

resulting from the conduct of the Administration's functions as specified in subsection (a) of this section, where such claim is presented to the Administration in writing within two years after the accident or incident out of which the claim arises; and

(B) if the Administration considers that a claim in excess of \$5,000 is meritorious and would otherwise be covered by this paragraph, to report the facts and circumstances thereof to the Congress for its consideration; and

(14) to reimburse, to the extent determined by the Administrator or his designee to be fair and reasonable, the owners and tenants of land and interests in land acquired on or after November 1, 1961, by the United States for use by the Administration by purchase, condemnation, or otherwise for expenses and losses and damages incurred by such owners and tenants as a direct result of moving themselves, their families, and their possessions because of said acquisition. Such reimbursement shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law to be made to such owners and tenants. The total of any such reimbursement to any owner or tenant shall in no event exceed 25 per centum of the fair value, as determined by the Administrator, of the parcel of land or interest in land to which the reimbursement is related. No payment under this paragraph shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the Administrator within one year from (a) the date upon which the parcel of land or interest in land is to be vacated under agreement with the Government by the owner or tenant or pursuant to law, including but not limited to, an order of a court, or (b) the date upon which the parcel of land or interest in the land involved is vacated, whichever first occurs. The Administrator may perform any and all acts and make such rules and regulations as he deems necessary and proper for the purpose of carrying out this paragraph. All functions performed under this paragraph shall be exempt from the operation of sections 1001-1011 of Title 5, except as to the requirements of section 1002 of Title 5. Funds available to the Administration for the acquisition of real property or interests therein shall also be available for carrying out this paragraph.

CIVILIAN-MILITARY LIAISON COMMITTEE

SEC. 204. [72 Stat. 431, 42 U.S.C. 2474] There shall be a Civilian-Military Liaison Committee consisting of—

(1) a Chairman, who shall be the head thereof and who shall be appointed by the President, shall serve at the pleasure of the President, and shall receive compensation (in the manner provided in subsection (d)) at the rate of \$20,000 per annum;

(2) one or more representatives from the Department of Defense, and one or more representatives from each of the Departments of the Army, Navy, and Air Force, to be assigned by the Secretary of Defense to serve on the Committee without additional compensation; and

(3) representatives from the Administration, to be assigned by the Administrator to serve on the Committee without additional

compensation, equal in number to the number of representatives assigned to serve on the Committee under paragraph (2).

(b) The Administration and the Department of Defense, through the Liaison Committee, shall advise and consult with each other on all matters within their respective jurisdictions relating to aeronautical and space activities and shall keep each other fully and currently informed with respect to such activities.

(c) If the Secretary of Defense concludes that any request, action, proposed action, or failure to act on the part of the Administrator is adverse to the responsibilities of the Department of Defense, or the Administrator concludes that any request, action, proposed action, or failure to act on the part of the Department of Defense is adverse to the responsibilities of the Administration, and the Administrator and the Secretary of Defense are unable to reach an agreement with respect thereto, either the Administrator or the Secretary of Defense may refer the matter to the President for his decision (which shall be final) as provided in section 201 (e).

(d) Notwithstanding the provisions of any other law, any active or retired officer of the Army, Navy, or Air Force may serve as Chairman of the Liaison Committee without prejudice to his active or retired status as such officer. The compensation received by any such officer for his service as Chairman of the Liaison Committee shall be equal to the amount (if any) by which the compensation fixed by subsection (a) (1) for such Chairman, exceeds his pay and allowances (including special and incentive pays) as an active officer, or his retired pay.

INTERNATIONAL COOPERATION

SEC. 205. [72 Stat. 432, 42 U.S.C. 2475] The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this Act, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.

REPORTS TO THE CONGRESS

SEC. 206. [72 Stat. 432, 42 U.S.C. 2476] (a) The Administration shall submit to the President for transmittal to the Congress, semi-annually and at such other times as it deems desirable, a report of its activities and accomplishments.

(b) The President shall transmit to the Congress in January of each year a report, which shall include (1) a comprehensive description of the programmed activities and the accomplishments of all agencies of the United States in the field of aeronautics and space activities during the preceding calendar year, and (2) an evaluation of such activities and accomplishments in terms of the attainment of, or the failure to attain, the objectives described in section 102(c) of this Act.

(c) Any report made under this section shall contain such recommendations for additional legislation as the Administrator or the President may consider necessary or desirable for the attainment of the objectives described in section 102(c) of this Act.

(d) No information which has been classified for reasons of national security shall be included in any report made under this section,

unless such information has been declassified by, or pursuant to authorization given by, the President.

SEC. 206b. Reports to Congress: confidential information

(1) The Administrator of the National Aeronautics and Space Administration shall submit to the Congress not later than forty-five days after the close of each fiscal year a report which sets forth, as of the close of such fiscal year—

(A) the number of positions established under section 2473(b)(2) of this title;

(B) the name, rate of compensation, and description of the qualifications of each incumbent of each position established under such section 2473(b)(2), together with the position title and a statement of the duties and responsibilities performed by each such incumbent;

(C) the position or positions in or outside the Federal Government held by each such incumbent, and his rate or rates of compensation, during the five-year period immediately preceding the date of appointment of such incumbent to such position; and

(D) such other information as the Administrator may deem appropriate or which may be required by the Congress or a committee thereof.

Nothing contained in this subsection shall require the resubmission of any information required under subparagraphs (B) and (C) of this subsection which has been reported pursuant to this subsection and remains unchanged.

(2) In any instance in which the Administrator may find full public disclosure of any or all of the matter covered by paragraph (1) of this subsection to be detrimental to the national security, the Administrator is authorized—

(A) to omit in such report those matters with respect to which full public disclosure is found to be detrimental to the national security;

(B) to inform the Congress of such omission; and

(C) at the request of any congressional committee to which such report is referred, to present all information concerning such matters.

TITLE III—MISCELLANEOUS

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

SEC. 301. (a) [72 Stat. 432, 42 U.S.C. 2472 note] The National Advisory Committee for Aeronautics, on the effective date of this section, shall cease to exist. On such date all functions, powers, duties, and obligations, and all real and personal property, personnel (other than members of the Committee), funds, and records of that organization, shall be transferred to the Administration.

(b) [72 Stat. 432, 10 U.S.C. 2302, 2303(a)(5)] Section 2302 of title 10 of the United States Code is amended by striking out "or the Executive Secretary of the National Advisory Committee for Aeronautics." and inserting in lieu thereof "or the Administrator of the National Aeronautics and Space Administration."; and section 2303 of such title 10 is amended by striking out "The National Advisory Committee for Aeronautics." and inserting in lieu thereof "The National Aeronautics and Space Administration."

(c) [72 Stat. 432, 5 U.S.C. 22-1] The first section of the Act of August 26, 1950 (5 U.S.C. 22-1), is amended by striking out "the Director, National Advisory Committee for Aeronautics" and inserting in lieu thereof "the Administrator of the National Aeronautics and Space Administration", and by striking out "or National Advisory Committee for Aeronautics" and inserting in lieu thereof "or National Aeronautics and Space Administration".

(d) [72 Stat. 433, 50 U.S.C. 511-513, 515] The Unitary Wind Tunnel Plan Act of 1949 (50 U.S.C. 511-515) is amended (1) by striking out "The National Advisory Committee for Aeronautics (hereinafter referred to as the 'Committee')" and inserting in lieu thereof "The Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the 'Administrator')"; (2) by striking out "Committee" or "Committee's" wherever they appear and inserting in lieu thereof "Administrator" and "Administrators", respectively; and (3) by striking out "its" wherever it appear and inserting in lieu thereof "his".

(e) [72 Stat. 433, 10 U.S.C. 2302 note] This section shall take effect ninety days after the date of the enactment of this Act, or on any earlier date on which the Administrator shall determine, and announce by proclamation published in the Federal Register, that the Administration has been organized and is prepared to discharge the duties and exercise the powers conferred upon it by this Act.

TRANSFER OF RELATED FUNCTIONS

SEC. 302. [72 Stat. 433, 42 U.S.C. 2453] (a) Subject to the provisions of this section, the President for a period of four years after

the date of enactment of this Act, may transfer to the Administration any functions (including powers, duties, activities, facilities, and parts of functions) of any other department or agency of the United States, or of any officer or organizational entity thereof, which relate primarily to the functions, powers, and duties of the Administration as prescribed by section 203 of this Act. In connection with any such transfer, the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds.

(b) Whenever any such transfer is made before January 1, 1959, the President shall transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate a full and complete report concerning the nature and effect of such transfer.

(c) After December 31, 1958, no transfer shall be made under this section until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without the adoption by the Congress of a concurrent resolution stating that the Congress does not favor such transfer.

