

SPAIN

LAW NO. 48/1960, JULY 21, 1960, CONCERNING AIR NAVIGATION ¹

The Law of December twenty seventh of the year one thousand nine hundred forty seven authorized the Government to approve and publish a Code of Air Navigation, in accordance with the principles set forth there. The time that has elapsed since then has given rise to new needs that require immediate regulation and have made obsolete the criteria for certain provisions concerning some of the subjects dealt with in the above law.

It is now considered necessary to attend with dispatch to the preparation of legislation which may further the development and encouragement of air navigation, and to leave for a later stage the preparation of another comprehensive project to include penal regulations, even though this may mean only a partial implementation of the above fundamental basic law.

In the present Law, care has been taken to adhere as closely as circumstances permit to the principles of that basic law, but adopting a more general and flexible regulation in order not to obstruct future change or evolution of matters related to air navigation, or to infringe on other regulatory powers of the Government; also, it is necessary to introduce some essential changes in such matters as liability in case of accident; a need which became obvious because the provisions of our Civil Code were already inadequate, forcing the use of contracts to secure for national air traffic, the system of compensation which is applied to international air traffic.

Whereas on one hand urgency of the matter requires leaving to future regulation, some subjects included in the aforementioned basic law, the inclusion of certain changes which supersede or improve such basic law require, in the opinion of the Aeronautical Codification Commission which prepared this draft that the draft follow the formalities of a law.²

Therefore, and in conformity with the proposals prepared by the Spanish *Cortes*,

I order as follows:

¹ Published in *Bulletin Oficial del Estado*, July 23, 1960, p. 1041.

² These paragraphs are merely explanatory of why this legislation is in the form of a Law, instead of an Executive Decree. The Basic Law contained the general principles, which the Executive could implement by one or more Regulations as a form of delegated authority, but since the Basic Law was adopted in 1947, the innovations, etc., in air law since then were not covered in the original text, and therefore a Regulation or Decree could not cover these either. Although it was more speedy to issue a decree, yet in spite of the urgency it was believed that another Law was the only proper form for this type of legislation.