

of up to 10,000 liras. Any person who omits to file the statements prescribed in Articles 157 and 759 shall be subject to the same penalty.

Art. 1185. (Failure to observe regulations on the registration of aircraft.) The owner of an aircraft, who asks for a registration exceeding the terms established in Article 754, shall be fined up to 2,000 liras.

CHAPTER V. VIOLATIONS OF PROVISIONS ON NAVIGATION POLICE

Art. 1186. (Failure to observe regulations concerning inspections of ships and aircraft.) Whoever fails to observe the rules of this Code, other laws and regulations and provisions of the authorities with regard to examination and inspection of ships, floating objects and aircraft shall be fined from 1,000 to 5,000 liras.

Art. 1188. (Wrongful exercise of air transportation or air operation.) Confinement up to six months or a fine of up to 10,000 liras shall be imposed upon:

(1) whoever carries on public air transportation service without the authorization prescribed in Article 776;

(2) whoever carries on air transportation of passengers of a non-scheduled or occasional character or a service of air operation without the license prescribed in Article 788.

Art. 1190. (Failure to observe the regulations regarding flying schools.) Confinement of up to six months or a fine of up to 10,000 liras shall be imposed upon:

(1) whoever operates a flying school without the license prescribed in Article 788;

(2) whoever admits to a flying school a student who has not obtained the prescribed certificate of physical fitness, or a minor without the consent of his parents or guardians.

Art. 1191. (Unlawful beginning or cessation of operation of airfields or private facilities.) A fine of from 5,000 to 20,000 liras shall be imposed upon:

(1) whoever establishes an airfield or other private air facilities without the authorization prescribed in Article 704, or continues its operation after the authorization has been revoked;

(2) whoever opens to the civil air traffic an airfield set apart for special use without the authorization prescribed in Article 709, first paragraph, or continues to use it after the authorization has been revoked;

(3) whoever stops the operation of an airfield or other private air facility without the authorization prescribed in Article 713, or before the expiration of the established term prescribed in the second paragraph of the above-mentioned article.

Art. 1192. (Failure to comply with regulations concerning the use of a flag and name.) A fine of up to 2,000 liras shall be imposed upon:

(1) a commander who does not hoist the flag on his ship when this is prescribed;

(2) a shipbuilder or commander who does not comply with the provisions regarding the use of the name and the registration number of a ship or floating object;

(3) the operator or commander of an aircraft which flies without the prescribed registration marks or wrongfully carries the markings reserved for State aircraft.

Art. 1193. (Failure to comply with the provisions concerning documents on board.) A ship or aircraft commander who navigates without having on board the prescribed documents shall be punished by confinement of up to six months or by a fine of up to 2,000 liras.

A ship or aircraft commander who keeps the board documents irregularly or in a disorderly fashion, shall be subject to the same penalty.

Art. 1194. (Failure to renew documents on board.) A shipowner or the operator of an aircraft who does not renew the board documents in due time shall be fined up to 5,000 liras.

Art. 1195. (Failure to comply with formalities on departure or arrival at a port or airport.) A commander of a national or foreign ship or aircraft who, on departure from, or arrival in, a port or airport, does not fulfill the formalities prescribed by this Code and the regulations, shall be fined up to 5,000 liras, unless the offense constitutes a more serious offense.

Art. 1196. (Failure to comply with rules concerning the abandonment of a ship and the duty to consult the crew.) A commander, who, in abandoning a ship or an aircraft in danger, does not observe the rules established in this Code, shall be punished by confinement of up to three months and/or by a fine of up to 5,000 liras unless the offense constitutes a more serious offense.

The same penalty shall apply to a commander who fails to consult the crew in cases in which consultation is required.

Art. 1197. (Refusal to cooperate in salvage.) A crew member who, in case of a shipwreck of a ship or floating object, or the loss of an aircraft, has been asked by the commander or competent authority and refuses to cooperate and assist in the salvage of the wreck, shall be fined up to 2,000 liras unless the offense constitutes a more serious offense.

Art. 1198. (Failure to make a statement in case of collision.) A commander of a ship or floating object, or of an aircraft who, in case of a collision, does not observe the provision of the second paragraph of Article 485, shall be punished by confinement for up to three months and/or by a fine of up to 2,000 liras.

Art. 1199. (Wrongful or clandestine loading of arms and explosives.) A commander, who loads on a national or foreign ship or aircraft arms and war ammunitions, toxic gas or other dangerous merchandise without the authorization prescribed by Article 193 and Article 816, shall be punished by confinement of up to six months or by a fine of from 500 to 10,000 liras.

Whoever clandestinely loads on a national or foreign ship or aircraft arms and war munitions, toxic gas, explosive and inflammable substances or other harmful materials dangerous to the ship, aircraft, the persons aboard, or the cargo, shall be punished by confinement of up to three months and by a fine of from 300 to 3,000 liras. If the offense is committed by a member of the crew, the penalty shall not be less than one month imprisonment or a fine of 500 liras.

The provisions of this article shall not apply if the offense is deemed a more serious offense by other laws.

Art. 1200. (Wrongful transportation or use of cameras or radio transmitters.) Whoever fails to comply with the rules established for the transportation or use on board an aircraft of still or moving picture cameras, or transports and uses radio transmitters without due

authorization shall be punished by confinement of up to three months or by a fine of from 300 to 5,000 liras.

Whoever uses means of radio communication on board an aircraft without the license prescribed in Article 814 shall be subject to the same penalty.