ACCESS TO INFORMATION

SEC. 303. [72 Stat. 433, 42 U.S.C. 2454] Information obtained or developed by the Administrator in the performance of his functions under this Act shall be made available for public inspection, except (A) information authorized or required by Federal statute to be withheld, and (B) information classified to protect the national security: *Provided*, That nothing in this Act shall authorize the withholding of information by the Administrator from the duly authorized committees of the Congress.

SECURITY

SEC. 304. (a) [72 Stat. 433, 42 U.S.C. 2455] The Administrator shall establish such security requirements, restrictions, and safeguards as he deems necessary in the interest of the national security. The Administrator may arrange with the Civil Service Commission for the conduct of such security or other personnel investigations of the Administration's officers, employees, and consultants, and its contractors and subcontractors and their officers and employees, actual or prospective, as he deems appropriate; and if any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Administrator.

(b) [72 Stat. 433, 42 U.S.C. 2455] The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under subsection 145b of the Atomic Energy Act of 1954 (42 U.S.C. 2165(b)), to permit any member, officer, or employee of the Council, or the Adminis-

trator, or any officer, employee, member of an advisory committee, contractor, subcontractor, or officer or employee of a contractor or subcontractor of the Administration, to have access to Restricted Data relating to aeronautical and space activities which is required in the performance of his duties and so certified by the Council or the Administrator, as the case may be, but only if (1) the Council or Administrator or designee thereof has determined, in accordance with the established personnel security procedures and standards of the Council or Administration, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Council or Administrator or designee thereof finds that the established personnel and other security procedures and standards of the Council or Administration are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165). Any individual granted access to such Restricted Data pursuant to this subsection may exchange such Data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the armed forces, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of section 143 of the Atomic Energy Act of 1954 (42 U.S.C. 2163).

(c) Chapter 37 of title 18 of the United States Code (entitled Espionage and Censorship) is amended by—

(1) [72 Stat. 434, 18 U.S.C. 799] adding at the end thereof the following new section:

“§ 799. Violation of regulations of National Aeronautics and Space Administration

“Whoever willfully shall violate, attempt to violate, or conspire to violate any regulation or order promulgated by the Administrator of the National Aeronautics and Space Administration for the protection or security of any laboratory, station, base or other facility, or part thereof, or any aircraft, missile, spacecraft, or similar vehicle, or part thereof, or other property or equipment in the custody of the Administration, or any real or personal property or equipment in the custody of any contractor under any contract with the Administration or any subcontractor of any such contractor, shall be fined not more than \$5,000, or imprisoned not more than one year, or both.”

(2) [72 Stat. 434, 18 U.S.C. prec. § 791] adding at the end of the sectional analysis thereof the following new item:

“799. Violation of regulations of National Aeronautics and Space Administration.”

(d) [72 Stat. 434, 18 U.S.C. 1114] Section 1114 of title 18 of the United States Code is amended by inserting immediately before “while engaged in the performance of his official duties” the following: “or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration.”

(e) [72 Stat. 435, 42 U.S.C. 2456] The Administrator may direct such of the officers and employees of the Administration as he deems

necessary in the public interest to carry firearms while in the conduct of their official duties. The Administrator may also authorize such of those employees of the contractors and subcontractors of the Administration engaged in the protection of property owned by the United States and located at facilities owned by or contracted to the United States as he deems necessary in the public interest, to carry firearms while in the conduct of their official duties.

PROPERTY RIGHTS IN INVENTIONS

SEC. 305. [72 Stat. 435, 42 U.S.C. 2457] (a) Whenever any invention is made in the performance of any work under any contract of the Administration, and the Administrator determines that—

(1) the person who made the invention was employed or assigned to perform research, development, or exploration work and the invention is related to the work he was employed or assigned to perform, or that it was within the scope of his employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(2) the person who made the invention was not employed or assigned to perform research, development, or exploration work, but the invention is nevertheless related to the contract, or to the work or duties he was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in clause (1),

such invention shall be the exclusive property of the United States, and if such invention is patentable a patent therefor shall be issued to the United States upon application made by the Administrator, unless the Administrator waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (f) of this section.

(b) Each contract entered into by the Administrator with any party for the performance of any work shall contain effective provisions under which such party shall furnish promptly to the Administrator a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

(c) No patent may be issued to any applicant other than the Administrator for any invention which appears to the Commissioner of Patents to have significant utility in the conduct of aeronautical and space activities unless the applicant files with the Commissioner, with the application or within thirty days after request therefor by the Commissioner, a written statement executed under oath setting forth the full facts concerning the circumstances under which such invention was made and stating the relationship (if any) of such invention to the performance of any work under any contract of the Administration. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Commissioner to the Administrator.

(d) Upon any application as to which any such statement has been transmitted to the Administrator, the Commissioner may, if the in-

vention is patentable, issue a patent to the applicant unless the Administrator, within ninety days after receipt of such application and statement, requests that such patent be issued to him on behalf of the United States. If, within such time, the Administrator files such a request with the Commissioner, the Commissioner shall transmit notice thereof to the applicant, and shall issue such patent to the Administrator unless the applicant within thirty days after receipt of such notice requests a hearing before a Board of Patent Interferences on the question whether the Administrator is entitled under this section to receive such patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Administrator to the Court of Customs and Patent Appeals in accordance with procedures governing appeals from decisions of the Board of Patent Interferences in other proceedings.

(e) Whenever any patent has been issued to any applicant in conformity with subsection (d), and the Administrator thereafter has reason to believe that the statement filed by the applicant in connection therewith contained any false representation of any material fact, the Administrator within five years after the date of issuance of such patent may file with the Commissioner a request for the transfer to the Administrator of title to such patent on the records of the Commissioner. Notice of any such request shall be transmitted by the Commissioner to the owner of record of such patent, and title to such patent shall be so transferred to the Administrator unless within thirty days after receipt of such notice such owner of record requests a hearing before a Board of Patent Interferences on the question whether any such false representation was contained in such statement. Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (d) for questions arising thereunder. No request made by the Administrator under this subsection for the transfer of title to any patent, and no prosecution for the violation of any criminal statute, shall be barred by any failure of the Administrator to make a request under subsection (d) for the issuance of such patent to him, or by any notice previously given by the Administrator stating that he had no objection to the issuance of such patent to the applicant therefor.

(f) Under such regulations in conformity with this subsection as the Administrator shall prescribe, he may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Administrator shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, nonexclusive, nontransferrable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government

pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contributions Board which shall be established by the Administrator within the Administration. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Administrator its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto.

(g) The Administrator shall determine, and promulgate regulations specifying, the terms and conditions upon which licenses will be granted by the Administration for the practice by any person (other than an agency of the United States) of any invention for which the Administrator holds a patent on behalf of the United States.

(h) The Administrator is authorized to take all suitable and necessary steps to protect any invention or discovery to which he has title, and to require that contractors or persons who retain title to inventions or discoveries under this section protect the inventions or discoveries to which the Administration has or may acquire a license of use.

(i) The Administration shall be considered a defense agency of the United States for the purpose of chapter 17 of title 35 of the United States Code.

(j) As used in this section—

(1) the term "person" means any individual, partnership, corporation, association, institution, or other entity;

(2) the term "contract" means any actual or proposed contract, agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder; and

(3) the term "made", when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

CONTRIBUTIONS AWARDS

SEC. 306. [72 Stat. 437, 42 U.S.C. 2458] (a) Subject to the provisions of this section, the Administrator is authorized, upon his own initiative or upon the applications of any person, to make a monetary award, in such amount and upon such terms as he shall determine to be warranted, to any person (as defined by section 305) for any scientific or technical contribution to the Administration which is determined by the Administrator to have significant value in the conduct of aeronautical and space activities. Each application made for any such award shall be referred to the Inventions and Contributions Board established under section 305 of this Act. Such Board shall accord to each such applicant an opportunity for hearing upon such application, and shall transmit to the Administrator its recommendation as to the terms of the award, if any, to be made to such applicant for such contributions. In determining the terms and conditions of any award the Administrator shall take into account—

(1) the value of the contribution to the United States;

(2) the aggregate amount of any sums which have been expended by the applicant for the development of such contribution;

(3) the amount of any compensation (other than salary received for services rendered as an officer or employee of the Gov-

ernment) previously received by the applicant for or on account of the use of such contribution by the United States; and

(4) such other factors as the Administrator shall determine to be material.

