



NIGERIA CIVIL AVIATION AUTHORITY (NCAA)

Advisory Circular

NCAA-AC-AWS001A

16th OCTOBER 2024

PROCEDURES FOR RECORDATION OF IDERA AND DE-REGISTRATION OF AIRCRAFT UNDER AN IDERA

1.0 PURPOSE

This Advisory Circular (AC) is issued to provide information and guidance on the civil aviation regulatory requirements and procedures for recordation and cancellation of an Irrevocable De-registration and Export Request Authorisation (IDERA) and de-registration of aircraft and exporting aircraft and aircraft's objects under an IDERA. This guidance applies to aircraft registered in Nigeria and, aircraft objects located in Nigeria, for purposes of any export remedies.

2.0 REFERENCES

4.2.1.3 and 4.2.1.6 Nigeria Civil Aviation Regulations (Nig.CARs)
Convention On International Interests In Mobile Equipment 2001 (the **Convention**) as modified by the *Protocol to the Convention on International interest in Mobile Equipment on Matters Specific To Aircraft Equipment 2001* (the **Protocol**), and including declarations made by Nigeria in connection with its accession to the Convention and the Protocol. (CTC)

3.0 INFORMATION AND GUIDANCE

3.1 Background

Nigeria is a Contracting State to the *Convention On International Interests In Mobile Equipment* (the **Convention**) and the *Protocol Thereto On Matters Specific To Aircraft Equipments* (the **Protocol**), and had made a declaration pursuant to Article XXX(1) of the Protocol providing for the recordation and enforcement of IDERAs. The Civil Aviation Act and the Nig.CARs made thereunder require NCAA to establish and maintain a Legal Interests in Aircraft Registry showing for each aircraft registered in Nigeria, proprietary rights, interests, liens and other dealings thereon.

3.2. IDERA Recordation: The NCAA will accept and record an IDERA if it:

Referenced to Nigerian Regulations

- a) is submitted in writing to the NCAA substantially in the form set forth in the Protocol;
- (b) identifies an aircraft registered or to be registered in the Nigeria Civil Aircraft Register;
- and
- (c) is signed by an applicant.

The NCAA will record an IDERA within five (5) working days of receipt, and will promptly confirm to the applicant, the authorised party and any certified designee or an agent with a notarised power of attorney (if applicable) that recordation is complete. No IDERA may be recorded for an aircraft if a prior IDERA has been recorded by the NCAA for that aircraft which has not been revoked in accordance with sub-section 3.4. Without limiting the NCAA's authority to de-register aircraft under applicable law, once an IDERA has been recorded in respect of an aircraft, the applicant may not request that the aircraft be de-registered, unless the authorised party under the IDERA consents to the deregistration request or the IDERA has been revoked in accordance with sub-section 3.4.

The Irrevocable De-Registration and Export Request Authorisation (IDERA) remains valid until it has been revoked by the authorised party or if an IDERA De-registration request has been actioned resulting in the de-registration of the aircraft.

3.3. Certified Designee Or Holder of a Power of Attorney Schedule 1 (A)&(B);

NCAA will accept and record a designation, whereby an authorised party appoints a certified designee or an agent with a notarised power of attorney, if:

- (a) it is submitted in writing to the NCAA;
- (b) it identifies the certified designee or agent with a notarised power of attorney appointed by the authorised party and the IDERA to which it applies;
- (c) no other designation is recorded for the relevant IDERA; and
- (d) it is signed by the authorised party.

The NCAA will record a designation within five (5) working days of receipt, and will promptly confirm to the authorised party and the certified designee or agent with a notarised power of attorney that recordation is complete. An applicant shall have no power to issue a revocation in respect to a designation.

3.4. Revocation of an IDERA:

An IDERA may be revoked and shall be of no further effect if an application for revocation:

- (a) is submitted in writing to the NCAA,
- (b) identifies the IDERA to which it applies; and
- (c) is signed by the Authorised Party.

The NCAA will record a revocation within five (5) working days of receipt, and will promptly confirm to the applicant, the authorised party and any certified designee or agent with a notarised power of attorney (if applicable) that recordation is complete.

An Applicant shall have no power to issue a revocation in respect of an IDERA. Once a revocation has been recorded, the revoked IDERA shall have no further force and effect, and the NCAA will take no action in respect of it. The validity of an IDERA shall not be affected by the revocation of a related Designation/designee.

3.5 IDERA Remedies:

If an IDERA is recorded, an authorised party, or, if a designation is also recorded, its certified designee or an agent with a notarised power of attorney shall be the sole person authorised to deliver a request and exercise the remedies specified in this regulation and in Article IX(1) of the Protocol pursuant to such IDERA.

3.6. Exercise of Remedies/Request for deregistration:

A request to exercise IDERA remedies will be accepted by the NCAA if it:

- (a) is submitted in writing, identifying the applicable rights and remedies that are to be exercised;
- (b) identifies an IDERA recorded in the Nigeria Civil Aircraft Register of Lien;
- (c) in line with Article IX(5) of the Protocol, the authorized party certifies that there are no registered interests CTC's international registry ranking in priority to that of the authorised party, or, if there are, that they been discharged or the holders thereof have consented to the exercise of such IDERA remedies;
- (d) is signed by the authorised party (or certified designee or a person with a notarised power of attorney, if applicable); and
- (e) applicable form AC-AWS001G is completed and submitted along with evidence of payment of statutory fees.