If the offense described in the first paragraph is committed by a crew member, the penalty shall be increased up to one third.

Art. 1201. (Failure to observe regulations relating to takeoff or landing of aircraft.) The commander of a national or foreign aircraft shall be punished by confinement of up to three months or by a fine of from 500 to 5,000 liras, if he

(1) does not follow the landing order prescribed in Article 803, or having flown over a prohibited area, fails to land quickly at the nearest airport;

(2) takes off from, or lands in places other than those indicated in Articles 799, 841 and 844;

(3) if the aircraft is headed for foreign countries, departs from a non-customs airport;

(4) if the aircraft comes from abroad, lands in a place other than a customs or sanitary airport.

Art. 1202. (Failure to observe regulations relating to landing outside an airport.) A fine of up to 1,000 liras shall be imposed upon:

(1) the commander of an aircraft, who, in landing in a place other than an airport, fails to give previous notice in accordance with the provisions of Article 804;

(2) the owner of a field, who although he knows of the landing, fails to announce it as required in Articles 799 and 804.

Art. 1203. (Landing on private airfields.) Except in cases of necessity, the commander of a national or foreign aircraft who lands on a private airfield without the consent of the person who operates it shall be punished by a fine of up to 2,000 liras.

Art. 1204. (Flight of foreign aircraft and irregular routes.) Except in the cases provided for in Article 794, the commander of a foreign aircraft who flies over the territory of the Kingdom shall be punished by confinement of up to one year and a fine of up to 5,000 liras.

The commander of a national or foreign aircraft who, without any valid reason, fails to follow the routes prescribed in Article 821 shall be subject to the same penalty.

Art. 1205. (Failure to comply with the civil status regulations and those concerning the custody of property of dead persons.) The commander of a ship or an aircraft who does not comply with the provisions of Articles 195, 204, to 208, 818, 834, 835 and 836 shall be punished by a fine of up to 5,000 liras, if the act does not constitute a more serious offense.

Art. 1206. (Impediments to the filing of claims.) The commander of a ship or an aircraft, who, without a valid reason, hinders a member of the crew or a passenger from going on land to file a claim with the authorities shall be punished by a fine of from 100 to 5,000 liras unless the offense constitutes a more serious offense.

Art. 1207. (Unloading of goods before verification of the report.) Except in cases of emergency, any commander who unloads goods prior to verification of the report of special events, shall be punished by confinement of up to six months or by a fine of up to 5,000 liras.

Art. 1208. (Request for protection from foreign authorities.) A crew member of a ship or an aircraft who, in a foreign country, requests the protection of foreign authorities when he could request the protection of the consular authorities [of Italy] shall be fined up to 1,000 liras.

If such act is committed by the commander, the penalty shall be confinement of up to one year or a fine of up to 2,000 liras.

Art. 1209. (Refusal to transport convicts, accused persons and proofs of crime.) The commander of a ship or an aircraft bound for one of the ports of the Kingdom, who, upon the request of the consular authorities, refuses without a valid reason to transport within the limits prescribed by the law, convicts, accused persons and proofs of crime, or other objects, documents and papers concerning criminal proceedings, shall be punished by confinement of up to six months or by a fine of up to 5,000 liras.

Art. 1213. (Failure to comply with regulations of border police.) Whoever fails to comply with a legal provision or regulation or lawful measure of the competent authorities in regard to the border police, shall be punished by confinement for up to three months or a fine of up to 2,000 liras, unless the act constitutes a more serious offense.

Art. 1214. (Additional penalties.) The penalty for the violations provided for in Articles 1193, 1198, 1199 and the second paragraph of Article 1204 shall carry the suspension of licenses and professions.

CHAPTER VI. VIOLATIONS OF PROVISIONS ON THE SAFETY OF NAVIGATION

Art. 1215. (Departure of a ship or an aircraft in bad condition of navigability.) Any shipowner or operator who permits the departure of a national or foreign ship or aircraft which is not in navigable condition, or is short of equipment, instruments or any other requirement, shall be punished by confinement of from one month to one year or by a fine of from 500 to 10,000 liras.

Any shipowner of inland navigation [vessels] who permits the departure of a foreign or national ship which is not in a navigable condition shall be fined from 1,000 to 5,000 liras.

Any shipowner or commander who uses a floating object for the sea or for inland navigation in the conditions indicated in the preceding paragraphs shall be subject to the penalties established in the first and second paragraphs, respectively.

Except in cases of necessity occurring in the course of navigation, any commander of a national or foreign ship or aircraft who navigates with a ship or an aircraft in the conditions indicated in the first paragraph shall be punished by confinement of up to six months or by a fine of from 500 to 5,000 liras.

Art. 1216. (Navigation without qualification.) Any shipowner, who employs a ship or a floating object not qualified for navigation or without the documents proving the existence of the navigability requirements, shall be punished by confinement of up to one year or by a fine of up to 10,000 liras.

Any operator who uses an aircraft not qualified for flight or with a certificate of navigability and a test certificate which are no longer valid shall be subject to the same penalty.

This provision shall apply to the commander of a ship or an aircraft, but the penalty shall be reduced so as not to exceed one third.

Art. 1218. (Failure to comply with signalling rules.) The commander of a national or foreign sea-going ship, floating object, or aircraft, who does not observe signalling rules relating to maritime or air movement shall be imprisoned for up to six months or be punished by a fine of from 500 to 10,000 liras.

If such act is committed by the commander of a ship used for inland navigation, the penalty shall be a fine of from 100 to 2,000 liras.