(b) If more than one applicant under subsection (a) claims an interest in the same contribution, the Administrator shall ascertain and determine the respective interests of such applicants, and shall apportion any award to be made with respect to such contribution among such applicants in such proportions as he shall determine to be equitable. No award may be made under subsection (a) with respect to any contribution—

(1) unless the applicant surrenders, by such means as the Administrator shall determine to be effective, all claims which such applicant may have to receive any compensation (other than the award made under this section) for the use of such contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to any treaty or agreement with the United States, within the United States or at any other place;

(2) in any amount exceeding \$100,000, unless the Administrator has transmitted to the appropriate committees of the Congress a full and complete report concerning the amount and terms of, and the basis for such proposed award, and thirty calendar days of regular session of the Congress have expired after receipt of such report by such committees.

APPROPRIATIONS

SEC. 307. [72 Stat. 438, 42 U.S.C. 2459] (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, except that nothing in this Act shall authorize the appropriation of any amount for (1) the acquisition or condemnation of any real property, or (2) any other item of a capital nature (such as plant or facility acquisition, construction, or expansion) which exceeds \$250,000. Sums appropriated pursuant to this subsection for the construction of facilities, or for research and development activities, shall remain available until expended.

(b) Any funds appropriated for the construction of facilities may be used for emergency repairs of existing facilities when such existing facilities are made inoperative by major breakdown, accident, or other circumstances and such repairs are deemed by the Administrator to be of greater urgency than the construction of new facilities.

(c) Notwithstanding any other provision of law, the authorization of any appropriation to the Administration shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

CRIMES IN FLIGHT OVER THE HIGH SEAS

[Provision in Title 18, United States Code, 62 Stat. 685 as amended by Act of July 12, 1952, 66 Stat. 589]

PART 1.—CRIMES

CHAPTER 1.—GENERAL PROVISIONS

§ 7. SPECIAL MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES DEFINED

The term "special maritime and territorial jurisdiction of the United States," as used in this title, includes:

(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(2) Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International Boundary Line.

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

(4) Any island, rock, or key containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

(5) Any aircraft belonging in whole or in part to the United States, or any citizen thereof, or to any corporation created by or under the laws of the United States, or any State, Territory, district, or possession thereof, while such aircraft is in flight over the high seas, or over any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

WILLFUL DAMAGING OF AIRCRAFT

[Act of July 14, 1956, 70 Stat. 538, as amended by Act of October 3, 1961, 75 Stat. 751]

AN ACT

To punish the willful damaging or destroying of aircraft or motor vehicles, and their facilities, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18 of the United States Code is amended by inserting immediately after section 14 thereof the following new chapter:

CHAPTER 2.—AIRCRAFT AND MOTOR VEHICLES

SEC.

31. Definitions.
32. Destruction of aircraft or aircraft facilities.
33. Destruction of motor vehicles or motor vehicle facilities.
34. Penalty when death results.
35. Imparting or conveying false information.

§ 31. Definitions

When used in this chapter the term—

“Aircraft engine”, “air navigation facility”, “appliance”, “civil aircraft”, “foreign air commerce”, “interstate air commerce”, “landing area”, “overseas air commerce”, “propeller”, and “spare part” shall have the meaning ascribed to those terms in the Civil Aeronautics Act of 1938, as amended.

“Motor vehicle” means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, or passengers and property;

“Destructive substance” means any explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature; and

“Used for commercial purposes” means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

§ 32. Destruction of aircraft or aircraft facilities

Whoever willfully sets fire to, damages, destroys, disables, or wrecks any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce; or

Whoever willfully sets fire to, damages, destroys, disables, or wrecks any aircraft engine, propeller, appliance, or spare part with intent to damage, destroy, disable, or wreck any such aircraft; or

Whoever, with like intent, willfully places or causes to be placed any destructive substance in, upon, or in proximity to any such aircraft, or any aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, or other material used or intended to be used in connection with the operation of any such aircraft, or any cargo carried or intended to be carried on any such aircraft, or otherwise makes or causes to be made any such aircraft, aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, or other material unworkable or unusable or hazardous to work or use; or

Whoever, with like intent, willfully sets fire to, damages, destroys, disables, or wrecks, or places or causes to be placed any destructive substance in, upon, or in proximity to any shop, supply, structure, station, depot, terminal, hangar, ramp, landing area, air-navigation facility or other facility, warehouse, property, machine, or apparatus used or intended to be used in connection with the operation, loading, or unloading of any such aircraft or making any such aircraft ready for flight, or otherwise makes or causes to be made any such shop, supply, structure, station, depot, terminal, hangar, ramp, landing area, air-navigation facility or other facility, warehouse, property, machine, or apparatus unworkable or unusable or hazardous to work or use; or

Whoever, with like intent, willfully incapacitates any member of the crew of any such aircraft; or

Whoever willfully attempts to do any of the aforesaid acts or things—

shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

§ 33. Destruction of motor vehicles or motor vehicle facilities

Whoever willfully, with intent to endanger the safety of any person on board or anyone who he believes will board the same, or with a reckless disregard for the safety of human life, damages, disables, destroys, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to, any motor vehicle which is used, operated, or employed in interstate or foreign commerce, or its cargo or material used or intended to be used in connection with its operation; or

Whoever willfully, with like intent, damages, disables, destroys, sets fire to, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, motor vehicles engaged in interstate or foreign commerce or otherwise makes or causes such property to be made unworkable, unusable, or hazardous to work or use; or

Whoever, with like intent, willfully disables or incapacitates any driver or person employed in connection with the operation or maintenance of the motor vehicle, or in any way lessens the ability of such person to perform his duties as such; or

Whoever willfully attempts to do any of the aforesaid acts—

shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.

§ 34. Penalty when death results

Whoever is convicted of any crime prohibited by this chapter, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life, if the jury shall in its discretion so direct, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order.

§ 35. Imparting or conveying false information

(a) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title shall be fined not more than \$1,000, or imprisoned not more than one year, or both.

(b) Whoever wilfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title—shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

Sec. 2. The part analysis preceding chapter 1 of title 18, United States Code, is amended by inserting between chapters 1 and 3 the following item:

2. Aircraft and motor vehicles----- 31



COMMUNICATIONS SATELLITE ACT OF 1962

[Act of August 31, 1962: 76 Stat. 419.]

An Act

To provide for the establishment, ownership, operation, and regulation of a commercial communications satellite system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, DECLARATION OF POLICY AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the “Communications Satellite Act of 1962”.

Communications
Satellite Act
of 1962.

DECLARATION OF POLICY AND PURPOSE

SEC. 102. (a) The Congress hereby declares that it is the policy of the United States to establish, in conjunction and in cooperation with other countries, as expeditiously as practicable a commercial communications satellite system, as part of an improved global communications network, which will be responsive to public needs and national objectives, which will serve the communication needs of the United States and other countries, and which will contribute to world peace and understanding.

(b) The new and expanded telecommunication services are to be made available as promptly as possible and are to be extended to provide global coverage at the earliest practicable date. In effectuating this program, care and attention will be directed toward providing such services to economically less developed countries and areas as well as those more highly developed, toward efficient and economical use of the electromagnetic frequency spectrum, and toward the reflection of the benefits of this new technology in both quality of services and charges for such services.

(c) In order to facilitate this development and to provide for the widest possible participation by private enterprise, United States participation in the global system shall be in the form of a private corporation, subject to appropriate governmental regulation. It is the intent of Congress that all authorized users shall have nondiscriminatory access to the system; that maximum competition be maintained in the provision of equipment and services utilized by the system; that the corporation created under this Act be so organized and operated as to maintain and strengthen competition in the provision of communications services to the public; and that the activities of the corporation created under this Act and of the persons or companies participating in the ownership of the corporation shall be consistent with the Federal antitrust laws.

(d) It is not the intent of Congress by this Act to preclude the use of the communications satellite system for domestic communication services where consistent with the provisions of this Act nor to preclude the creation of additional communications satellite systems, if required to meet unique governmental needs or if otherwise required in the national interest.

DEFINITIONS

SEC. 103. As used in this Act, and unless the context otherwise requires—

(1) the term “communications satellite system” refers to a system of communications satellites in space whose purpose is to relay telecommunication information between satellite terminal sta-

tions, together with such associated equipment and facilities for tracking, guidance, control, and command functions as are not part of the generalized launching, tracking, control, and command facilities for all space purposes;

(2) the term "satellite terminal station" refers to a complex of communication equipment located on the earth's surface, operationally connected with one or more terrestrial communication systems, and capable of transmitting telecommunications to or receiving telecommunications from a communications satellite system.

