities of mortgagors and mortgagees of such aircraft as are mentioned in subsection (1) above, and as respects the priority inter se of such rights and the relationship of such rights to other rights in or over such aircraft, including possessory liens for work done to such aircraft and rights under section 88 below or under regulations made by virtue of [^{F2}section 83 of the Transport Act 2000 (detention and sale of aircraft)];
 - (c) make provision as respects the operation, in relation to such aircraft as aforesaid, of any of the enactments in force in any part of the United Kingdom relating to bills of sale or the registration of charges on the property or undertaking of companies;
 - (d) provide for the rights of mortgagees of such aircraft to be exercisable, in such circumstances as may be specified in the Order, in relation to payments for the use of the aircraft;

Changes to legislation: There are currently no known outstanding effects for the Civil Aviation Act 1982, Section 86. (See end of Document for details)

- (e) confer on courts in the United Kingdom powers in respect of any register maintained in pursuance of the Order and in respect of transactions affecting aircraft registered therein;
- (f) make provision for enabling the mortgage of an aircraft to extend to any store of spare parts for that aircraft and for applying, for that purpose, to any such spare parts provisions such as are mentioned in the preceding paragraphs of this subsection;
- (g) make provision specifying, subject to the consent of the Treasury, the fees to be paid in respect of the making or deletion of entries in any such register as aforesaid and in respect of any other matters in respect of which it appears to Her Majesty in Council to be expedient for the purposes of the Order to charge fees;
- (h) provide for the imposition of penalties in respect of the making of false statements in connection with matters dealt with in the Order and in respect of the forgery of documents relating to such matters.

Textual Amendments

- F1** Words in s. 86(2) substituted (1.1.1996) by 1995 c. 21, s. 314(2), **Sch. 13 para. 64(b)** (with s. 312(1))
- F2** Words in s. 86(2)(b) substituted (1.4.2001) by 2000 c. 38, s. 97, **Sch. 8 Pt. III para. 5** (with s. 106); S.I. 2001/869, **art. 2**

Changes to legislation:

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