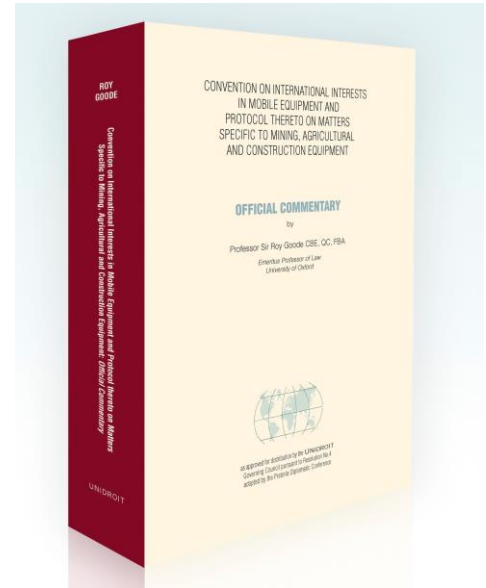


Official Commentary on the Cape Town Convention and the Protocol thereto on Matters specific to Mining, Agricultural and Construction Equipment (2021)

by Professor Sir Roy Goode CBE, QC, FBA

The Pretoria Protocol to the 2001 Cape Town Convention on international interests in mobile equipment is the fourth Protocol to this hugely successful convention, which has now been ratified by 82 States and its associated Aircraft Protocol by 79 States, together in each case with what is now the European Union. The Pretoria Protocol, adopted in Pretoria in November 2019, covers mining, agricultural and construction equipment. An economic impact assessment has projected that adoption of the Protocol, which with the Convention provides an international legal regime covering the creation, registration and priority of international interests in MAC equipment, with strong protection for the creditor in the event of the debtor's insolvency, will result in an increase MAC equipment stock by USD 10 billion over a 10-year period in both developing and exporting economies.



Professor Sir Roy Goode, who has prepared this new Official Commentary on the Convention and Pretoria Protocol, is uniquely qualified for this task, being the author of all the preceding Official Commentaries as mandated to him by successive Diplomatic Conference, at which he was either Chairman of the Drafting Committee or Rapporteur. The first of these Official Commentaries, covering aircraft objects, is now in its fourth edition (May 2019). The Pretoria Official Commentary, which builds on this, has been enriched by new analysis. It consists of narrative text, annotations to the two instruments containing 77 illustrative examples and several appendices, together running to some 790 pages. It provides a comprehensive and authoritative guide which is indispensable for all manufacturers, financiers, lessors and their legal advisors involved in transactions relating to MAC equipment.

Professor Sir Roy Goode, CBE, QC, is Emeritus Professor of Law in the University of Oxford, Emeritus Fellow of St John's College, Oxford, and a Fellow of the British Academy. Sir Roy is uniquely qualified to fulfil the mandate given to him by the Diplomatic Conference to prepare an Official Commentary. He was Chairman of the UNIDROIT Study Group that initiated this project, Rapporteur to the three Joint Sessions of the UNIDROIT Committee of Governmental Experts and the ICAO Legal Sub-Committee, and Chairman of the Drafting Committee at the Cape Town Diplomatic Conference. He is the author of all the Official Commentaries as mandated to him by successive Diplomatic Conferences, at which he was either Chairman of the Drafting Committee or Rapporteur. At the Pretoria Diplomatic Conference Sir Roy acted as Rapporteur to the Commission of the Whole.

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