

Article 198. When a mortgage or any other form of property right exists on an aircraft, the judicial sale will be effected as if it were real estate; in other cases such sale will be effected in conformity with the rules of personal property.³

Article 199. Two or more persons may be joint owners of an aircraft and such joint ownership shall be governed by the rules of the Civil Code.

Article 200. A charter shall be deemed a contract by which the lessor, for a remuneration, yields to another person the total or partial use of the capacity of an aircraft for a trip or a series of trips, for a number of kilometers to be covered, or for a certain period of time, and reserves for himself the control and authority over the crew and the technical guidance of the aircraft.

The rights and obligations derived from the charter may not be granted, totally or partially, if such rights have not been expressly agreed upon.

Article 201. The lessee shall be deemed the contracting party who has made a charter contract with the owner or operator of an aircraft and who has the right to put the contract into effect.

Article 202. The charter contract must be in writing and be approved by the Ministry of Development, which shall grant such approval only if the lessor is authorized to provide the service proposed for the aircraft, in conformity with the provisions of this law.

Article 203. All liability regarding a transportation contract referred to in this law shall devolve on the lessee but there shall be joint liability of the lessor and the lessee when it concerns indemnification for damages to passengers, registered baggage, cargo, to third parties on the ground and to technical personnel.

Article 204. If the lessor is authorized to do so and has in turn chartered the aircraft to another, the liability with respect to the transportation contract, shall devolve on the last lessee, but there shall be joint liability between the lessee and the former lessees when it concerns damage to passengers, checked baggage, and cargo, to third persons on the ground and technical aviation personnel.

Article 205. Rental of aircraft may be made for one or more trips for kilometers to be covered, or for a period of time, and the lessor shall be under a duty to make delivery of the aircraft at the agreed time and place, and provided with the necessary flight documentation.

In case of a rental, the lessor shall not have to equip the aircraft but must maintain it in normal conditions of use to the termination of the contract, but this duty shall cease in the case of fault of the lessee. The lessor shall not have the crew under his control and supervision; the lessee shall be in charge of the technical control of the aircraft.

Article 206. Rental of civil aircraft shall be made by a public document or by authenticated private document, but in order to have any effect against third parties, it shall be registered in the Register of Aeronautical Property whether it be a public or authenticated private document.

Article 207. A Honduran aircraft may not be sold, given, leased or taken abroad without authorization from the Ministry of Development. The sale to foreigners at public auction shall be excepted from this provision.

³ The original Spanish text uses the term "propiedad inmueble" which, obviously, is in error. Ed.