

18 December 2023

THAILAND

Newsletter

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Regulation of the CAAT (No. 44) Re: Registration and Deregistration of Aircraft, B.E. 2566 (2023)

Since 15 December 2023, a new regulation regarding application of registration, acceptance of registration and deregistration of aircraft ("**Regulation No. 44**") issued by the Civil Aviation Authority of Thailand ("**CAAT**") has become effective. This new regulation supersedes and replaces CAAT's previous regulation on the same subject matter ("**Regulation No. 23**"). The amendment was prompted by recent changes to Annex 7 of the Convention on International Civil Aviation 1944, also known as the Chicago Convention.

Under the Air Navigation Act B.E. 2497 (1954), a Certificate of Registration is mandatory to operate an aircraft within Thailand, and the application for registration, acceptance of registration and deregistration of aircraft shall be in accordance with those prescribed in the relevant regulations. Consequently, Regulation No. 44, along with the prior regulations it has replaced, was introduced to establish the rules and procedures for the registration, acceptance of registration, and deregistration of aircraft in Thailand.

The introduction of Regulation No. 44 is expected to affect certain aircraft lease agreements, particularly concerning the conditions precedent documents. In addition, it will have implications for the Certificate of Registration process.

With Regulation No. 44 coming into effect, evidence of the termination of the 24-bit Aircraft Address (which is in accordance with the ICAO) from the prior state of registration, or any additional proof of the termination of the 24-bit Aircraft Address, will be a prerequisite for the Certificate of Registration application. Accordingly, going forward (if applicable), aircraft lessors should ensure that they obtain such documentation as an additional prerequisite to leasing an existing aircraft to a Thai

¹ According to Sample Aeronautical Information Circular (AIC) Recommended Text of State AIC:

1. The provision of air traffic services (ATS) using SSR Mode S will rely on a unique ICAO 24-bit aircraft address for selective interrogation of individual aircraft. The 24-bit aircraft address is also an essential element of the airborne collision and avoidance system, ACAS II. In addition, Mode S surveillance requires the reporting of aircraft identification as stated in previous circulars concerning Mode S airborne equipment requirements.
2. The aircraft address shall be one of 16 777 214 twenty-four-bit aircraft addresses allocated by ICAO to the State of Registry or common mark registering authority and assigned as prescribed in the Appendix to Chapter 9, Part I, Volume III, ICAO Annex 10.
3. All Mode S equipped aircraft engaged in international civil aviation are required to have an aircraft identification feature as prescribed in ICAO Annex 10, Volume IV, Chapter 2, 2.1.5.2.

operator. This will ensure that the lessee is able to smoothly proceed with the registration of aircraft in Thailand.

Furthermore, this new regulation also requires an applicant to submit the Irrevocable De-Registration Authorisation², if applicable, together with the application of registration. Consequently, as the Certificate of Registration is typically a condition subsequent in lease agreements, and the submission of the Irrevocable De-Registration Authorization (which is normally executed on the delivery date) is a prerequisite for its application, the parties may need to consider extending the condition subsequent period for the lessee to provide the Certificate of Registration since the lessee might not be able to submit all supporting documents until then.

While Regulation No. 23 has been entirely replaced, most provisions in Regulation No. 44 closely mirror those in Regulation No. 23. The notable key differences between the two regulations include:

A. Additional Documents Required for Application of the Certificate of Registration

Applicants are required to submit the following documents along with the application form to the CAAT:

1. Documents evidencing the ownership or possession right of the aircraft, e.g., Aircraft Bill of Sale or Aircraft Lease Agreement;
2. Confirmation of Cancellation from the Foreign Registry and Certificate of Deregistration from the Foreign Registry (if any) or documents evidencing that the aircraft has never been registered in the state of manufacture;
3. Confirmation for Reservation of Registration Mark (if any);
4. Constitutional Documents of the applicant;
5. **Evidence of termination of 24-bit Aircraft Address from the previous state of registration or any other evidence indicating that the 24-bit Aircraft Address has been duly cancelled; and**
6. **Irrevocable De-Registration Authorisation (if any).**

Previously, under Regulation No. 23, only documents numbered 1 through 4 were required. However, with the introduction of Regulation No. 44, the submission of documents numbered 5 and 6 has also become necessary.

B. Specification of 24-bit Aircraft Address

Formerly, once the application for aircraft registration was approved, only the Certificate of Registration was granted for the aircraft. Now, under the new framework, in addition to issuing the Certificate of Registration, the CAAT will also assign a unique 24-bit Aircraft Address to each registered aircraft.

C. Certificate of Deregistration

Under Regulation No. 23, once the application for deregistration was approved, the CAAT would issue a deregistration order to the applicant. However, with the new regulation (Regulation No. 44), the CAAT will provide the applicant with

²According to the CAAT, since Thailand has not adopted the Cape Town Convention, the Irrevocable De-Registration Authorisation under the Regulation No. 44 shall be the Irrevocable Deregistration Power of Attorney.

a Certificate of Deregistration, formatted according to the template attached to Regulation No. 44, in addition to the deregistration order.

Both Regulation No. 23 and Regulation No. 44 essentially maintain the same grounds for deregistration, which include:

1. deregistration initiated by an applicant (lessee); and
2. deregistration without the applicant's application due to any of the following reasons:
 - a. the Certificate of Registration becomes ineffective;
 - b. the termination of the lessee's possessory rights over the aircraft due to:
 - i. the conclusion of lease term;
 - ii. termination of the lease by either party;
 - iii. mutual termination by the parties; and
 - iv. termination by the lessor and submission of the Irrevocable De-Registration Authorisation and Export Request (if any) by the lessor or its agent to the CAAT; and
 - c. a final judgment of the court ordering deregistration of the aircraft.

However, it is worth noting that under Regulation No. 23, one of the causes for deregistration without the applicant's application was the enforcement of a business security agreement under business security law. However, this cause has been removed under Regulation No. 44.

In addition, according to Regulation No. 44, after receiving the Certificate of Deregistration, an applicant must undertake the following actions:

1. remove the Thai registration mark from the aircraft;
2. **reprogram the Emergency Locator Transmitter;** and
3. return the following documents within 30 days from the date of receipt of the Certificate of Deregistration:
 - a. Certificate of Registration;
 - b. Certificate of Airworthiness; and
 - c. **Noise Certificate.**

In this respect, Regulation No. 44 introduces additional requirements, namely, the reprogramming of the Emergency Locator Transmitter and the return of the Noise Certificate.

If you have any questions in relation to the topic raised in this briefing, please contact the authors listed in the left-hand column.

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