

DECREE NO. 59-62 OF JANUARY 3, 1959, RESTRAINING VIOLATIONS OF THE RULES ON AERONAUTICAL RESTRICTIONS ¹⁰

[Omissions.]

Article 1. Violations of the regulatory provisions concerning aeronautical restrictions of clearance and marking imposed in the interest of aerial navigation shall be punished by a fine of from 50,000 to 1,500,000 francs.

In the case of repetition such violations shall be punished by a fine of from 100,000 to 3 million francs and imprisonment of from six days to three months or by one of these penalties only.

Article 2. At the request of the public ministry, acting at the demand of the minister concerned, the court that has jurisdiction over the matter shall give to the persons who commit the violation of these provisions a time limit to remove or modify the things affected by the restrictions or to attend to their marking under penalty of a fine of from 1,000 to 10,000 francs for each day of delay.

In case such time limit is not observed, the restraint imposed by the court shall begin to run from the expiration of said time limit until the day when the situation is effectively remedied.

If such remedial action is not taken within the year when the time limit expires, the court, on the request of the public ministry acting under the same conditions, may one or more times raise the amount of the fine, even above the maximum provided for hereinbefore.

The court may authorize remittance of a part of the fines where remedial action has been taken and where the liable party establishes that he has been prevented from observing the time limit imposed on him by circumstances beyond his control.

Furthermore, when the situation has not been remedied at the expiration of the time limit set by the judgment, the administration may have the work done at the expense and risk of the persons civilly liable therefor.

The fines shall be recovered by the collectors of the Treasury on the request of the minister concerned or his delegate.

Article 3. Violations mentioned in Article 1 may be stated by summons of the officers of the judicial police, the gendarmes and the officials of the administration concerned commissioned for this purpose and sworn under the conditions determined by decree.

Such summons shall be prima facie evidence until the contrary is proved.

Article 4. This ordinance shall be published in the *Journal officiel* of the French Republic and be executed as law.

DECREE NO. 61-458 OF MAY 8, 1961, AMENDING ARTICLE 139 OF THE CODE OF CIVIL AND COMMERCIAL AVIATION CONCERNING THE COMPAGNIE NATIONALE AIR FRANCE ¹¹

Article 1. The provisions of Article 139 of Title III of the Code of Civil and Commercial Aviation are amended as follows:

¹⁰ *Journal officiel*, January 8, 1959, p. 547.

¹¹ *J.O.* May 10, 1961, p. 4301.