(3) the term "communications satellite" means an earth satellite which is intentionally used to relay telecommunication information;

(4) the term "associated equipment and facilities" refers to facilities other than satellite terminal stations and communications satellites, to be constructed and operated for the primary purpose of a communications satellite system, whether for administration and management, for research and development, or for direct support of space operations;

(5) the term "research and development" refers to the conception, design, and first creation of experimental or prototype operational devices for the operation of a communications satellite system, including the assembly of separate components into a working whole, as distinguished from the term "production," which relates to the construction of such devices to fixed specifications compatible with repetitive duplication for operational applications; and

(6) the term "telecommunication" means any transmission, emission or reception of signs, signals, writings, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

(7) the term "communications common carrier" has the same meaning as the term "common carrier" has when used in the Communications Act of 1934, as amended, and in addition includes, but only for purposes of sections 303 and 304, any individual, partnership, association, joint-stock company, trust, corporation, or other entity which owns or controls, directly or indirectly, or is under direct or indirect common control with, any such carrier; and the term "authorized carrier", except as otherwise provided for purposes of section 304 by section 304(b) (1), means a communications common carrier which has been authorized by the Federal Communications Commission under the Communications Act of 1934, as amended, to provide services by means of communications satellites;

(8) the term "corporation" means the corporation authorized by title III of this Act.

(9) the term "Administration" means the National Aeronautics and Space Administration; and

(10) the term "Commission" means the Federal Communications Commission.

TITLE II—FEDERAL COORDINATION, PLANNING, AND REGULATION

IMPLEMENTATION OF POLICY

SEC. 201. In order to achieve the objectives and to carry out the purposes of this Act—

(a) the President shall—

(1) aid in the planning and development and foster the execution of a national program for the establishment and operation, as expeditiously as possible, of a commercial communications satellite system;

(2) provide for continuous review of all phases of the development and operation of such a system, including the activities of a communications satellite corporation authorized under title III of this Act;

(3) coordinate the activities of governmental agencies with responsibilities in the field of telecommunication, so as to insure that there is full and effective compliance at all times with the policies set forth in this Act;

(4) exercise such supervision over relationships of the corporation with foreign governments or entities or with international bodies as may be appropriate to assure that such relationships shall be consistent with the national interest and foreign policy of the United States;

(5) insure that timely arrangements are made under which there can be foreign participation in the establishment and use of a communications satellite system;

(6) take all necessary steps to insure the availability and appropriate utilization of the communications satellite system for general governmental purposes except where a separate communications satellite system is required to meet unique governmental needs, or is otherwise required in the national interest; and

(7) so exercise his authority as to help attain coordinated and efficient use of the electromagnetic spectrum and the technical compatibility of the system with existing communications facilities both in the United States and abroad.

(b) the National Aeronautics and Space Administration shall—

(1) advise the Commission on technical characteristics of the communications satellite system;

(2) cooperate with the corporation in research and development to the extent deemed appropriate by the Administration in the public interest;

(3) assist the corporation in the conduct of its research and development program by furnishing to the corporation, when requested, on a reimbursable basis, such satellite launching and associated services as the Administration deems necessary for the most expeditious and economical development of the communications satellite system;

(4) consult with the corporation with respect to the technical characteristics of the communications satellite system;

(5) furnish to the corporation, on request and on a reimbursable basis, satellite launching and associated services required for the establishment, operation, and maintenance of the communications satellite system approved by the Commission; and

(6) to the extent feasible, furnish other services, on a reimbursable basis, to the corporation in connection with the establishment and operation of the system.

(c) the Federal Communications Commission, in its administration of the provisions of the Communications Act of 1934, as amended, and as supplemented by this Act, shall—

48 Stat. 1064.
47 USC 609.

(1) insure effective competition, including the use of competitive bidding where appropriate, in the procurement by the corporation and communications common carriers of apparatus, equipment, and services required for the establishment and operation of the communications satellite system and satellite terminal stations; and the Commission shall consult with the Small Business Administration and solicit its recommendations on measures and procedures which will insure that small business concerns are given an equitable opportunity to share in the procurement program of the corporation for property and services, including but not limited to research, development, construction, maintenance, and repair.

(2) insure that all present and future authorized carriers shall have nondiscriminatory use of, and equitable access to, the communications satellite system and satellite terminal stations under just and reasonable charges, classifications, practices, regulations, and other terms and conditions and regulate the manner in which available facilities of the system and stations are allocated among such users thereof;

(3) in any case where the Secretary of State, after obtaining the advice of the Administration as to technical feasibility, has advised that commercial communication to a particular foreign point by means of the communications satellite system and satellite terminal stations should be established in the national interest, institute forthwith appropriate proceedings under section 214(d) of the Communications Act of 1934, as amended, to require the establishment of such communication by the corporation and the appropriate common carrier or carriers;

57 Stat. 12.
47 USC 214.

(4) insure that facilities of the communications satellite system and satellite terminal stations are technically compatible and interconnected operationally with each other and with existing communications facilities;

(5) prescribe such accounting regulations and systems and engage in such ratemaking procedures as will insure that any economies made possible by a communications satellite system are appropriately reflected in rates for public communication services;

(6) approve technical characteristics of the operational communications satellite system to be employed by the corporation and of the satellite terminal stations; and

(7) grant appropriate authorizations for the construction and operation of each satellite terminal station, either to the corporation or to one or more authorized carriers or to the corporation and one or more such carriers jointly, as will best serve the public interest, convenience, and necessity. In determining the public interest, convenience, and necessity the Commission shall authorize the construction and operation of such stations by communications common carriers or the corporation, without preference to either;

(8) authorize the corporation to issue any shares of capital stock, except the initial issue of capital stock referred to in section 304(a), or to borrow any moneys, or to assume any

obligation in respect of the securities of any other person, upon a finding that such issuance, borrowing, or assumption is compatible with the public interest, convenience, and necessity and is necessary or appropriate for or consistent with carrying out the purposes and objectives of this Act by the corporation;

(9) insure that no substantial additions are made by the corporation or carriers with respect to facilities of the system or satellite terminal stations unless such additions are required by the public interest, convenience, and necessity;

(10) require, in accordance with the procedural requirements of section 214 of the Communications Act of 1934, as amended, that additions be made by the corporation or carriers with respect to facilities of the system or satellite terminal stations where such additions would serve the public interest, convenience, and necessity; and

(11) make rules and regulations to carry out the provisions of this Act.

57 Stat. 11.
47 USC 214.

TITLE III—CREATION OF A COMMUNICATIONS SATELLITE CORPORATION

CREATION OF CORPORATION

SEC. 301. There is hereby authorized to be created a communications satellite corporation for profit which will not be an agency or establishment of the United States Government. The corporation shall be subject to the provisions of this Act and, to the extent consistent with this Act, to the District of Columbia Business Corporation Act. The right to repeal, alter, or amend this Act at any time is expressly reserved.

68 Stat. 177.
D. C. Code
29-901.

PROCESS OF ORGANIZATION

SEC. 302. The President of the United States shall appoint incorporators, by and with the advice and consent of the Senate, who shall serve as the initial board of directors until the first annual meeting of stockholders or until their successors are elected and qualified. Such incorporators shall arrange for an initial stock offering and take whatever other actions are necessary to establish the corporation, including the filing of articles of incorporation, as approved by the President.

DIRECTORS AND OFFICERS

SEC. 303. (a) The corporation shall have a board of directors consisting of individuals who are citizens of the United States, of whom one shall be elected annually by the board to serve as chairman. Three members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate, effective the date on which the other members are elected, and for terms of three years or until their successors have been appointed and qualified, except that the first three members of the board so appointed shall continue in office for terms of one, two, and three years, respectively, and any member so appointed to fill a vacancy shall be appointed only for the unexpired term of the director whom he succeeds. Six members of the board shall be elected annually by those stockholders who are communications common carriers and six shall be elected annually by the other stockholders of the corporation. No stockholder who is a communications common carrier and no trustee for such a stockholder shall vote, either directly or indirectly, through the votes of subsidiaries or affiliated companies, nominees, or any persons subject to

his direction or control, for more than three candidates for membership on the board. Subject to such limitation, the articles of incorporation to be filed by the incorporators designated under section 302 shall provide for cumulative voting under section 27(d) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-911(d)).

68 Stat. 191.

(b) The corporation shall have a president, and such other officers as may be named and appointed by the board, at rates of compensation fixed by the board, and serving at the pleasure of the board. No individual other than a citizen of the United States may be an officer of the corporation. No officer of the corporation shall receive any salary from any source other than the corporation during the period of his employment by the corporation.

FINANCING OF THE CORPORATION

SEC. 304. (a) The corporation is authorized to issue and have outstanding, in such amounts as it shall determine, shares of capital stock, without par value, which shall carry voting rights and be eligible for dividends. The shares of such stock initially offered shall be sold at a price not in excess of \$100 for each share and in a manner to encourage the widest distribution to the American public. Subject to the provisions of subsections (b) and (d) of this section, shares of stock offered under this subsection may be issued to and held by any person.