Art. 1219. (Wrongful changes in the hull or the structure of a ship or an aircraft.) Whoever, without the required authorization, makes changes in the structure of the hull, the engines, or any other equipment on board shall be punished by a fine of from 500 to 5,000 liras.

Any person who, without making a prior declaration, changes the structure of an aircraft, thereby altering the technical characteristics as they appear on the navigation certificate or test certificate, shall be subject to the same penalty.

Art. 1220. (Command of a ship or an aircraft exceeding the limits of his qualifications.) Whoever assumes or retains command of a ship or an aircraft exceeding the limits of his qualifications to command shall be fined from 2,000 up to 5,000 liras.

If the sea navigation takes place beyond the narrows, or the flight outside the national territory, the penalty shall be increased up to one third.

Art. 1221. (Failure to comply with the regulations on the composition or minimum strength of the crew.) The shipowner or commander of a ship, who does not observe the rules of the regulation, and the orders and provisions of the competent authority in regard to the composition and minimum strength of the crew shall be fined from 300 to 3,000 liras.

The operator or commander of an aircraft who does not observe the rules concerning the composition of the crew shall be subject to the same penalty.

Art. 1223. (Improper assignments of duties.) The shipowner, operator or commander of a ship, a floating object or an aircraft who, without justified cause, assigns certain duties on board to persons who do not have the requirements prescribed for such duties, shall be fined from 500 to 5,000 liras provided the offense does not constitute a more serious offense.

Art. 1224. (Embarkation of an excessive number of passengers.) A carrier or the commander of a ship or an aircraft who does not follow the rules with regard to the maximum number of passengers shall be punished by a fine of 500 liras for each excess passenger embarked for trips within the Mediterranean Sea and 1,000 liras for trips outside the Mediterranean.

If such act was committed by the carrier or commander of a ship used in inland navigation transport, the penalty shall be 2,000 liras regardless of the number of excess passengers embarked.

Art. 1225. (Omission of preventive measures.) The commander of a ship who does not take the proper measures to protect the health of the crew and passengers at landing points declared to be infected, shall be punished by confinement of up to one year or by a fine of from 500 to 5,000 liras.

The commander of an aircraft who does not observe the sanitary regulations of air navigation shall be subject to the same penalty.

Art. 1226. (Embarkation of sick passengers.) A carrier or commander who, without the authorization of the competent authority or without observing precautionary measures prescribed by them, takes on board a passenger manifestly affected by some serious disease, or one dangerous to the safety of navigation or of the passengers on board, or a person who for sanitary reasons has been forbidden by the competent authority to go on board, shall be punished by confinement of up to six months or by a fine from 500 to 5,000 liras.

A carrier or commander of an aircraft who does not observe the special regulations dealing with the embarkation of sick passengers shall be subject to the same penalty.

Art. 1227. (Failure to report the finding of wrecks.) Whoever, having found a shipwreck or an abandoned aircraft or an aircraft wreck, fails to report it at once to the authorities specified in Articles 510 and 933, shall be punished by a fine of up to 1,000 liras.

Art. 1228. (Flying over inhabited areas and throwing objects from an aircraft in flight.) Punishment of six months confinement or a fine of up to 5,000 liras shall be imposed upon :

(1) any commander of an aircraft who flies over inhabited areas, gathering or airfields without observing the provisions of the regulations or orders of the competent authority;

(2) except in the cases provided for in Article 819, whoever throws from an aircraft in flight objects or other articles which are not prescribed ballast.

Art. 1229. (Failure to place obstacle signals.) Whoever being required in accordance with Article 715, first paragraph, to place the proper warning signals on construction, plantations and other works which constitute a hindrance to air navigation, fails to do so shall be punished by a fine of up to 2,00 liras.

Whoever, being required to do so in accordance with the second paragraph of Article 715, fails to adopt the necessary measures for the safety of navigation, shall be subject to the same penalty.

Art. 1230. (Descent or jump by parachute.) Except in the cases provided for in Article 820 whoever uses a parachute shall be subject to a fine of up to 3,000 liras.

If such act is committed by a crew member, the penalty shall be increased up to one third.

Art. 1231. (Failure to observe regulations for safe navigation.) Whoever fails to comply with a legal provision, regulation or instruction lawfully given by the competent authority in regard to safe navigation shall be punished by confinement of up to three months or by a fine of up to 2,000 liras unless the act constitutes a more serious offense.

Art. 1232. (Additional penalties and security measures.) The punishment for the violations provided for in Articles 1215 to 1218, 1222 and 1228, shall carry also suspension of licenses or professions.

In case of conviction for any violation provided for in the second paragraph of Article 1216, confiscation of the aircraft may be ordered.

CHAPTER VII. VIOLATIONS OF AIR INSURANCE PROVISIONS

Art. 1233. (Failure to insure employees.) An aircraft operator who omits to take out, in favor of his own employees, the insurance speci-

fied in Article 935, or does not keep the contract in force, shall be punished, by a fine of up to 10,000 liras, unless the act constitutes a more serious offense.

Art. 1234. (Failure to insure for damage to third parties on the ground and to passengers.) An operator who orders the flying of an aircraft without taking out the insurance prescribed in Article 798, or does not keep the respective contract in force, shall be punished by a fine of up to 10,000 liras.

The operator of an aircraft which transports passengers without having the contract prescribed by Article 941, shall be subject to the same penalty.

