Regulations of the People’s Republic of China on the Registration of Rights in Civil Aircraft

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Promulgated by State Council Order No. 233 on October 21, 1997.

Article 1 — These Regulations are formulated in accordance with the Civil Aviation Law of the People’s Republic of China.

Article 2 — The registration of rights in civil aircraft handled within the People’s Republic of China shall abide by these Regulations.

Article 3 — The competent civil aviation authority under the State Council shall be in charge of the work of registration of rights in civil aircraft, and shall establish the register of rights in civil aircraft to uniformly record the matters of registration of rights in civil aircraft.

The matters of registration of rights in the same civil aircraft shall be recorded in the same register of rights.

Article 4 — For registration of ownership, a possessory right or a mortgage right in a civil aircraft, the holder of the rights in the civil aircraft shall, in accordance with the provisions of the competent civil aviation authority under the State Council, separately fill in the application form for registration of ownership, possessory right or mortgage right in the civil aircraft, and submit to the competent civil aviation authority under the State Council the corresponding documents specified in Articles 5 through 7 of these Regulations.

For registration of a priority right in a civil aircraft, the creditor of the priority right in the civil aircraft shall, within three months from the date of completion of the rescue or custody and maintenance work, fill in the application form for registration of the priority right in the civil aircraft in accordance with the provisions of the competent civil aviation authority under the State Council, and submit to the competent civil aviation authority under the State Council documents sufficient to prove its lawful identity and relevant proof of the creditor’s right.

Article 5 — For registration of ownership in a civil aircraft, the owner of the civil aircraft shall submit the following documents or copies verified as correct:

(1) the certificate of nationality registration of the civil aircraft;

(2) documentary proof of acquisition of ownership of the civil aircraft;

(3) other necessary relevant documents required by the competent civil aviation authority under the State Council.

Article 6 — For registration of a possessory right in a civil aircraft, the possessor of the civil aircraft shall submit the following documents or copies verified as correct:

(1) the certificate of nationality registration of the civil aircraft;

(2) the certificate of ownership registration of the civil aircraft or corresponding documentary proof of ownership; where a mortgage has been created over the civil aircraft, relevant documentary proof shall also be provided;

(3) the contract of sale or lease of the civil aircraft satisfying the provisions of Item (2) or Item (3) of Article 11 of the Civil Aviation Law of the People’s Republic of China;

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(4) other necessary relevant documents required by the competent civil aviation authority under the State Council.

Article 7 — For registration of a mortgage right in a civil aircraft, the mortgagee and mortgagor of the civil aircraft shall submit the following documents or copies verified as correct:

(1) the certificate of nationality registration of the civil aircraft;

(2) the certificate of ownership registration of the civil aircraft or corresponding documentary proof of ownership;

(3) the mortgage contract of the civil aircraft;

(4) other necessary relevant documents required by the competent civil aviation authority under the State Council.

Article 8 — Where one mortgage is created over two or more civil aircraft, or two or more mortgages are created over the same civil aircraft, the mortgagee and mortgagor of the civil aircraft shall separately handle the registration of the mortgage in respect of each civil aircraft or each mortgage.

Article 9 — The competent civil aviation authority under the State Council shall, within 7 working days from the date of receipt of the application for registration of rights in a civil aircraft, examine the matters of rights registration applied for. Where upon examination the requirements of these Regulations are satisfied, it shall issue to the holder of the rights in the civil aircraft the corresponding certificate of registration of rights in the civil aircraft, and, according to the circumstances, record in the register of rights in the civil aircraft the corresponding matters specified in Articles 10 through 13 of these Regulations; where upon examination the requirements of these Regulations are not satisfied, it shall notify the holder of the rights in the civil aircraft in writing.

Article 10 — When the competent civil aviation authority under the State Council issues to the owner of a civil aircraft a certificate of ownership registration of the civil aircraft, it shall record the following matters in the register of rights in the civil aircraft:

(1) the nationality, nationality mark and registration mark of the civil aircraft;

(2) the name, address and the name of the legal representative of the owner of the civil aircraft;

(3) where the civil aircraft is co-owned by several persons, the circumstances of co-ownership by the co-owners of the civil aircraft;

(4) the manner and date of acquisition of ownership of the civil aircraft;

(5) the name of the manufacturer, the date of manufacture and the place of manufacture of the civil aircraft;

(6) the value, airframe materials and main technical data of the civil aircraft;

(7) where a mortgage has been created over the civil aircraft, the circumstances of creation of the mortgage;

(8) the date of registration of ownership of the civil aircraft;

(9) other matters prescribed by the competent civil aviation authority under the State Council.

