

Advisory Circular

IRREVOCABLE DE-REGISTRATION AND EXPORT REQUEST AUTHORISATION (IDERA) AND CERTIFIED DESIGNEE CONFIRMATION LETTER (CDCL)

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- 1 **GENERAL.** Pursuant to paragraph 88B of the Air Navigation Order, the Director General of the Civil Aviation Authority of Singapore (CAAS) may, from time to time, issue advisory circulars (ACs) on any aspect of safety in civil aviation. This AC contains information about standards, practices and procedures acceptable to CAAS. The revision number of the AC is indicated in parenthesis in the suffix of the AC number.
- 2 **PURPOSE.** This AC is issued to provide information on the procedure for submitting the Irrevocable De-registration and Export Authorisation (IDERA) and the Certified Designee Confirmation Letter (CDCL) to CAAS.
- 3 **APPLICABILITY.** This AC applies to all applicants and holders of Certificates of Registration of Singapore-registered (9V) aircraft.
- 4 **CANCELLATION.** Not applicable. This is the first AC issued on this subject.
- 5 **EFFECTIVE DATE.** This AC is effective on 30 June 2011.
- 6 **REFERENCES.**
 - (i) International Interests in Aircraft Equipment Act 2009 (Act 5 of 2009).
 - (ii) Convention on International Interests in Mobile Equipment, 2001 (“Cape Town Convention”).
 - (iii) Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment, 2001 (“Aircraft Protocol”).
 - (iv) Consolidated Text of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment (Consolidated Text”).
 - (v) Air Navigation Order, Paragraph 4.
 - (vi) Singapore Airworthiness Requirements (SAR), Chapter 1.3.

7 INTRODUCTION.

This AC provides guidance on the procedure for submitting an Irrevocable De-registration and Export Request Authorisation (“IDERA”) and Certified Designee Confirmation Letter (“CDCL”) to CAAS and CAAS’ acceptance of IDERAs and CDCLs.

8 BACKGROUND.

- (i) Singapore is a Contracting State to the Cape Town Convention and Aircraft Protocol. Singapore has made a declaration pursuant to Article XXX(I) of the Aircraft Protocol that it will apply Article XIII (Article 25 of the Consolidated Text) on de-registration and export request authorisation for aircraft registered in Singapore.
- (ii) The International Interests in Aircraft Equipment Act 2009 enacts into Singapore law the international legal rules established by the Cape Town Convention and Aircraft Protocol to facilitate asset-based financing and leasing of aircraft. These international rules establish an international legal framework relating to the creation, priority and enforcement of security and leasing interests in aircraft equipment. They provide for the creation of an international interest in aircraft equipment which is recognised in all Contracting States to the Cape Town Convention and Aircraft Protocol. A list of the Contracting States to the Cape Town Convention can be found at http://www2.icao.int/en/leb/List%20of%20Parties/capetown-conv_en.pdf and to the Aircraft Protocol at http://www2.icao.int/en/leb/List%20of%20Parties/capetown-prot_en.pdf.
- (iii) Under the rules, a creditor with such an international interest has a range of basic default remedies and, where there is evidence of default on the part of the debtor, the creditor may, pending final determination of its claim and to the extent that the debtor has at any time so agreed, obtain from a court speedy relief in the form of one or more of the following orders as the creditor requests:
 - (a) preservation of the aircraft object and its value;
 - (b) possession, control or custody of the aircraft object;
 - (c) immobilization of the aircraft object;
 - (d) lease or, except where covered by sub-paragraph (a) to (c), management of the aircraft object and the income therefrom; and
 - (e) if at any time the debtor and the creditor specifically agree, sale and application of proceeds therefrom.
- (iv) In addition to the remedies specified in paragraph 8(iii) above, the creditor may, to the extent that the debtor has at any time so agreed and in the circumstances specified in Chapter III of the Cape Town Convention:
 - (a) procure the de-registration of the aircraft (i.e. procure the deletion or removal of the registration of the aircraft from its aircraft register in accordance with the Chicago Convention); and
 - (b) procure the export and physical transfer of the aircraft object from the territory in which it is situated.
- (v) The rules also provide that a registry authority in a Contracting State shall, subject to any applicable safety laws and regulations, honour a request for de-registration and export if:
 - (a) the request is properly submitted by the authorised party under a recorded irrevocable deregistration and export request authorization (**IDERA**); and
 - (b) the authorised party certifies to the registry authority, if required by that authority, that all registered interests ranking in priority to that of the creditor in whose favour the authorisation has been issued have been discharged or that the holders of such interests have consented to the de-registration and export.