TITLE FOUR—PROCEDURAL PROVISIONS

Art. 1235. (Officers and agents of the judiciary police.) In accordance with Article 221 of the Code of Criminal Procedure, the following are officers of the judiciary police:

(1) commanders, officials and executive officers of ports, directors and delegates of airports, and delegates (representatives) of emergency landing fields with regard to offenses, provided for in this Code committed in a port, airport or during navigation, and with regard to common crimes committed in such places if there is no police force at the port or airport. At private airfields, where there are no airport representatives, or at state airfields where there is no airport director, the duties of officer of the judiciary police shall be performed by the director of the airport in whose district the airfield is located;

(2) ship and aircraft commanders with regard to offenses committed on board in the course of navigation;

(3) consuls with regard to crimes provided for in this Code which are committed abroad, in addition to other cases covered in the consular laws;

(4) commanders of national warships for the acts which they carry out at the request of a consular authority, or, in emergency cases, on their own initiative. On the high seas or in the territorial waters of another State, the commanders shall perform the functions of judicial police exercised by the commanders of national ships.

The functions of agents of the judicial police may be assumed by noncommissioned officers and other military personnel connected with the harbor administration, executive officers and agents of inland navigation, and executive officers and agents of private or State airfields, and crew members, upon request for cooperation from the officers of the judicial police.

Also, the officials of the harbor administration or State airdromes or private airports on patrol duty shall be agents of the judicial police.

Art. 1236. (Duty to make charges and reports.) Officials and agents of the harbor authority or the administration of inland navigation and of State and private airports, and the crew members shall have the duty to inform the officers of the judicial police, as soon as they learn about them of crimes involving *ex officio* proceedings which are committed in the port, at the airport, or on board, even during navigation.

Ship and aircraft commanders shall have the duty to report in writing to the harbor commander or to the director of the next airport at which they land everything which concerns their functions as judicial police.

Art. 1237. (Crimes committed in the course of navigation.) When a crime has been committed during the course of navigation, the ship or the aircraft commander before leaving the place of the first stop, and, at any rate, not later than 24 hours from such stop, shall deliver the persons under arrest or in custody, and the charges, complaints, records, and other information compiled, medical reports and the proof of the crime to the maritime authority, to the person in charge of inland navigation, or to the local aeronautical authority of the Kingdom; or, if abroad, to the consular authority and, in his absence, to the commanders of warships in the area.

Such authorities shall make reports of the material delivered to them and transmit immediately, together with other documents and the proof of the crime, to the competent prosecutor of the King-Emperor. These authorities shall also see that the persons under arrest or in custody are placed in the proper prisons.

The commander of a national warship who has in his safekeeping persons charged with, or under suspicion of crimes, or trial proceedings or criteria shall deliver them, at the first stop in a port of the Kingdom, to the officers of the judicial police. If the ship stops in a foreign port, he must make arrangements with the consular authorities.

Art. 1238. (Jurisdiction over minor offenses.) Except for those cases in which the consular authorities have jurisdiction, the port authority of the district shall have jurisdiction over the violations provided for in this Code in regard to maritime navigation.

The provisions of the Code of Criminal Procedure relating to proceedings within the competence of the magistrate, without the assistance of the public prosecutor in the trial, shall apply to the respective proceedings.

In cases in which this is permitted by the Code of Criminal Procedure, an appeal against the sentence of such an authority shall be brought before the court. It is filed in accordance with the forms established in that Code.

In cases in which an appeal is not admissible, the sentence of such an authority may be appealed to the Supreme Court as provided for in the Code of Criminal Procedure.

Art. 1239. (Fines for maritime violations.) In regard to violations, for which the present Code establishes only punishment by a fine, the offender may prior to the hearing or sentence request permission to pay the fine to the port commander having jurisdiction over the case.

The port commander shall determine at his own discretion and within the limits of the fines established by law the amount that the petitioner must pay as fine and for the costs, and shall establish the period within which the payment must be made under penalty of forfeiture of the right to pay the fine.

The interested party shall be notified orally or in writing of the decision of the port commander. If the communication is oral, the port officer who handles the case shall authenticate it on the original document.

Payment within the prescribed time of the amount established for the fine and costs shall cancel the offense.

In cases falling within the jurisdiction of consular authorities, the request to pay the fine shall be directed to such authorities who will decide in accordance with the rules of the preceding paragraphs.

Art. 1240. (Territorial jurisdiction.) Territorial jurisdiction over the crimes provided for in this Code, when committed abroad or outside the sea and air space of the territory, shall belong to the judge of the place at which, after the commission of the crime, the aircraft or ship on which the indicted person was traveling when the crime was committed, first stops.

If, before landing in the Kingdom, the report on the indictment or the complaint has already been filed with the consular authorities or warship commanders, or if these authorities have discharged the functions of judicial police, or if the jurisdiction cannot be determined in the manner specified in the preceding paragraph, the judge of the place of registration of the ship or the habitual base of the aircraft upon which the accused was traveling at the moment the crime was committed, shall have jurisdiction.

When, in cases within the jurisdiction of the consular authorities, at the moment of departure of the ship or the aircraft from the place where such authority resides, the sentence has not been imposed, jurisdiction shall pass to the court of the respective territory in accordance with the regulations of the preceding paragraphs. The documents of investigation compiled by the consular authority shall retain full value before the competent court.

Art. 1241. (Conclusion of formal investigation of accidents.) If the commission for an official investigation of maritime accidents expresses the opinion that the incident occurred through criminal intent or criminal negligence, the reports of the investigation shall be sent to the Attorney of the King-Emperor.

The reports of the investigation shall have the value of official reports.