Article 11 — When the competent civil aviation authority under the State Council issues to the possessor of a civil aircraft a certificate of registration of the possessory right in the civil aircraft, it shall record the following matters in the register of rights in the civil aircraft:

(1) the nationality, nationality mark and registration mark of the civil aircraft;

(2) the name, address and the name of the legal representative of the possessor, owner or lessor of the civil aircraft;

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(3) the manner and date of acquisition of the possessory right and the agreed conditions of possession of the civil aircraft;

(4) the date of registration of the possessory right in the civil aircraft;

(5) other matters prescribed by the competent civil aviation authority under the State Council.

Article 12 — When the competent civil aviation authority under the State Council issues to the mortgagee of a civil aircraft a certificate of registration of the mortgage right in the civil aircraft, it shall record the following matters in the register of rights in the civil aircraft:

(1) the nationality, nationality mark and registration mark of the mortgaged civil aircraft;

(2) the name, address and the name of the legal representative of the mortgagee and mortgagor;

(3) the amount of the creditor's right secured by the mortgage of the civil aircraft, the interest rate and the term of satisfaction;

(4) the date of registration of the mortgage right in the civil aircraft;

(5) other matters prescribed by the competent civil aviation authority under the State Council.

Article 13 — When the competent civil aviation authority under the State Council issues to the creditor of a priority right in a civil aircraft a certificate of registration of the priority right in the civil aircraft, it shall record the following matters in the register of rights in the civil aircraft:

(1) the nationality, nationality mark and registration mark of the civil aircraft giving rise to the creditor's right;

(2) the name, address and the name of the legal representative of the creditor of the priority right in the civil aircraft;

(3) the name, address and the name of the legal representative of the owner, operator or lessee of the civil aircraft giving rise to the creditor's right;

(4) the amount of the creditor's right claimed by the creditor of the priority right in the civil aircraft and the time and cause of the occurrence of the creditor's right;

(5) the date of registration of the priority right in the civil aircraft;

(6) other matters prescribed by the competent civil aviation authority under the State Council.

Article 14 — Where two or more mortgages are created over the same civil aircraft, the competent civil aviation authority under the State Council shall register them in the order of the dates of the applications for mortgage registration.

Article 15 — When the matters of registration of rights in a civil aircraft change, the holder of the rights in the civil aircraft shall, holding the relevant certificate of registration of rights in the civil aircraft and the documentary proof of change, handle alteration registration with the competent civil aviation authority under the State Council.

When the mortgage contract of a civil aircraft changes, the mortgagee and mortgagor shall jointly handle alteration registration with the competent civil aviation authority under the State Council.

Article 16 — The competent civil aviation authority under the State Council shall, within 7 working days from the date of receipt of the application for alteration registration of rights in a civil aircraft, examine the matters of alteration registration applied for. Where upon examination the requirements of these Regulations are satisfied, it shall note the altered matters in the relevant certificate of registration of rights and the register of rights in the civil aircraft; where upon examination the requirements are not satisfied, it shall notify the holder of the rights in the civil aircraft in writing.

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Article 17 — Under any of the following circumstances, the holder of rights in a civil aircraft shall, holding the relevant certificate of registration of rights in the civil aircraft and documentary proof, handle cancellation registration with the competent civil aviation authority under the State Council:

(1) transfer of ownership of the civil aircraft;

(2) loss or disappearance of the civil aircraft;

(3) termination of the lease relationship of the civil aircraft or cessation of possession by the possessor;

(4) extinguishment of the creditor's right secured by the mortgage of the civil aircraft;

(5) extinguishment of the priority right in the civil aircraft;

(6) other circumstances prescribed by the competent civil aviation authority under the State Council.

Article 18 — The competent civil aviation authority under the State Council shall, within 7 working days from the date of receipt of the application for cancellation registration, examine the matters of cancellation registration applied for. Where upon examination the requirements of these Regulations are satisfied, it shall withdraw the relevant certificate of registration of rights in the civil aircraft, correspondingly cancel the registration of rights in the register of rights in the civil aircraft, and issue to the holder of the rights in the civil aircraft a certificate of cancellation of registration of rights in the civil aircraft according to the specific circumstances; where upon examination the requirements are not satisfied, it shall notify the holder of the rights in the civil aircraft in writing.

Article 19 — An applicant handling registration of rights in a civil aircraft shall pay a registration fee. The fee standard for the registration fee shall be formulated by the competent civil aviation authority under the State Council together with the competent pricing authority under the State Council.

Article 20 — These Regulations shall take effect on the date of promulgation.

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