- (vi) Further, the rules provide for the following:
- (a) Where the debtor has issued an IDERA substantially in the form annexed to the Aircraft Protocol and has submitted the IDERA for recordation to the registry authority, that IDERA shall be so recorded.
 - (b) The person in whose favour the authorisation has been issued (the “**authorised party**”) or its **certified designee** shall be the sole person entitled to exercise the remedies specified in Article IX(1) of the Aircraft Protocol (Article 15(1) of the Consolidated Text) and may so exercise only in accordance with the IDERA and applicable aviation safety laws and regulations. The IDERA may not be revoked by the debtor without the consent in writing of the authorised party. The registry authority shall remove the IDERA from the registry at the request of the authorised party.

9 IRREVOCABLE DE-REGISTRATION AND EXPORT REQUEST AUTHORISATION (IDERA).

- (i) CAAS accepts and records IDERAs for Singapore registered (9V) aircraft only.
- (ii) An IDERA must be submitted by either the holder of a Certificate of Registration of a Singapore registered aircraft or the party entitled to register an aircraft in Singapore.
- (iii) The IDERA submitted must be in the format set out in the form CAAS(AW)135, a copy of which can be downloaded from http://www.caas.gov.sg/caasWeb2010/export/sites/caas/en/eServices_Forms/idera_cdcl_PDFs/aw135.pdf. This format is as prescribed in the Aircraft Protocol. Any deviation from this format will not be accepted.
- (iv) The IDERA must be submitted in the English language.
- (v) If the party submitting the IDERA is a company, a letter of authorisation from the company must be submitted with the IDERA if the signatory of the IDERA is not the Chief Executive Officer, Company Secretary or a member of the Board of Directors of the company.
- (vi) If the signatory of the IDERA is a lawyer or a person who is not an employee or officer of the company, a Power of Attorney must be submitted with the IDERA. The Power of Attorney must explicitly empower the signatory to execute the IDERA on the company's behalf.
- (vii) If the Power of Attorney is executed in a foreign jurisdiction, the Power of Attorney must be accompanied by a letter from a law firm in that foreign jurisdiction, addressed to the person submitting the IDERA and copied to CAAS, certifying that the Power of Attorney has been done in accordance with the laws of that foreign jurisdiction and that the Power of Attorney has been properly executed and is effective in that jurisdiction. An example of such a letter is set out in **Appendix 1** hereto.
- (viii) The IDERA must also be notarised and if it is executed in a foreign jurisdiction, the notarisation requires legalisation as well. Please refer to paragraph 12 below.
- (ix) Two duly signed (and, if necessary legalised and notarised) original copies of the IDERA must be submitted. CAAS will retain one copy, and return the duplicate copy duly acknowledged.
- (x) All documents submitted with the IDERA must also be original copies or certified true copies.
- (xi) The process of CAAS' acceptance, recording and acknowledgement of a submitted IDERA may take up to 7 working days. On completion of this process, CAAS will issue its acknowledgement of acceptance to the company.
- (xii) Upon issuance of the acknowledgement, CAAS will, unless it has received a CDCL from the authorised party stated in the IDERA, honour a request for de-registration and export of the aircraft if:

- (a) the request is properly submitted by the authorised party (as stated in the IDERA) only; and
- (b) the authorised party certifies to CAAS, when required by CAAS, that all registered interests ranking in priority to that of the creditor has been discharged or that the holders of such interests have consented to the de-registration and export.

10 CERTIFIED DESIGNEE CONFIRMATION LETTER (CDCL).

- (i) The authorised party as stated in an IDERA may submit a CDCL to CAAS to formally transfer the right to de-register the aircraft stated in that IDERA to a certified designee.
- (ii) CAAS will only acknowledge the CDCL in the format of form CAAS(AW)136, a copy of which can be downloaded from http://www.caas.gov.sg/caasWeb2010/export/sites/caas/en/eServices_Forms/idera_cdcl_PDFs/aw136.pdf.
- (iii) The CDCL must be submitted in the English language.
- (iv) A letter of authorisation from the company (authorised party) must accompany the CDCL if the person submitting the CDCL is not the Chief Executive Officer, Company Secretary or a member of the Board of Directors of the company.
- (v) If the CDCL is signed by a lawyer or a person other than an employee or officer of the company, then a Power of Attorney must accompany the CDCL. The Power of Attorney must explicitly empower the signatory to execute the CDCL on the company's behalf.
- (vi) If the Power of Attorney is executed in a foreign jurisdiction, the Power of Attorney must be accompanied by a letter from a law firm in that foreign jurisdiction, addressed to the person submitting the CDCL and copied to CAAS, certifying that the Power of Attorney has been done in accordance with the laws of that foreign jurisdiction and that the Power of Attorney has been properly executed and is effective in that jurisdiction. An example of such a letter is set out in Annex A hereto.
- (vii) The CDCL must also be notarised and if it is executed in a foreign jurisdiction, the notarisation requires legalisation as well. Please refer to paragraph 12 below.
- (viii) Two original duly signed, notarised and if necessary, legalised CDCL must be submitted. CAAS will retain one copy, and return the duplicate copy with the acknowledgement. Once CAAS acknowledges the CDCL, the certified designee (as stated in the CDCL) will be the only person recognised by CAAS to de-register the specified aircraft.
- (ix) All documents submitted with the CDCL must also be original copies or certified true copies.
- (x) The process of acknowledging the submission of a CDCL may take up to 7 working days.
- (xi) The CDCL may only be submitted by the authorised party as stated in the IDERA and should be facilitated by and done with the full cooperation of the party submitting the IDERA.