Art. 1242. (Sentence.) In the cases provided for in Article 506 of the Code of Criminal Procedure, the port authority commander may impose sentences without trial. Articles 506 and 510 of the Code of Criminal Procedure shall apply.

The port authority commander shall decide on opposition. A judgment which decides for opposition may be appealed in the cases, by the means, and in accordance with the forms provided for in the Code of Criminal Procedure. An appeal for cases in which this is admissible is brought before the court.

Art. 1243. (Declaration of opposition and of remedy.) A declaration of opposition and of appeal in proceedings within the competence of the port authority commanders shall be filed with a clerk of the office of the port authority which has rendered the sentence.

When they are entitled to a notification, private parties may, after receiving the notice, make a declaration in the form and terms established by the Code of Criminal Procedure, before the clerk of the port authority or the magistrate of the place, if such place is different from the one in which the sentence was rendered, or before the consular authorities, if abroad. The officer who receives such declaration shall

transmit it at once to the clerk of the port authority who has rendered the judgment.

Art. 1244. (Special computation of terms.) In proceedings regarding crimes provided for by this Code with which persons in maritime and air navigation are charged, concerning peremptory terms, the period from the day of embarkation to that of the landing of the ship or the aircraft in a port or airport of the Kingdom, or in a foreign locality where there is a consular authority, shall not be counted.

Art. 1245. (Permissible reading of statements of witnesses.) In proceedings additional to the cases specified in Article 462 of the Code of Criminal Procedure in actions relating to crimes provided for in this Code, the reading of the deposition of witnesses may be permitted without the parties' consent when the witnesses who do not appear, are in navigation, provided they are indicated in the lists.

Art. 1246. (Bringing of civil action.) In proceedings within the jurisdiction of the maritime authorities, the damaged party may be admitted in cases, in the forms, and under the terms established by the Code of Criminal Procedure.

Such authority shall decide on the liquidation of damages if they are not higher than 10,000 liras; otherwise, or, if he is unable to decide, he shall refer the parties to the court specified in the second paragraph of Article 489 of the Code of Criminal Procedure. In any event, and even if the damaged party does not appear, such authority shall proceed to the necessary determination of the amount of damage caused by an offense committed within his jurisdiction.

Art. 1247. (Conversion of pecuniary penalties.) The magistrate of the district in which the port authority which has rendered the judgment is located, shall provide for the conversion of fines imposed by the port authority commander according to Article 586 of the Code of Criminal Procedure.

Art. 1248. (Notices to passengers and crew members.) For the purpose of notifying passengers and crew members, the ship shall be considered as their habitation from the time of embarkation to that of debarkation.

Notification of an accused person, of witnesses and persons involved in damages who are members of the crew, and of passengers, shall be made by transmittal of a copy to the commander, when it is not possible to notify them in person.

BOOK TWO—DISCIPLINARY PROVISIONS

Art. 1250. (Aeronautical disciplinary powers.) In matters concerning air navigation, disciplinary powers shall be exercised:

(1) by the Executive Board of the National Organization of Air Personnel over aviation personnel;

(2) by the consular authorities abroad over crew members.

Art. 1253. (Disciplinary punishment for crew members of an aircraft.) The disciplinary penalties for crew members of an aircraft are:

(1) censure;

(2) wage withholding for from 1 to 30 days;

(3) prohibition to exercise the profession of airman for a period of not less than one month or more than two years;

(4) striking from the rolls and from the registry of flight personnel.

Such punishment shall be imposed by the Executive Board of the National Organization of Air Personnel.

Art. 1254. (Disciplinary provisions for maritime personnel, personnel of inland navigation and personnel involved in air activities.) The disciplinary provisions for the remaining members of maritime inland navigation personnel are:

(1) withholding a portion of from 20 to 30 liras of their salary;

(2) prohibition to exercise their profession for up to three months;

(3) cancellation from the professional registers.

The punishment indicated in (1) and (2) shall be imposed by the port commander, and for harbor workers by the authority supervising the discipline of harbor work. The punishment indicated in (3) shall be imposed only by the Ministry of Communications.

The disciplinary provisions for other personnel attached to air activities are:

(1) prohibition to exercise their profession for up to three months;

(2) striking from the professional rolls.

Such punishment shall be imposed by the Executive Board of the National Organization of Air Personnel.

Art. 1256. (Violations of discipline by passengers.) In addition to the cases provided for in legal provisions and special regulations, the following shall constitute violations of discipline by passengers:

(1) lack of respect toward the commander, the officers or non-commissioned officers of a ship, or the commander and ranking personnel of an aircraft;

(2) molesting other passengers or crew personnel;

(3) disturbing, in any manner, the order and peace of a ship or an aircraft;

(4) failure to comply with board regulations.

Art. 1257. (Disciplinary punishment for passengers.) Disciplinary punishment for the passengers consists of:

(1) simple warning;

(2) public warning;

(3) exclusion from the mess, for from one to five days;

(4) for ships' passengers, to prohibition, remain on deck for more than two hours a day for not more than five days;

(5) debarkation, for passengers of inland navigation, at the next stop in a port of national territory.

Such punishment shall be imposed by the commander of the vessel or aircraft.

Art. 1259. (Disciplinary powers in case of loss of a vessel or an aircraft.) In case of loss of a vessel or an aircraft, the crews shall remain subject to disciplinary rules until they come under the supervision of the commander in charge of salvage and rescue operations.

Art. 1260. (Prohibition of cumulative disciplinary punishment.) Disciplinary provisions may not be applied cumulatively. When they concur the most severe shall be applied.