"Authorized carrier."

(b) (1) For the purposes of this section the term "authorized carrier" shall mean a communications common carrier which is specifically authorized or which is a member of a class of carriers authorized by the Commission to own shares of stock in the corporation upon a finding that such ownership will be consistent with the public interest, convenience, and necessity.

(2) Only those communications common carriers which are authorized carriers shall own shares of stock in the corporation at any time, and no other communications common carrier shall own shares either directly or indirectly through subsidiaries or affiliated companies, nominees, or any persons subject to its direction or control. Fifty per centum of the shares of stock authorized for issuance at any time by the corporation shall be reserved for purchase by authorized carriers and such carriers shall in the aggregate be entitled to make purchases of the reserved shares in a total number not exceeding the total number of the nonreserved shares of any issue purchased by other persons. At no time after the initial issue is completed shall the aggregate of the shares of voting stock of the corporation owned by authorized carriers directly or indirectly through subsidiaries or affiliated companies, nominees, or any persons subject to their direction or control exceed 50 per centum of such shares issued and outstanding.

(3) At no time shall any stockholder who is not an authorized carrier, or any syndicate or affiliated group of such stockholders, own more than 10 per centum of the shares of voting stock of the corporation issued and outstanding.

(c) The corporation is authorized to issue, in addition to the stock authorized by subsection (a) of this section, nonvoting securities, bonds, debentures, and other certificates of indebtedness as it may determine. Such nonvoting securities, bonds, debentures, or other certificates of indebtedness of the corporation as a communications common carrier may own shall be eligible for inclusion in the rate base of the carrier to the extent allowed by the Commission. The vot-

ing stock of the corporation shall not be eligible for inclusion in the rate base of the carrier.

(d) Not more than an aggregate of 20 per centum of the shares of stock of the corporation authorized by subsection (a) of this section which are held by holders other than authorized carriers may be held by persons of the classes described in paragraphs (1), (2), (3), (4), and (5) of section 310(a) of the Communications Act of 1934, as amended (47 U.S.C. 310).

48 Stat. 1086.

(e) The requirement of section 45(b) of the District of Columbia Business Corporation Act (D.C. Code, sec. 29-920(b)) as to the percentage of stock which a stockholder must hold in order to have the rights of inspection and copying set forth in that subsection shall not be applicable in the case of holders of the stock of the corporation, and they may exercise such rights without regard to the percentage of stock they hold.

68 Stat. 197.

(f) Upon application to the Commission by any authorized carrier and after notice and hearing, the Commission may compel any other authorized carrier which owns shares of stock in the corporation to transfer to the applicant, for a fair and reasonable consideration, a number of such shares as the Commission determines will advance the public interest and the purposes of this Act. In its determination with respect to ownership of shares of stock in the corporation, the Commission, whenever consistent with the public interest, shall promote the widest possible distribution of stock among the authorized carriers.

PURPOSES AND POWERS OF THE CORPORATION

SEC. 305. (a) In order to achieve the objectives and to carry out the purposes of this Act, the corporation is authorized to—

(1) plan, initiate, construct, own, manage, and operate itself or in conjunction with foreign governments or business entities a commercial communications satellite system;

(2) furnish, for hire, channels of communication to United States communications common carriers and to other authorized entities, foreign and domestic; and

(3) own and operate satellite terminal stations when licensed by the Commission under section 201(c) (7).

(b) Included in the activities authorized to the corporation for accomplishment of the purposes indicated in subsection (a) of this section, are, among others not specifically named—

(1) to conduct or contract for research and development related to its mission;

(2) to acquire the physical facilities, equipment and devices necessary to its operations, including communications satellites and associated equipment and facilities, whether by construction, purchase, or gift;

(3) to purchase satellite launching and related services from the United States Government;

(4) to contract with authorized users, including the United States Government, for the services of the communications satellite system; and

(5) to develop plans for the technical specifications of all elements of the communications satellite system.

(c) To carry out the foregoing purposes, the corporation shall have the usual powers conferred upon a stock corporation by the District of Columbia Business Corporation Act.

68 Stat. 177.
D. C. Code
29-901.

TITLE IV—MISCELLANEOUS

APPLICABILITY OF COMMUNICATIONS ACT OF 1934

48 Stat. 1066.
47 USC 153.
48 Stat. 1070;
Ante, p. 64.
47 USC 201-
222, 301-397.

SEC. 401. The corporation shall be deemed to be a common carrier within the meaning of section 3(h) of the Communications Act of 1934, as amended, and as such shall be fully subject to the provisions of title II and title III of that Act. The provision of satellite terminal station facilities by one communication common carrier to one or more other communications common carriers shall be deemed to be a common carrier activity fully subject to the Communications Act. Whenever the application of the provisions of this Act shall be inconsistent with the application of the provisions of the Communications Act, the provisions of this Act shall govern.

NOTICE OF FOREIGN BUSINESS NEGOTIATIONS

SEC. 402. Whenever the corporation shall enter into business negotiations with respect to facilities, operations, or services authorized by this Act with any international or foreign entity, it shall notify the Department of State of the negotiations, and the Department of State shall advise the corporation of relevant foreign policy considerations. Throughout such negotiations the corporation shall keep the Department of State informed with respect to such considerations. The corporation may request the Department of State to assist in the negotiations, and that Department shall render such assistance as may be appropriate.

SANCTIONS

SEC. 403. (a) If the corporation created pursuant to this Act shall engage in or adhere to any action, practices, or policies inconsistent with the policy and purposes declared in section 102 of this Act, or if the corporation or any other person shall violate any provision of this Act, or shall obstruct or interfere with any activities authorized by this Act, or shall refuse, fail, or neglect to discharge his duties and responsibilities under this Act, or shall threaten any such violation, obstruction, interference, refusal, failure, or neglect, the district court of the United States for any district in which such corporation or other person resides or may be found shall have jurisdiction, except as otherwise prohibited by law, upon petition of the Attorney General of the United States, to grant such equitable relief as may be necessary or appropriate to prevent or terminate such conduct or threat.

(b) Nothing contained in this section shall be construed as relieving any person of any punishment, liability, or sanction which may be imposed otherwise than under this Act.

(c) It shall be the duty of the corporation and all communications common carriers to comply, insofar as applicable, with all provisions of this Act and all rules and regulations promulgated thereunder.

REPORTS TO THE CONGRESS

SEC. 404. (a) The President shall transmit to the Congress in January of each year a report which shall include a comprehensive description of the activities and accomplishments during the preceding calendar year under the national program referred to in section 201(a)(1), together with an evaluation of such activities and accomplishments in terms of the attainment of the objectives of this Act and any recommendations for additional legislative or other action which the President may consider necessary or desirable for the attainment of such objectives.

(b) The corporation shall transmit to the President and the Congress, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

(c) The Commission shall transmit to the Congress, annually and at such other times as it deems desirable, (i) a report of its activities and actions on anticompetitive practices as they apply to the communications satellite programs; (ii) an evaluation of such activities and actions taken by it within the scope of its authority with a view to recommending such additional legislation which the Commission may consider necessary in the public interest; and (iii) an evaluation of the capital structure of the corporation so as to assure the Congress that such structure is consistent with the most efficient and economical operation of the corporation.

Approved August 31, 1962

EXECUTIVE ORDER NO. 10854

EXTENSION OF THE APPLICATION OF THE FEDERAL
AVIATION ACT OF 1958

By virtue of the authority vested in me by section 1110 of the Federal Aviation Act of 1958 (72 Stat. 800; 49 U.S.C. 1510), and as President of the United States, and having determined that such action would be in the national interest, I hereby order as follows:

The application of the Federal Aviation Act of 1958 (72 Stat. 731; 49 U.S.C. 1301 *et seq.*), to the extent necessary to permit the Administrator of the Federal Aviation Agency to accomplish the purposes and objectives of Titles III and XII thereof (49 U.S.C. 1341-1355 and 1521-1523), is hereby extended to those areas of land or water outside the United States and the overlaying airspace thereof over or in which the Federal Government of the United States, under international treaty, agreement or other lawful arrangement, has appropriate jurisdiction or control: *Provided*, that the Administrator, prior to taking any action under the authority hereby conferred, shall first consult with the Secretary of State on matters affecting foreign relations, and with the Secretary of Defense on matters affecting national-defense interests, and shall not take any action which the Secretary of State determines to be in conflict with any international treaty or agreement to which the United States is a party, or to be inconsistent with the successful conduct of the foreign relations of the United States, or which the Secretary of Defense determines to be inconsistent with the requirements of national defense.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE,

November 27, 1959.

