

ITALIAN CODE OF NAVIGATION¹

GENERAL PROVISIONS

Art. 1. (Sources of navigation law.) In navigation, whether maritime, on land and in the air, this Code, the laws, regulations and corporative norms² and the customs related to it, shall apply.

In the absence of legal provisions on navigation and of any provisions which may apply by analogy the [provisions of] the civil law shall apply.

Art. 2. (Territorial waters.) Gulfs, bays and coves whose shores are part of the territory of the Kingdom³ shall be subject to the sovereignty of the State when the distance between the extreme points of the opening of the bay, gulf or cove does not exceed twenty nautical miles. If such distance is greater than twenty nautical miles only that portion of the gulf, bay or cove comprised within said twenty miles shall be subject to the sovereignty of the State.

The area of the sea along the continental and insular shores up to six nautical miles at sea and along the straight lines joining the extreme points as indicated in the previous paragraph shall also be subject to the sovereignty of the State.

The various provisions established for certain purposes by laws, regulations and international conventions shall be an exception.

Art. 3. (Air space subject to sovereignty of the State.) The airspace over the territory and territorial waters of the Kingdom shall be subject to the sovereignty of the State.

Art. 4. (Italian ships and aircraft in localities not subject to the sovereignty of any State.) Italian ships on the high seas and Italian aircraft in a place or airspace not subject to the sovereignty of any state shall be considered as [being in] Italian territory.

Art. 5. (Law regulating acts performed aboard ships and aircraft in navigation.) Act occurring aboard ship or aircraft during navigation in places and in the airspaces subject to the sovereignty of a foreign state shall be regulated by the national law of the ship or aircraft in all those cases in which, in application of the laws in general, the law of the place where the act was performed or the fact occurred, should apply.

The provisions of the preceding paragraph shall apply to acts performed aboard a ship or aircraft of foreign nationality during the course of navigation in places or in the airspace subject to the sov-

¹ Italian Code of Navigation (including Air Navigation) as approved by Royal Decree No. 327 on March 30, 1942 with amendments up to 1961 in:

a. La Libreria dello Stato. *Codice Della Navigazione*, Roma 1959

b. *Gazzetta Ufficiale* (Official Gazette) 1960-1961.

² With the fall of Italian Fascism in 1943 the Corporative System and its norms were abolished first by Royal Decree N.721, August 3, 1943, which suppressed the State organs issuing such rules and later, after the defeat of Italy in World War II, by virtue of Decree No. 369 it was done with the remainder of the Fascist state organization.

The Civil Code and the Code of Civil Procedure and other laws there incorporated as amended deal with the matter on such specific points. (Franchi-Feroci-Ferrari. *Quattro Codici*. Edit. Hoepli, Milano, 1960.)

³ With deliberation of the Constituent Assembly, 1947, Italy from Kingdom became a Republic. Therefore, whenever the word "Kingdom" appears, read "Republic." And whenever "King-Emperor" or "the King," appears, read "the President of Italian Republic."