Art. 1261. (Destination of withheld amounts.) Any amount withheld as disciplinary punishment from wages and profit quotas of

members of maritime personnel or inland navigation, and aviation personnel shall go, respectively, to the National Insurance Fund for maritime workers, the National Fund Aid for personnel of inland navigation, or to the National Fund for air personnel.

Revenues from fines imposed on harbor workers, employers and enterprises shall go to the Fund for the assistance of harbor workers.

Art. 1262. (Suspension during criminal proceedings. Disciplinary proceedings in case of acquittal.) In case of the opening of formal or summary proceedings for a crime imputed to a person belonging to the maritime personnel, inland navigation, or aviation personnel, the accused by decision of the Ministry of Communications or the Executive Aviation Board, respectively, may be suspended from exercising his profession until the termination of criminal proceedings except for temporary application of additional punishments.

Except in a case in which the acquittal has been pronounced because the act did not exist or the accused has not committed it, the acquittal of the accused shall not prevent the initiation or prosecution of disciplinary proceedings.

Art. 1267. (Remedies for aviation personnel.) An appeal may be filed with a complaint commission against disciplinary punishments applicable to aviation personnel in accordance with (2) and (3) of Article 1235 and the third paragraph of Article 1254.

Membership in and functioning of such a commission, and the forms and the terms of recourse, shall be established by regulations.

PART FOUR—SUPPLEMENTARY AND TEMPORARY PROVISIONS

CHAPTER III. MARITIME, INLAND NAVIGATION, AND AVIATION PERSONNEL

Art. 1281. (Personnel of aeronautical construction.) Within three months of the enactment of this Code, the technical management of aeronautical construction must file a request for registration in the national rolls as provided for in Article 735.

Art. 1283. (Fiscal rules relating to the registration of personnel.) The application, documents and all other acts related to registration of maritime, inland navigation and aviation personnel are exempt from any tax.

Art. 1285. (Companies owning aircraft.) Companies owning aircraft registered in the National Aeronautical Register or in the matriculation register of the Royal National Aeronautical Union, which, at the date of enactment of this Code, are not in accordance with requirements established in Article 751, must comply with it within six months.

Art. 1288. (Annotations on test certificate of gliders.) The owner of a glider approved for flight, in accordance with the requirement of the repealed regulations indicated in Article 1329 must, within three months from the enactment of this Code request that the necessary annotations in his test certificate be made in accordance with the second paragraph of Article 755.

Art. 1290. (Presumed loss.) For ships and aircraft, of which the last news refers to a period prior to the date of enactment of this Code,

the time for the presumption of loss provided for in Articles 162 and 761 shall begin to run from the same date unless at that date, in accordance with the provisions of the preceding laws, the remaining time to elapse is shorter.

CHAPTER VI. OWNERSHIP AND EQUIPMENT OF SHIPS AND AIRCRAFT

Art. 1297. (Liability of the builder.) The provisions of Articles 240 and 855 shall apply to contracts concluded before the enactment of this Code, if the work or parts thereof have been completed or, at any rate, if their delivery took place after the enactment of this Code. If delivery has been made prior to such time, the statute of limitations indicated in the above rules shall begin to run from the date of the effective date of this Code, unless, in accordance with the provisions of the former law, the action is already barred at such date, or the remaining time is shorter than two years.

Art. 1298. (Publication.) The provisions of Articles 257, 571, 871 and 1034 shall apply to the registration of a deed or annotations carried out before the effective date of this Code except for rights acquired by third parties on the basis of the former laws.

Art. 1299. (Publication of documents relating to ownership of aircraft.) The provisions of this Code and those of the Civil Code relating to the charter, transfer and loss of ownership and other rights of aircraft prior to the effective date of this Code not yet made public prior to such a date, shall apply.

Art. 1300. (Operator's declaration.) Whoever has begun operating aircraft before the effective date of this Code must make the prescribed declaration within six months as indicated in Article 874.

Art. 1302. (Compulsion insurance for damages to third parties on the ground.) The provisions of Article 772 shall go into effect on January 1, 1943. If, before this date, aircraft has not been insured for damages against third parties, the liability for such damage shall be regulated according to the rules in force at that time.

Art. 1303. (Employment for an indefinite time.) The provisions of Article 326 shall apply to employment contracts made before the effective date of this Code, when the employee has rendered service without interruption after such time in accordance with the same provisions.

Art. 1305. (Termination of work and employment contracts.) The provisions of Articles 343 and 914 shall apply also to contracts of work and employment made before the effective date of this Code, when the act which determined termination of the contract took place after such date.

Art. 1306. (Beneficiaries of insurance against flight risks.) The provisions of Article 936 shall apply when the insurance contract has been made prior to the effective date of this Code, provided that the death of the insured person occurred after such date.

Art. 1307. (Fiscal rules relating to labor contracts.) Employment contracts of seamen and labor contracts of the navigating personnel of inland navigation and flight personnel, and any other document relating to them, are exempt from stamp and register taxes.

CHAPTER VII. DUTIES RELATING TO NAVIGATION

Art. 1308. (Clauses for exemption from liability.) Clauses exempting from, or limiting liability, which were void under the provisions of the former laws but valid under the new Code, shall be subject to the rules of the latter, if the act which gave rise to such liability took place after the effective date of the Code.

Art. 1309. (Reconsignment of transported goods.) The provisions of the second paragraph of Article 435 shall apply to contracts of carriage by sea or air which were made prior to the effective date of this Code.