EXECUTIVE ORDER NO. 11161

July 8, 1964, 29 F.R. 9317

RELATING TO CERTAIN RELATIONSHIPS BETWEEN THE
DEPARTMENT OF DEFENSE AND THE FEDERAL AVIA-
TION AGENCY

WHEREAS Section 302(e) of the Federal Aviation Act of 1958 provides, in part, that in the event of war the President by Executive order may transfer to the Department of Defense any functions (including powers, duties, activities, facilities, and parts of functions) of the Federal Aviation Agency; and

WHEREAS it appears that the defense of the United States would require the transfer of the Federal Aviation Agency to the Department of Defense in the event of war; and

WHEREAS if any such transfer were to be made it would be essential to the defense of the United States that the transition be accomplished promptly and with maximum ease and effectiveness; and

WHEREAS these objectives require that the relationships that would obtain in the event of such a transfer as between the Federal Aviation Agency and the Department of Defense be understood in advance by the two agencies concerned and be developed in necessary detail by them in advance of transfer:

NOW, THEREFORE, by virtue of the authority vested in me by Section 302(e) (72 Stat. 746; 49 U.S.C. 1343(c)),¹ and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Defense and the Administrator of the Federal Aviation Agency are hereby directed to prepare and develop plans, procedures, policies, programs, and courses of action in anticipation of the probable transfer of the Federal Aviation Agency to the Department of Defense in the event of war. Those plans, policies, procedures, programs, and courses of action shall be prepared and developed in conformity with the following-described standards and conditions—

(A) The Federal Aviation Agency will function as an adjunct of the Department of Defense with the Administrator of the Federal Aviation Agency being responsible directly to the Secretary of Defense and subject to his authority, direction, and control to the extent deemed by the Secretary to be necessary for the discharge of his responsibilities as Secretary of Defense.

(B) To the extent deemed by the Secretary of Defense to be necessary for the accomplishment of the military mission, he will be empowered to direct the Administrator to place operational elements of the Federal Aviation Agency under the direct operational control of appropriate military commanders.

(C) While functioning as an adjunct of the Department of Defense, the Federal Aviation Agency will remain organizationally intact and the Administrator thereof will retain responsibility for administration of his statutory functions, subject to the authority, direction, and control of the Secretary of Defense to the extent deemed by the Secretary to be necessary for the discharge of his responsibilities as Secretary of Defense.

SEC. 2. In furtherance of the objectives of the foregoing provisions of this order, the Secretary and the Administrator shall, to the extent permitted by law, make such arrangements and take such actions as they deem necessary to assure—

(A) That the functions of the Federal Aviation Agency are performed during any period of national emergency short of war in a manner that will assure that essential national defense requirements will be satisfied during any such period of national emergency.

(B) Consistent with the provisions of paragraphs (A), (B), and (C) of Section 1 of this order, that any transfer of the Federal Aviation Agency to the Department of Defense, in the event of war,

¹ 49 U.S.C.A. § 1343(c).

will be accomplished smoothly and rapidly and effective operation of the agencies and functions affected by the transfer will be achieved after the transfer.

LYNDON B. JOHNSON.

THE WHITE HOUSE,
July 7, 1964.

UPPER VOLTA

Preliminary

Upper Volta continues to operate under the French Code of Civil and Commercial Aviation. There is, however, a decree providing for registration of aircraft. A more extensive air law has been drafted, based on the air law of Senegal as discussed at the Bangui Conference of the Union of Metropolitan Africa. While this draft law has been submitted to the Ministry of Public Works and Transport, no immediate enactment is anticipated.

DECREE NO. 237/PRES/TP, JUNE 29, 1962, CONCERNING REGISTRATION OF AIRCRAFT

Art. 1. There is created a Volta register in which shall be registered any aircraft the owners of which fulfill the conditions set forth in Article 2 below.

Such register shall be under the jurisdiction of the Minister in charge of civil aviation under such conditions as he may prescribe by ordinance.

Art. 2. In such register there shall be registered aircraft owned by natural or legal persons of Volta nationality.

Provided there is an authorization granted by ordinance of the Minister in charge of civil aviation, there may also be registered in such register aircraft owned by national or legal persons of foreign nationality who are domiciled in Upper Volta.

Art. 3. Aircraft registered abroad may not be registered in the Volta register except after proof of cancellation of its registration in the foreign register.

Aircraft registered in Upper Volta shall be stricken from the Volta register when the owner thereof registers it abroad.

Art. 4. Only aircraft possessing a valid airworthiness certificate may be registered in the register, except in cases where the regulations do not provide for issuance of such certificate.

Art. 5. Registration in the register shall determine the nationality and identity of the aircraft. It shall be shown by issuance of a registration certificate which must be kept abroad at all times when the aircraft is in service.

The registration certificate shall be in the form established in the model attached to this decree.¹

Art. 6. The register and the registration certificate shall contain :

- 1) Nationality and registration marks of the aircraft;
- 2) date of registration;
- 3) description of the aircraft (name of manufacturer, designation of the aircraft by the manufacturer, type and serial number;

¹ Omitted here.

- 4) name and domicile of the owner;
- 5) registration number;
- 6) home port of the aircraft.

Art. 7. Aircraft must bear, in an easily visible manner, the nationality and registration marks shown in the registration certificate.

The nationality mark shall be represented by the Capital letters "XT". It shall precede the registration mark. The registration mark shall consist of a group of three letters. It shall be separated by a hyphen from the nationality mark.

Art. 8. The letters constituting the nationality and registration marks shall be painted on the aircraft or otherwise affixed in a manner ensuring the same degree of permanence. They shall always be kept clean and visible.

Placement, form, and size of the letters shall be determined by ordinance of the Minister in charge of civil aviation.

Art. 9. Every aircraft must have an identification plaque on which shall be engraved, at least, its nationality and registration marks. Such plaque must be made of metal or other fireproof material. It shall be affixed to the aircraft at an easily visible place near the main door.

Art. 10. Events to be recorded in the register and to be mentioned in the registration certificate, are the following:

- 1) registration of the aircraft;
- 2) change in ownership;
- 3) charter of the aircraft;
- 4) acts establishing a mortgage on the aircraft;
- 5) attachments;
- 6) cancellation of a mortgage, an attachment, or a charter;
- 7) any change in the characteristics of the aircraft;
- 8) cancellation of registration of the aircraft.

The manner of recordation of such events shall be specified by ordinance of the Minister in charge of civil aviation.

Art. 11. Recordation of such events may be subject to the levy of fees and stamp costs under the conditions determined by ordinance of the Minister in charge of civil aviation in accord with the Minister of Finance.

Art. 12. The register shall be public and anyone may obtain a certified copy of the information contained therein upon written request made to the authority in charge of the register.

Art. 13. The Minister of Public Works, Construction, and Transport, and the Minister of Finance, each within his respective jurisdiction, shall enforce this decree which shall be published in the *Journal Officiel* of the Republic of Upper Volta.

URUGUAY

CODE OF AERONAUTICAL LAW ¹

PRELIMINARY TITLE

Article 1. The State exercises complete and exclusive sovereignty over the air space above its territory and territorial waters.

Article 2. National aviation law shall consist of this Aeronautical Code and any regulations to be enacted.

Article 3. Uruguayan law shall govern all acts taking place within the national territory, its territorial waters, or the corresponding air space on board an aircraft in flight or on the ground, or those caused by any action of the craft affecting persons or property outside the craft. This law shall govern all acts taking place on board an Uruguayan aircraft when they occur in waters or air space which are not within such jurisdiction.

Article 4. Civil Aeronautics shall be understood to be the aerial activity of aircraft and their auxiliary services, which belong to an individual or a corporation, or to the State, provided in the latter case that they are other than in military service.

Article 5. The administrative application of the Aeronautical Code shall be the responsibility of the Ministry of National Defense, through the Bureau of Civil Aeronautics.

Article 6. Air traffic shall be considered to be a public utility.

Article 7. Foreign military aircraft and their crews shall enjoy on national soil the same privileges and immunities granted by domestic law and principles of public international law to foreign war vessels and their crews stationed in the territorial waters of the Republic. Their acts with respect to traffic, persons or property on national territory shall be governed by this Code.

Article 8. Real rights (mortgages) or preferred credits on aircraft shall be governed by the law of the country of registration, with the exception of amounts accepted to cover expenses of the last trip, which shall be governed by the law of the place of contract.

Article 9. Change of nationality shall not prejudice previously acquired rights, unless it concerns acquisition of Uruguayan nationality, in which event the rights arising out of acts or facts occurring or performed on national territory shall be given preference over those of creditors residing abroad.

Article 10. Matters relating to the arrest of persons, attachment or embargo of aircraft or of goods transported thereon, shall be governed by the law of the place where the aircraft is found.

