

THE SECOND SCHEDULE

[See clause (i) of sub-section (1) of section 2]

DECLARATIONS LODGED BY THE REPUBLIC OF INDIA UNDER THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT AT THE TIME OF THE DEPOSIT OF ITS INSTRUMENT OF ACCESSION

(i) Form No. 1 [Specific declaration under Article 39(1)(a)]

The following categories of non-consensual right or interest have priority under its laws over an interest in an aircraft object equivalent to that of the holder of a registered international interest and shall have priority over a registered international interest, whether in or outside insolvency proceedings, namely:—

(a) liens in favour of airline employees for unpaid wages arising since the time of a declared default by that airline under a contract to finance or lease and aircraft object;

(b) liens or other rights of an authority of India relating to taxes or other unpaid charges arising from or related to the use of that aircraft object and owed by the owner or operator of that aircraft object, arising since the time of a default by that owner or operator under a contract to finance or lease that aircraft object; and

(c) liens in favour of repairers of an aircraft object in their possession to the extent of service or services performed on and value added to that aircraft object.

(ii) Form No. 4 [General declaration under Article 39(1)(b)]

Nothing in the Convention shall affect its right or that of any entity thereof, or any intergovernmental organisation in which India is a member, or other private provider of public services in India, to arrest or detain an aircraft object under its laws for payment of amounts owed to the Government of India, any such entity, organisation or provider directly relating to the service or services provided by it in respect of that object or another aircraft object.

(iii) Form No. 6 (Declaration under Article 40)

The following categories of non-consensual right or interest shall be registrable under the Convention as regards any category of aircraft object as if the right or interest were an international interest and shall be regulated accordingly, namely:—

(a) liens in favour of airline employees for unpaid wages arising prior to the time of a declared default by that airline under a contract to finance or lease an aircraft object;

(b) liens or other rights of an authority of India relating to taxes or other unpaid charges arising from or related to the use of an aircraft object and owed by the owner or operator of that aircraft object, arising prior to the time of a declared default by that owner or operator under a contract to finance or lease that aircraft object; and

(c) rights of a person obtaining a court order permitting attachment of an aircraft object in partial or full satisfaction of a legal judgment.

(iv) Form No. 10 (General declaration under Article 52)

The Convention shall apply to all its territorial units.

(v) Form No. 11 (Declaration under Article 53)

All the High Courts within their respective territorial jurisdiction are the relevant courts for the purposes of Article 1 and Chapter XII of the Convention.

(vi) Form No. 13 [Mandatory declaration under Article 54(2)]

Any and all remedies available to the creditor under the Convention which are not expressed under the relevant provision thereof to require application to the court may be exercised without court action and without leave of the court.

DECLARATIONS LODGED BY THE REPUBLIC OF INDIA UNDER THE PROTOCOL TO THE CONVENTION ON INTERNATIONAL INTERESTS IN MOBILE EQUIPMENT ON MATTERS SPECIFIC TO AIRCRAFT EQUIPMENT AT THE TIME OF THE DEPOSIT OF ITS INSTRUMENT OF ACCESSION

(i) Form No. 19 [Declaration under Article XXX (1) in respect of Article VIII]

India will apply Article VIII.

(ii) Form No. 21 [Declaration under Article XXX (2) in respect of Article X providing for the application of the entirety of Article X]

India will apply Article X of the Protocol in its entirety and the number of working days to be used for the purposes of the time limit laid down in Article X(2) of the Protocol shall be that equal to no more than:

(a) ten (10) working days in respect of the remedies specified in Article 13(1)(a), (b) and (c) of the Convention (respectively, preservation of aircraft objects and their value; possession, control or custody of aircraft objects; and, immobilization of aircraft objects); and

(b) thirty (30) working days in respect of the remedies specified in Article 13(1) (d) and (e) of the Convention (respectively, lease or management of aircraft objects and the income thereof; and, sale and application of proceeds from aircraft objects).

(iii) Form No. 23 [General declaration under Article XXX(3) in respect of Article XI providing for the application of Alternative A in its entirety to all types of insolvency proceeding]

India will apply Article XI, Alternative A, of the Protocol in its entirety to all types of insolvency proceedings, and that the waiting period for the purposes of Article XI (3) of that Alternative shall be two (2) calendar months.

(iv) Form No.26 [Declaration under Article XXX (1) in respect of Article XII]

India will apply Article XII.

(v) Form No. 27 [Declaration under Article XXX(1) in respect of Article XIII]

India will apply Article XIII.