



FEDERAL REPUBLIC OF NIGERIA

**RATIFICATION OF THE CONVENTION ON INTERNATIONAL  
INTERESTS IN MOBILE EQUIPMENT  
AND AIRCRAFT PROTOCOL 2001/ Subsequent Declarations**

The Government of the Federal Republic of Nigeria presents its compliments to the International Institute for Unification of Private Law (**UNIDROIT**) and has the honor to enclose the attached *subsequent declarations in relation to its previously deposited instruments of ratification* in respect of Cape Town Convention and its Aircraft Protocol.

Please note that the declaration below made under Article 54(2) of the Convention represents (i) a withdrawal, pursuant to Article 58 of the Convention, of the previously submitted declaration under that Article, and (ii) the making of a subsequent declaration under that Article, as set forth below, pursuant to Article 57 of the Convention. All other declarations are subsequent declarations. The subsequent declarations in relation to the Cape Town Convention are made pursuant to Article 57 of that Convention, and the subsequent declarations in relation to the Aircraft Protocol are made pursuant to Article XXXIII of that Protocol.



**Attachment to the  
Instrument of Ratification (Supplement)  
in respect of the Cape Town Convention  
(the "Convention")  
containing  
the Subsequent Declarations made by the Federal Republic of Nigeria  
for the purposes of the Convention**

*(i) Form No. 1 (specific opt-in declaration under Article 39(1)(a))*

The Federal Republic of Nigeria declares that the following categories of non-consensual right or interest:

- (a) liens in favor workers for unpaid wages arising since the time of a declared default under a contract to finance or lease the subject object for services performed relating to that object; and
- (b) liens in favor of repairers of an object in their possession to the extent of services performed on and value added to that object -

have priority under its law over an interest in an 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.

*(ii) Form No. 6 (opt-in declaration under Article 40)*

The Federal Republic of Nigeria declares that the following categories of non-consensual right or interest:

- (a) rights of a person obtaining a court order permitting attachment of an aircraft object in partial or full satisfaction of a legal judgment;
- (b) liens or other rights of a state entity relating to taxes or other unpaid charges;
- (c) liens of a salvor for unpaid charges in respect of salvage services provided to an aircraft object when it is water borne;
- (d) liens of a person providing towage services to an aircraft object when it is water borne in respect of unpaid charges and



- (e) liens of a bailee of an aircraft object in respect of unpaid charges for the bailment of the said aircraft object,

shall be registerable under the Convention as regards any category of object as if the right or interest were an international interest and shall be regulated accordingly.

*(iii) Form No. 11 (declarations under Article 53)*

The Federal Republic of Nigeria declares that the Federal High Court established under Section 249 of the Constitution of the Federal Republic of Nigeria 1999 is the relevant court for the purposes of Article 1 and Chapter XII of the Convention.

*(iv) Form No. 13 (mandatory declaration under Article 54(2))*

The Federal Republic of Nigeria declares that any 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.



**Attachment to the  
Instrument of Ratification (Supplement)  
in respect of the Aircraft Protocol to the Cape Town Convention  
(the "Aircraft Protocol")  
containing  
the Subsequent Declarations made by the Federal Republic of Nigeria  
for the purposes of the Convention**

- (i) *Form No. 19 (opt-in declaration under Article XXX(1) in respect of Article VIII)*

The Federal Republic of Nigeria declares that it will apply Article VIII.

- (ii) *Form No. 21 (opt-in declaration XXX(2) in respect of Article X providing for the application of the entirety of the latter)*

The Federal Republic of Nigeria declares that it will apply Article X in its entirety and that the number of working days to be used for the purposes of the time limit laid down in Article X(2) shall be in respect of the remedies specified in Articles 13(1)(a), (b) and (c) of the Convention (preservation of the aircraft objects and their value; possession, control or custody of the aircraft objects; and immobilization of the aircraft objects) not more than ten (10) calendar days and in respect of the remedies specified in Articles 13(1)(d) and (e) of the Convention (lease or management of the aircraft objects and the income thereof and sale and application of proceeds from the aircraft equipment) not more than thirty (30) calendar days.

- (iii) *Form No. 23 (general opt-in 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)*

The Federal Republic of Nigeria declares that it will apply Article XI, Alternative A in its entirety to all types of insolvency proceeding and that the waiting period for the purposes of Article XI(3) of that Alternative shall be thirty (30) calendar days.

- (iv) *Form No. 26 (opt-in declaration under Article XXX(1) in respect of Article XII)*

The Federal Republic of Nigeria declares that it will apply Article XII



(v) *Form No. 27 (opt-in declaration under Article XXX(1) in respect of Article XIII)*

The Federal Republic of Nigeria declares that it will apply Article XIII.

Made under my hand this 5<sup>th</sup> day of March 2007 pursuant to powers conferred on me in Section 73(2) of the Civil Aviation Act 2006.

A handwritten signature in black ink, appearing to read 'F. F. Kayode'.

**Chief Femi Fani-Kayode**

**Honourale Minister of State (Air Transport)**

**Federal Republic of Nigeria**