11 CANCELLATION OF IDERA / CDCL UPON AIRCRAFT DE-REGISTRATION

- (i) For de-registration of a Singapore registered aircraft, a request for cancellation of the IDERA/CDCL must first be made by the authorised party stated in the IDERA and, where applicable, by the certified designee.
- (ii) Upon aircraft de-registration and the written request from the authorised party or the certified designee, the acknowledged IDERA or CDCL will be cancelled by CAAS.
- (iii) The letter submitted by the authorised party or the certified designee requesting cancellation of the IDERA or CDCL upon aircraft de-registration must be notarised if it is signed in a foreign jurisdiction, and accompanied with a Letter of Authorisation from the

company.

- (iv) The authorised party must also consent to the application to de-register the aircraft. CAAS will only proceed with the de-registration process upon receipt of the following documents:
- (a) original copy of the Certificate of Registration with the relevant information entered on the reverse;
 - (b) original copy of the Certificate of Airworthiness;
 - (c) original copy of the Flight Manual Approval Letter;
 - (d) photocopy of the Export Permit issued by the Controller/Registrar of Import and Export; and
 - (e) original copy of the Maintenance Schedule Approval Letter (applicable to the last aircraft of the fleet type only).

12 THE LEGALISATION PROCESS FOR AUTHENTICATION OF NOTARISATION

- (i) Where the IDERA, CDCL or Power of Attorney (hereinafter collectively referred to as “the documents”) originate from outside Singapore, the legalisation process, or chain of authentication, would be required.
- (ii) CAAS accepts the signatures of foreign notaries that have been authenticated through the legalisation process to ensure that the documents are notarised and that the notary is in fact authentic.
- (iii) All documents submitted must be original copies.
- (iv) CAAS accepts the usual process of legalisation adopted by the practice of international commerce. For example:
 - Where the documents are executed outside Singapore in a country where Singapore has diplomatic representation, the documents may be notarised by a designated Singapore consular officer in the Singapore Embassy or High Commission accredited to that country. The signature of the Singapore consular officer may then be legalised by the Singapore Ministry of Foreign Affairs.
 - Where the documents are executed outside Singapore in a country where Singapore does not have diplomatic representation, the documents may be notarised by a person accredited by the Singapore Ministry of Foreign Affairs to exercise consular functions on behalf of Singapore, such as to notarise documents destined for use in Singapore.
 - Where the documents are executed outside Singapore in a country where Singapore does not have diplomatic representation, and there are no persons accredited to exercise consular functions on behalf of Singapore, the following steps may be required:
 - (a) Notarisation by a notary of the foreign country.
 - (b) Legalisation of the notary by the Government or judicial authority designated by that country to legalise the notary, for example a judicial officer of the courts of that country.
 - (c) Legalisation of the Government or judicial authority by the Government Ministry exercising authority or supervision of that authority.
 - (d) Legalisation of the Government Ministry exercising authority or supervision by the Ministry of Foreign Affairs of that country.
 - (e) Legalisation of the Ministry of Foreign Affairs of that country by the consulate officer of the Embassy or High Commission of that country in Singapore.
 - (f) Legalisation of the consulate officer of the Embassy or High Commission in Singapore by the Singapore Ministry of Foreign Affairs.

- Where the documents are executed outside Singapore in a country where Singapore does not have diplomatic representation, and there are no persons accredited to exercise consular functions on behalf of Singapore, and the country does not have diplomatic representation in Singapore, the process of legalisation may be effected through the good office of a third country accredited by either Singapore or the country where the documents originate.

APPENDIX 1 : SAMPLE LETTER

To : [Registered Owner or Operator of aircraft named in the IDERA]

Copy to: CAAS

Certification of Proper Execution of Power of Attorney

We refer to the Power of Attorney executed by [name] in relation to the Irrevocable De-registration and Export Request Authorisation or Certified Designee Confirmation Letter relating {delete as applicable} to [aircraft serial number and registration marks]

2. We certify that the Power of Attorney has been properly executed in accordance with the laws of [name of country] and is effective for its purposes under the laws of [name of country].

[signed]