

*Article 2.*² The President of the Republic, through the General Headquarters of the Army may grant or deny authorization to private airplanes, to fly over the territory, to alight on land or on water within its limits whether Cuban or foreign.

Subject to the provisions of the present Regulation, such authorization shall be granted either generally to aircraft of a particular nation, or individually to one or more aircraft.

Any flight over national territory or any landing thereon without prior authorization shall be considered unlawful and shall subject the aircraft and their crews to the penalties imposed by the laws and regulations and to the jurisdiction of the national courts, except in duly proven cases of emergency or forced landing.

However, Cuban consuls abroad, shall be empowered during peace time to authorize flights to Cuba by foreign sport or tourist aircraft [and they must] communicate to the General Headquarters of the Army the date of arrival, identification mark of the aircraft, the list of passengers and crew, and the airport of landing.

Article 3. For all legal and international effects, the Republic of Cuba shall consider as "war materiel" all aircraft, accessories, instruments and equipment thereof, and tools and documents they contain, regardless of their form, origin or use, and therefore, they shall be subject to expropriation, seizure, utilization, confiscation, internment or destruction in the cases and in accordance with the rules and principles of international law and of the domestic laws.

*Article 4.*³ For the purposes of this Regulation "aircraft" shall mean any contrivance of locomotion used for the transport of persons, mail, merchandise and goods of any kind, capable of rising and circulating in the air.

Article 5. "Airdrome" shall mean an area or space on land previously marked out, identified and intended for the take-off and landing of terrestrial aircraft.

The State as well as private persons may construct and own airdromes for public or private use but private persons must first obtain special authorization and submit to the rules and conditions established for their use in this Regulation and those issued in the future.

National or foreign persons or companies, who, after being duly authorized, establish and maintain public air transport services, may obtain from the Government in time of peace, free use of the airports of the State in the cases, manner and conditions established by the Ministry of National Defense; [they may also receive] the necessary aid from public, civilian or military officials and employees attached thereto or the necessary facilities to repair damage or to aid persons. The owner of the aircraft shall only reimburse the State for the value of the materials.

Public officials or employees who are requested to do so, and refuse to lend the necessary aid in accordance with the provisions of the preceding paragraph, shall be subject to administrative punishment and penalties established by law if they are civilians, and if military personnel, they shall be court martialed for insubordination.

The President of the Republic may grant for a limited time and predetermined conditions the exclusive use of State territory for purposes

² Amended by Decree No. 695 of May 28, 1930.

³ Amended by Decree No. 1402 of August 22, 1928.