The NCAA will honour each request submitted in accordance with this sub-section, to the extent so requested, by

- i. effecting the deregistration of the aircraft within five (5) working days of receipt of the request with respect to an aircraft without regard to the identity of the engines and other equipment installed on the aircraft.
- ii. promptly issue a certificate of deregistration to the authorised party (or certified designee or a person with a notarised power of attorney, if applicable) evidencing deregistration and send Notice of Deregistration to the next State of Registry
- iii. taking all actions within its power to effect and facilitate the export and physical transfer from Nigeria of (a) the aircraft, (b) any engines to which CTC applies and (the authorised party, certified designee a person holding a notarised power of attorney)

Referenced to Nigerian Regulations

certifies to the Authority is an engine to which IDERA applies, all in an expeditious manner.

- iv. The exercise of any export remedy shall be subject to applicable laws and regulations in Nigeria which permit the operation in its airspace of an aircraft under a ferry or other special flight permit issued by appropriate civil aviation agency(cies) but excluding any requirement (a) for the issuance of an export certificate of airworthiness or (b)any documents in the possession of or any action by an operator of an aircraft.
- v. No additional consent, approval, court order or decision, additional requirements, condition or any other action including any consent or action by the applicant or lessee shall be required in order for the NCAA to comply with any request made under this sub-section.
- vi. If export certificate of airworthiness (C of A) is requested by the authorised party, the authorised party (or the certified designee or an agent with a notarised power of attorney, if applicable) must comply with NCAA requirements for issuance of export certificate of airworthiness (C of A) and obtain confirmation from the next State of Registry that the aircraft will accept the aircraft if the aircraft does not meet the airworthiness requirements.

3.7 Engines:

A request with respect to an aircraft will be honoured under sub-section 3.6 without regard to the identity of the engines and other equipment then installed on that aircraft. Export remedies under sub-section 3.6 will be made available for any related engines which are not then installed on the aircraft.

3.8 Further Actions:

Authorised party (or certified designee or an agent with a notarised power of attorney, if applicable) will, to the extent within its reasonable control, but not as a condition to the de-registration and export of the aircraft, remove or cover the Nigeria's nationality marks on the aircraft, return to the NCAA the original certificate of registration and certificate of airworthiness for the aircraft, and change the aircraft's transponder code so that it no longer indicates that such aircraft is registered in Nigeria

As a consequence of a de-registration any Certificate of Airworthiness or Permit to Fly in force over the aircraft will be suspended and then revoked.

3.9 Document Execution:

Any document delivered hereunder by an applicant, authorised party or certified designee or an agent with a notarised power of attorney, as the case may be, may, if any of the foregoing is not a natural person, be executed by an Officer of any of the foregoing, or under any other document legally authorizing execution on the foregoing's behalf.

Referenced to Nigerian Regulations



Captain Chris Najomo,
Ag. Director General of Civil Aviation

Should you require further information do not hesitate to contact:

The Director General
Nigeria Civil Aviation Authority
Corporate Headquarters
Nnamdi Azikiwe Int'l Airport, Domestic Wing, Abuja, Nigeria
Attn: Director, Airworthiness Standards

Schedule 1(A)*;

FORM OF IRREVOCABLE DE-REGISTRATION AND EXPORT REQUEST AUTHORISATION

(Insert Date)

To: Nigeria Civil Aviation Authority

Subject: Re: Irrevocable De-Registration and Export Request Authorization

The undersigned is the registered [operator] (owner)* of the [insert the airframe/helicopter manufacturer name and model number] bearing manufacturer's serial number [insert manufacturer's serial number] and registration [number] [mark] [insert registration number/mark] (together with all installed, incorporated or attached accessories, parts and equipment, the "aircraft").

This instrument is an irrevocable de-registration and export request authorization issued by the undersigned in favour of [insert name of creditor] ("the authorized party") under the authority of Article XIII of the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment. In accordance with that Article, the undersigned hereby requests:

- (i) recognition that the authorized party or the person it certifies as its designee is the sole person entitled to:
 - (a) procure the de-registration of the aircraft from the Civil Aircraft Register of Nigeria maintained by the Nigerian Civil Aviation Authority for the purposes of Chapter III of the *Convention on International Civil Aviation*, signed at Chicago, on 7 December 1944, and
 - (b) procure the export and physical transfer of the aircraft from Nigeria; and
- (ii) confirmation that the authorized party or the person it certifies as designee may take the action specified in clause (i) above on written demand without the consent of the undersigned and that, upon such demand, the authorities in Nigeria shall co-operate with the authorized party with a view to the speedy completion of such action.

The rights in favour of the authorized party established by this instrument may not be revoked by the undersigned without the written consent of the authorized party.

Please acknowledge your agreement to this request and its terms by appropriate notation in the space provided below and lodging this instrument in Nigerian Civil Aviation Authority.

[insert name of operator/owner]

Agreed to and lodged this by: [insert name of signatory]

[insert date] Its: [insert title of signatory]

Nigeria Civil Aviation Authority

**Schedule 1(B)*;
Form of Certified Designation Letter**

To: Nigeria Civil Aviation Authority

Date: [____]

Re: Confirmation of Certified Designee in relation to the Irrevocable De-registration and Export

Request Authorisation dated [____], relating to the [____] aircraft bearing manufacturer's serial number [____] and Registration [____] issued by [____] naming the undersigned as "authorized party" (the "**IDERA**").

1. We, the authorised party under the IDERA, do hereby confirm that [____] is our certified designee for the purposes of exercising all our rights and remedies under:
(a) Article IX(1) of the Protocol to the Convention on Matters Specific to Aircraft Equipment opened for signature on 16 November 2001 at Cape Town, South Africa (the "**Protocol**");
(b) the IDERA; and
(c) all applicable laws of [____] implementing the foregoing.

2. We make this designation in accordance with Article XIII of the Protocol.

**This letter will be filed with the Nigeria Civil Aviation Authority for registration*