Article 11. Provisions which prohibit or limit liability of carriers and those referring to national jurisdiction are considered to affect public order.

¹ Promulgated by Decree-law 10,288 of December 3, 1942, published in *Registro Nacional de Leyes y Decretos*, 1942, p. 1466.

Article 12. Aircraft flying over national territory shall, without exception, be obliged to land on land or water immediately upon receiving the order to do so communicated from land or air by means of signals to be defined in the regulations.

Failure to obey the order shall give the right to use force in the cases and under the circumstances to be established by the Executive Power, and the State shall be relieved from any liability for damages and injuries which may occur.

BOOK I. PUBLIC AIR LAW

TITLE I. AIRCRAFT

Chapter I. Definition and Classification

Article 13. An aircraft is any contrivance capable of transporting persons or things by air.

Article 14. Aircraft shall be classed as public and private.

Public aircraft are:

A) Military.

B) State aircraft in public service.

Aircraft not owned by the State, but temporarily allocated to one of the mentioned services, shall also be deemed public aircraft.

Private aircraft, even when they are State-owned are those which do not perform any public service or are not allocated to same, as well as those which are private and commercial. Sanitary aircraft are those permanently allocated to health services.

Auxiliary sanitary aircraft are those rendering health services on a temporary basis and only for the duration thereof.

The Executive Power may grant preferential treatment to sanitary aircraft.

Article 15. Private aircraft are those which are not used for a commercial purpose, directly or indirectly, regardless of the kind of the owner or owners.

Article 16. Commercial aircraft are those intended for carriage of persons, mail, cargo or which are generally used in scheduled or non-scheduled service of profit to the owner.

Chapter II. Nationality of Aircraft

Article 17. Aircraft possess the nationality of the State in which they are registered.

Aircraft possess Uruguayan nationality when they are recorded in the National Aircraft Register.

Article 18. No aircraft may fly over national territory or its territorial waters without being registered. The sole exception shall be test flights, provided that a special license has been obtained in advance in the manner provided in the regulations.

Article 19. Aircraft registered in the Republic shall lose their nationality if they are registered in a foreign country, or when they fail to fulfill the requirements established in the following chapter.

Chapter III. National Aircraft Register

Article 20. Public aircraft, with the exception of military aircraft, and private aircraft without exception, must be registered in the National Aircraft Register.

Article 21. The National Aircraft Register shall be public and the Executive Power shall regulate its functions.

Article 22. To register an aircraft in the National Aircraft Register, the owner or owners or their legally constituted representatives, must exhibit the sales contract or a certified copy thereof, or any other document which will prove ownership.

Article 23. The National Aircraft Register shall contain the name and domicile of the owner or owners, and all data stipulated in the regulations.

Article 24. Any act or fact which alters or may alter the legal status of an aircraft shall be recorded in the National Aircraft Register and be noted on the registration certificate. The interested parties shall initiate the procedure in the Bureau of Civil Aeronautics within a period of fifteen days.

Article 25. Foreign aircraft may not be registered in the National Aircraft Register, without prior certification that the previous registration has been cancelled.

Illegal registration shall not exonerate its owner from the consequences of any acts or facts which produce legal effects within the country.

Chapter IV. Requirements for Ownership

Article 26. In order for private aircraft to be registered in the National Aircraft Register, it shall be necessary:

- 1) That they belong to persons domiciled in the Republic and that such persons own more than one half of the value of the aircraft.

- 2) That they belong to a corporation with headquarters in the Republic, the majority of those members represents more than one-half of the value of the aircraft.

- 3) That they belong to partnerships or corporations domiciled in the country, whose director and at least one over one-half of its administrators are domiciled on national territory.

Chapter V. Markings

Article 27. Public or private aircraft must carry distinctive markings permitting identification in flight.

Military aircraft may omit distinctive markings when the respective authorities so order.

Article 28. Aircraft exclusively used in public service shall bear special markings.

Article 29. The marks, their location, size, color, etc. shall be established by regulatory decree of the Executive.

Article 30. Public and private aircraft must carry a metallic plate with the name and domicile of the owner and the marks of nationality and registration.

Chapter VI. Radiocommunications

Article 31. Regulations shall define the cases in which aircraft must be equipped with radiotransmission stations and a radio operator therefor.

Chapter VII. Technical Inspection

Article 32. National public aircraft with the exception of the military aircraft, and private aircraft, both national and foreign, must be inspected by personnel of the respective authorities, whenever this is considered proper.

In cases of dismantling because of accident, general repair or overhauling aircraft may not fly again until they have been inspected.

TITLE II. FLIGHT PERSONNEL

Chapter I. Definition

Article 33. The following shall be deemed flight personnel:

A) Commanders, pilots, traffic officers, mechanics and telegraphers serving on board any aircraft.

B) Auxiliary personnel in air navigation shall be deemed persons rendering services of any other category.

Chapter II. Qualifications

Article 34. Flight personnel must hold licenses of competency and permits to practice their professions, in the manner established in the regulation. The latter requirement must be observed also by all auxiliary personnel.

Article 35. Licenses of competency granted abroad shall be valid in the Republic when so provided by an International Convention, or may be validated by the competent authority.

Article 36. Flight personnel on aircraft of foreign registration, in transit through the Republic, and for the duration of such trip shall be competent to fly with the license of competency and permit of their own country.

Article 37. Only Uruguayan citizens may hold positions on national aircraft, unless there is an express exception made by the Ministry of National Defense.

Chapter III. Powers

Article 38. The commander of an aircraft is the highest authority on board; he may adopt any measures he considers proper for the safety of the persons or goods being transported, and he is responsible for occurrences in accordance with the provisions of this Code, and in the absence of such provisions, then with the principles of common law [as contrasted to special codes].

Article 39. Aircraft commanders may exercise on board the same functions as the officials of the Registry of Civil Status in the situations established for the commanders of ships. The respective documentation shall be recorded in the proper book of the aircraft, and a report made immediately of these occurrences to the authorities of the first place of landing, without thereby affecting the duty of communicating the occurrence to national authorities, in case such first landing is made on foreign soil.

TITLE III. AIRDROMES

Chapter I. Definitions and Classification

Article 40. An airdrome is a defined area of land or water intended for the landing, parking and take-off of aircraft.

Article 41. Airdromes shall be considered public when they belong to the State, to Municipalities, aviation societies or individuals, if they have been opened to public service and may be used by any aircraft. They shall be considered private when they belong to the State, Municipalities, aviation societies, or individuals, and are intended for their own exclusive use.

Article 42. Customs airports are public airports equipped for customs service.

Airports are organized and equipped in accordance with the instructions of the Ministry of Public Health, in view of the risks of contagious diseases to which the national territory may be exposed, and when so ordered by the Executive Power, shall be considered sanitary [quarantine] airdromes.

Article 43. Emergency airdromes shall be landing fields or water surfaces for occasional use by any aircraft.

Chapter II. Pertinent Declarations

Article 44. Airdromes may be declared temporary public, customs, private or emergency airdromes by the Executive Power in accordance with the provisions of the respective regulations.

Chapter III. Rates

Article 45. The Executive Power shall establish the rates for use of public airdromes by foreign public aircraft and for all private craft.

Article 46. The owners of private airdromes may permit, as an exception, the landing of aircraft without charge or on payment of the rate referred to in the preceding article.

TITLE IV. AIR NAVIGATION

Chapter I. Aircraft and Flight Documents

Article 47. National or foreign private aircraft flying over the national territory or territorial waters shall carry certificates of airworthiness and of registration and all other documents required by the respective regulations.

Article 48. The competent authority may at any time inspect the documentation of any aircraft.

Chapter II. Air Routes, Flight Routes and Scheduled Lines of Air Navigation

Article 49. An air route is the itinerary taken by an aircraft. A flight route is the succession of stopping points, scheduled or non-scheduled, included on an air route.

When all stopping points are within the national territory or territorial waters, the air route is national. Otherwise, it is an international route.

A scheduled air line is one which covers transportation of persons or goods in regular service.

Chapter III. Air Traffic

Article 50. Traffic of national aircraft shall be free, provided they observe the provisions of the Aeronautical Code and of the regulations.

Article 51. Foreign aircraft, public or private, may not fly over national territory or territorial waters, or alight on land or water thereon, unless there is such a provision in an international convention or special permission is obtained in advance.

Article 52. Exit from national territory, or entry therein by private aircraft must always be made from a customs and quarantine airdrome.

Only in cases of *force majeure* or with express authorization in advance may an exception be made for exit from national territory from an airdrome which is not a customs airport, or entrance into the Republic at a place which does not possess this type of airdrome.