Art. 1310. (Contribution to general averages.) The provisions of Articles 469 and 480 shall not apply when the contracts of carriage or transportation relating to the voyage in question have been concluded prior to the effective date of this Code.

Art. 1311. (Aid and salvage.) The provisions of Articles 494, 499, 986 and 991 shall apply to acts of aid and salvage which occurred prior to the effective date of this Code, when, in accordance with Articles 499 and 991, the determination of the reward has been made after such date.

The provisions of Articles 497 and 989 shall apply to acts of aid or salvage preceding the effective date of this Code when the allocation of costs has been made subsequently.

Art. 1312. (Insurance contract.) The provisions of the second paragraph of Article 534 shall apply to contracts of insurance in effect on the effective date of this Code, in respect to accidents verified later.

Art. 1313. (Liens.) The provisions of this Code regulating the rights of privileged creditors, the order of liens and their effect with regard to pledge, mortgage and other rights *in rem* shall apply to liens established prior to the effective date of this Code.

Art. 1314. (Statute of limitations.) When this Code establishes a time limit shorter than that established by the former law, the statute of limitations shall run for the shorter time starting with the effective date of the Code except for the completion of a shorter term which remains in accordance with the previous law.

CHAPTER VIII. PROCEDURAL PROVISIONS

Art. 1315. (Formal investigation.) With regard to formal investigations in progress at [agencies] and commissions constituted prior to the effective date of this Code the Royal Decree No. 1819, of September 17, 1925, shall apply. However, in cases in which prior to the effective date of this Code, an investigation has been ordered but not as yet begun, Articles 581 and 583 shall apply.

Art. 1318. (Liquidation of general average.) With regard to experts' appraisals in progress on the effective date of this Code Article 568 of the Code of Commerce shall apply. Stipulations agreed upon prior to the effective date of this Code shall retain full effect in accordance with the provisions of the previous law.

Art. 1319. (Expropriation not yet initiated of a ship or aircraft.) If, prior to the effective date of this Code, an injunction has been served and is still in effect, the creditor, under penalty of invalidity of the injunction, must start an action for expropriation in accordance

with the rules of this Code within 90 days from the day of its enactment.

Art. 1321. (Distrainment of aircraft initiated.) If, before the effective date of this Code, an attachment has been executed but authorization for sale has not as yet been proposed, the creditor, under penalty of loss of the execution proceedings, must proceed with registration and annotation of the attachment action minutes within thirty days from the effective date of the above provisions.

Forced expropriation shall be in accordance with the provisions of this Code.

Art. 1324. (Request for sale of aircraft.) If a request for authorization of sale has been filed prior to the enactment of this Code, the proceedings shall follow the provisions of the former law.

Art. 1326. (Cost of formal investigation.) The costs of a formal investigation provided for in Articles 579 to 583, and 827 to 829, shall be paid by the Treasury when such investigation has been ordered *ex officio*, or upon the request of trade unions [the abolished Fascist Trade Unions] or persons specified in the second paragraph of Article 583.

CHAPTER IX. FINAL PROVISIONS

Art. 1328. (Application of the provisions of this Code.) Any provisions of the Code, whose application depends on the issuance of special regulations, shall not go into effect until such regulations are issued.

Art. 1329. (Repeal of conflicting and incompatible provisions.) After the effective date of this Code, the provisions of the Merchant Marine Code promulgated by Royal Decree No. 4146 on October 24, 1877, of the Regulations for the Merchant Marine approved by Royal Decree No. 5166 on November 20, 1879, of the Second Book of the Code of Commerce promulgated by Royal Decree No. 1062 on October 31, 1882, of the Royal Decree No. 2207 on August 20, 1923, converted into Law No. 753 on January 31, 1925, and of the Regulations for Air Navigation approved by Royal Decree No. 356 on January 11, 1925, and all other provisions concerning the subject matter of this Code, which are in conflict or incompatible with it, are hereby repealed.

LAW of 30 January 1963, No. 141.

CHANGING THE NAME OF THE MINISTRY OF TRANSPORT TO MINISTRY OF TRANSPORT AND CIVIL AVIATION AND ESTABLISHING IN THE SAID MINISTRY THE INSPECTORATE GENERAL OF CIVIL AVIATION.¹⁸

Article 1. The Ministry of Transport shall be called Ministry of Transport and Civil Aviation.

It shall assume all functions and powers exercised by the Ministry of Defense in the field of civil aviation, as well as all responsibilities formerly attributed by the Navigation Code to the Ministry of the Air Force.

Article 2. For the performance of the functions and powers referred to in the preceding article, there shall be established within the Ministry of Transport and Civil Aviation an Inspectorate General of Civil Aviation, headed by an Inspector General.

¹⁸ Official Gazette No. 64, Mar. 7, 1963.

The Central organization shall include:

- a) the General Affairs and Personnel Service;
- b) the Airport Service;
- c) the Air Transport Service.

The airport jurisdiction referred to in Art. 688. of the Navigation Code shall be determined by decree of the Minister of Transport and Civil Aviation.

The Central Accounting Office of the Ministry of Transport shall be called Central Accounting Office of the Ministry of Transport and Civil Aviation. Within the Accounting Office all services pertaining to civil aviation shall be performed by units other than those concerned with transportation.

Article 3. Services of flight assistance shall continue to be provided to the Inspectorate General of Civil Aviation of the Ministry of Transport and Civil Aviation by Inspectorate of Telecommunications and Flight Assistance of the Ministry of Defense.

