

Cape Town Convention Academic Project
Country Summary Note
Ireland

The Cape Town Convention was incorporated into Irish law by way of an Act of the Oireachtas in 2005. This summary note will set out in factual form the complete legislative history, including parliamentary debates and speeches, of Ireland's accession to the Cape Town Convention.

Ireland signed the Final Act of the Diplomatic Conference to adopt a Mobile Equipment Convention and an Aircraft Protocol on 16 November 2001.

On 27 April 2005, a Bill entitled "An Act to give effect to the Convention on International Interests in Mobile Equipment, and to the protocol to that convention on matters specific to aircraft equipment, opened for signature at Cape Town on 16 November 2001; to provide for related matters; and to amend the Air Navigation and Transport (International Conventions) Act 2004" (the **Bill**) was presented to the second House of the Oireachtas, the Seanad. The Bill was sponsored by Senator Mary O'Rourke on behalf of the Minister for Communications, Marine and Natural Resources. ([Order Paper 27 April 2005; International Interests in Mobile Equipment \(Cape Town Convention\) Bill 2005](#))

Following presentation to the Seanad, a motion to order and allow the Bill to progress through to the Second Stage was put to the Seanad and was passed. The Bill was read a second time and a debate proceeded where the Minister for Transport, Martin Cullen, addressed the Seanad and discussed the Cape Town Convention. Minister Cullen explained the purpose of the Bill and discussed a number of provisions and explained their effects. Minister Cullen also highlighted the Department of Transport's involvement in the preparatory work which led to the diplomatic negotiations which took place in Cape Town in 2001. A number of Senators gave their support to the Bill during the debate and also shared their own personal knowledge on the Cape Town Convention with the Seanad. A motion to move the Bill to the Seanad Committee Stage was raised and passed and the Committee Stage was ordered for 4 May 2005. ([Seanad Debate Vol. 180 No. 5](#))

On 4 May 2005, the Bill was put to the Committee Stage and various Sections and Schedules of the Bill were debated upon and queried by Senators. Issues such as a perceived lack of a European dimension in the Convention and the measures other EU member State's were implementing to ratify the Convention were discussed and debated. A motion that the Bill should pass and be reviewed by the first House of the Oireachtas, the Dáil, was raised and passed. ([Order Paper 4 May 2005; Seanad Debate Vol. 180 No. 7](#))

On 5 May 2005, the Bill was notified as new business to the Dáil. ([Order Paper 5 May 2005](#)).

On 29 June 2005, the Bill progressed to the second stage in the Dáil and a motion that the Bill be read a second time was proposed by Minister Cullen and was passed. The Bill then progressed to the Committee Stage in the Dáil and numerous amendments to its contents were proposed and were debated upon. Such proposed amendments included an amendment to simplify the title of the act however no amendments were made to the Bill. ([Order Paper 29 June 2005; Committee Stage Amendments; Dail Debate Vol 605 No. 4](#))

On 9 July 2005, the Bill was enacted without amendment and signed into law as the International Interests in Mobile Equipment (Cape Town Convention) Act 2005 (the **Act**). The Act provides that the Cape Town Convention and the Aircraft Protocol shall have the force of law in the State in relation to matters to which they apply from the day on which they come into force. ([International Interests in Mobile Equipment \(Cape Town Convention\) Act 2005](#))

On 25 July 2005, the Irish Government, by way of Government Order, made declarations in accordance with Article 39 and sub-article 2 of Article 54 of the Cape Town Convention and Article XXX of the Aircraft Protocol. ([International Interests in Mobile Equipment \(Cape Town Convention\) \(Declarations\) Order 2005](#))

On 29 July 2005, Ireland's declarations in accordance with Article 39 and sub-article 2 of Article 54 of the Cape Town Convention were deposited with the International Institute for the Unification of Private Law.

On 23 August 2005, Ireland's declaration under Article XXX of the Aircraft Protocol was deposited with the International Institute for the Unification of Private Law.