Article 4. The Inspectorate General of Civil Aviation of the Ministry of Transport and Civil Aviation shall be responsible for the planning, building and enlargement of airports, heliports, airdromes and civil emergency landing fields on public property.

Plans for airports, heliports, airdromes and emergency landing fields not belonging to the State shall be approved by the Inspectorate General of Civil Aviation of the Ministry of Transport and Civil Aviation.

Article 5. All measures having a direct bearing on national defense shall be adopted in agreement with the Ministry of Defense.

Supervision over the Italian Aviation clubs and over sport flying shall be exercised by the Inspectorate General of Civil Aviation of the Ministry of Transport and Civil Aviation, in agreement with the Ministry of Defense and, as regards sport flying with the Ministry of Tourism and entertainment.

The Italian Aircraft Register shall be transferred to the supervision of the Inspectorate General of Civil Aviation of the Ministry of Transport.

Article 6. The Minister of Transport and Civil Aviation shall be assisted by the Higher Council for Civil Aviation, which is the advisory body on all matters pertaining to civil action and air traffic.

The views of the Higher Council must be obtained with regard to the following matters:

1. permits for the operation of scheduled airline services;
2. investment programs of several years duration;
3. establishment of new airports;
4. policies and procedures for airport operation.

For the purpose of studying the measures required for the coordination of civil and military aviation activities within the national airspace, and any other matters of major importance, the Higher Council for Civil Aviation shall appoint, from within its membership, special committees which shall assign one of their members to report to the Council on the conclusions reached.

Article 7. The Higher Council on Civil Aviation shall be composed of a chairman, the Director General of the Inspectorate General of Civil Aviation, a State Counsellor appointed by the President of the

State Council, an Assistant State Solicitor General appointed by the State Solicitor General and by eleven other members to be appointed respectively by the Ministries of Foreign Affairs, of the Treasury, of Public Works, of Transport and Civil Aviation (Inspectorate General of Civil Aviation), of Industry and Trade, of Posts and Communications, of State Holdings, of Health, Ministry of Tourism and Entertainment and the Chairman of the Committee of Ministers for the South, plus six experts, of whom one, representing civilian pilots, shall be appointed by ANPAC.

Two officials (Civilian or military) of the Ministry of Defense for Air shall also be members of the Council, of whom one shall be appointed by the Ministry of Defense from the Inspectorate of Communications and Flight Assistance.

The members appointed by the Ministries shall not rank below Inspector General or equivalent rank.

The Commission, to be established pursuant to the last paragraph of Article 6 for the study of the measures required for the coordination of activities in the national airspace, shall be presided over by the chairman of the Higher Council on Civil Aviation and shall be composed of four additional members, two of whom shall belong to the staff of the Inspectorate General of Civil Aviation and two to the Staff of the Ministry of Defense for Air.

Within the Higher Council for Civil Aviation there shall be established a Secretariat headed by an executive official of the Inspectorate General for Civil Aviation of the Ministry of Transport and Civil Aviation, who shall not rank below a Division Director and who shall act as Secretary to the Council.

Article 8. The chairman and the members of the Higher Council for Civil Aviation shall be appointed by decree of the President of the Republic on the proposal of the Minister of Transport and Civil Aviation.

With the exception of the Director General of the Inspectorate General of Civil Aviation, they shall serve three-year terms and may be reappointed.

There shall be excluded from membership in the said Council the owners, directors, representatives or consultants of companies of firms, which have or intend to have business relations with the Civil Aviation administration.

The Council shall meet at least once a month.

A quorum of the meetings of the Higher Council shall require the presence of at least twelve members in addition to the chairman; a majority vote of those present shall be required for decisions of the Higher Council.

Article 9. The Government of the Republic is hereby authorized to issue, within one month of the entry into effect hereof, regulations having the force of law and governing:

1. the field organization of the Inspectorate General of Civil Aviation, to be divided into three air traffic districts, and the determination of the functions of the central organization, of the districts and of the airport regions, following principles of extensive decentralization and attribution of broad powers of decision to the field services. The decisions adopted by the latter shall be final whenever provision for the right to appeal is not indispensable;

2. the corresponding decentralized organization of accounting and auditing services, using to this end the existing field offices if the State Accounting Office and of the Court of Accounts.

Articles 10 through 13. [Omitted; they contain detailed provisions concerning the staff and personnel regulations of the new organization.]

TEMPORARY AND FINAL PROVISIONS

Article 14. Expenditures required for the operation of the Inspectorate General of Civil Aviation shall be paid from appropriations contained in the estimated budget of the Ministry of Defense, concerning the services of the Directorate General of Civil Aviation and Air Traffic, and personnel expenditures to the extent relating to the personnel of the Ministry of Defense for Air assigned to the Ministry of Transport and Civil Aviation pursuant to Article 12 above, until such appropriations and expenditures will be entered in the estimated expenditure budget of the Ministry of Transport and Civil Aviation.

The new general expenditures, estimated at Lit. 37,300,000, shall be charged to the Reserve Fund for Unforeseen Expenditures in the Estimated Expenditure Budget of the Ministry of the Treasury.

The Minister of the Treasury is authorized to issue decrees introducing the necessary budget variations.

Article 15. [Omitted; it contains provisions concerning the transfer of properties and assets pertaining to civil aviation.]

Article 16. The Directorate General of Civil Aviation and Air Traffic in the Ministry of Defense is hereby abolished.

Article 17. This Law shall enter into effect 90 days after its publication in the Official Gazette.