Article 53. Aircraft of foreign airlines in scheduled international transportation service of persons or goods shall be considered in transit; the same shall apply to public or private aircraft which on a non-scheduled flight land on State territory, whether this landing is regular or forced. Foreign tourist and sports aircraft are also considered in transit which land but which do not remain on national territory for more than four months.

Chapter IV. National Commercial Air Routes

Article 54. National commercial air routes shall be reserved for domestic aircraft.

TITLE V. DUTIES OF AIR TRAFFIC

Chapter I. Scheduled Airlines

Article 55. Aircraft of scheduled lines may fly over routes established in their respective authorizations. Duly proved cases of *force majeure* shall constitute exceptions, within the exclusive judgment of the competent office.

Article 56. Foreign aircraft and national aircraft in international service, which make a forced landing on land or water must report immediately to the nearest police authority, and, except in case of obvious necessity, none of the persons on board may leave the aircraft until the authorities have inspected their personal documents and those of the aircraft.

Chapter II. Flight Altitudes

Article 57. The flight of aircraft over cities and populated places shall be made at a height which will permit landing on land or water outside of limits thereof in cases of emergency.

Article 58. Regulations shall also establish a minimum altitude for flight in those cases where it is considered proper.

Chapter III. Safety Police, Sanitary Police, and Customs Service

Article 59. Aircraft flying over national territory or territorial waters, shall be subject to the laws and to the regulations enacted by the Ministry of National Defense.

Article 60. Medical services attached to airdromes shall make health inspections of aircraft, passengers, air and ground crews, and baggage.

Regulations shall define those cases in which the passengers or an aircraft may not continue the voyage.

The health inspection shall be made jointly with the police procedures, safety and customs inspection.

Article 61. When an aircraft must land at any point of the national territory or territorial waters, the commander shall have a notation in the board documents made by the national authority in charge, giving the reasons for the landing, and a statement whether some object has been unloaded at the place, or whether some passenger has left the aircraft.

Article 62. Aircraft in national territory or territorial waters which carry goods destined for foreign countries, shall load before customs officials who have before them the pertinent documentation.

TITLE VI. OPERATION OF AIRLINES

Chapter I

Article 63. In order to establish scheduled international airlines, whose aircraft fly over national territory and territorial waters, whether or not these land at the airdromes, it shall be necessary to obtain authorization in advance.

Article 64. In order to establish domestic airlines, it shall also be necessary to obtain authorization in advance.

Article 65. The Executive may grant non-exclusive franchises for periods of not more than six years.

The Regulations shall provide for the requirements to be observed by the parties concerned.

TITLE VII. PROHIBITIONS

Chapter I. Military Order, Public and Fiscal Safety

Article 66. For reasons of military order, or for public safety the Executive, on a temporary basis, may prohibit the flight of aircraft over any part of the territory. A decree shall define the limitations of the area or areas over which it is prohibited to fly. The State shall be relieved of any liability for damages and injuries arising from these measures.

Article 67. Aircraft commanders who fly over prohibited areas immediately upon becoming aware of the violation, shall alight on land or water at the nearest public airdrome, and communicate the fact to the authority of that place.

Article 68. It is prohibited for private aircraft to transport carrier pigeons, explosives, arms, munitions of war, and generally any war materiel.

Article 69. It is prohibited to take photographs from foreign aircraft, or from any domestic public or private aircraft, of any military installations and locations of any nature, of any sources of energy, electric power plants, radio or telephone exchanges or stations, post offices, reservoirs of inflammable materials, and generally of anything over which flight is prohibited.

Article 70. As an exception to this rule, and based on a justified opinion, the Ministry of National Defense may authorize a flight over prohibited areas and the taking of photographs, with express specifications as to the latter. When there is an authorization, the photograph negatives must be surrendered to the Ministry of National Defense.

Article 71. Any violation of the prohibition to overfly specified areas, or the taking of photographs thereof shall justify the use of force as indicated in Article 12.

Article 72. The use of radio on private aircraft is prohibited, if they have not obtained the respective authorization.

Article 73. If it is deemed proper, the Executive may prohibit the transportation of baggage on private or commercial aircraft which fly over locations near the frontiers, or it may be provided that they be inspected at customs airports.

Chapter II. Jettisoning

Article 74. Aircraft may jettison only water and fine sand, carried as ballast. During flight no object may be dropped overboard except mail and leaflets.

Chapter III. Dropping

Article 75. As an exception to the preceding article, baggage and freight may be dropped outside of populated places, in accordance with the provisions of Article 161. Proof of *force majeure* shall be presented to the first public airdrome where an aircraft lands.

TITLE VIII. LIMITATIONS ON PROPERTY RIGHTS AND RESTRICTIONS

Chapter I. Limitations in the Interest of Flight

Article 76. In accordance with the provisions of Article 6, no [property] owner may oppose any flight which does not represent a breach of law.

Breach of law exists when a flight is made under conditions contrary to the Aeronautical Code and the regulations issued thereunder, which shall give the [property] owner a right of action in the courts.

Article 77. Owners are under duty to permit the marking of obstructions which the aviation authorities believe to be dangerous, anywhere on the national territory, and the establishment of installations necessary to the maintenance of these services.

The expenses incurred in such work, as well as in maintenance of lights and signals or of any other pertinent arrangements, shall be charged to the operators of the lines.

In case new lines are established over obstructions already marked, the operators thereof must contribute proportionately to payment of the cost of the installations, following an appraisal which shall be made at the time that the new line commences to operate.

Chapter II. Limitations in the Interest of Landing, Inspection and Assistance

Article 78. The owners may not oppose passage by employees over their lands on the basis of forced landings of aircraft, or to the transportation of necessary materials to put an aircraft into condition for service or to assist injured persons.

Article 79. Owners may not oppose passage of employees who enter the lands to make inspections, for purposes of study or evaluation of property which may be designed for airdromes or landing fields, in

accordance with the provisions of Article 7 of Law 9977, of December 5, 1940, in which case Law 10050 of September 18, 1941 shall apply insofar as pertinent.

Article 80. National public aircraft in their functions of vigilance, safety or health, shall not pay fees at public airdromes owned by private individuals or airline corporations.

Article 81. Owners of private airdromes may not oppose in any case the landing of public aircraft of the State. They may not oppose the use of their hangars, when no harm is caused thereby.

Chapter III. Restrictions

Article 82. For the purpose of guaranteeing safety of air navigation, and especially to facilitate the landing and take-offs of aircraft, and in application of the principle of restrictions in the interest of air navigation, "safety zones" shall be created around airdromes and airports, in which the construction or maintenance of all categories of obstructions are prohibited or restricted.

Article 83. For the purpose of fixing the zones referred to in the preceding article, airdromes or airports shall be classified by the Executive in four categories:

A) Airdromes or airports of the first category shall be considered those which have usable runways or take-off strips of a length greater than 1,350 meters.

B) Airdromes or airports of the second category shall be those which have usable runways or take-off strips between 1,000 and 1,350 meters in length.

C) Airdromes or airports of the third category shall be those which have usable runways or take-off strips between 750 and 1,000 meters in length.

D) Airdromes or airports of the fourth category shall be those which have usable runways or take-off strips no longer than 750 meters.

Article 84. The "safety zones" referred to in Article 82 shall be determined in accordance with the following characteristics:

A) For airdromes or airports of the first, second and third categories, the construction or maintenance in the "safety zone" of any permanent or transitory, continuous or discontinuous obstruction is prohibited when its height is more than $1/30$ (one-thirtieth) of the distance from said obstruction to the perimeter of the runways, which perimeter shall be established by the Executive for each airdrome or airport.

B) For airdromes or airports of the fourth category, the construction or maintenance in the "safety zone" of any permanent or transitory, continuous or discontinuous obstruction is prohibited when its height is more than $1/20$ (one-twentieth) of the distance from said obstruction to the perimeter of the runways, such perimeter to be established by the Executive in each airdrome or airport.

Article 85. For airdromes or airports which have runways for landing in fog, the construction or maintenance of any permanent or temporary, continuous or discontinuous obstruction is prohibited in the said "safety zone", the height of which is more than $1/40$ (one-fortieth) of the distance from said obstruction to the perimeter of the

runways, such perimeter to be established at each airdrome or airport by the Executive.

Article 86. "Approach zones" shall be trapezoid zones, with a base of 330 meters at the end of each runway, and broadening until they reach 1,330 meters at a distance of 3,200 meters from the edge of the runway, its axis being the landing runway in this case.

Article 87. In the areas located between the "approach zones", as defined in the preceding article, the conditions of encumbrance to be applied shall be determined in each case by the Executive, when there is no profit or interest to the State in applying the maximum conditions defined in the preceding articles.

The conditions to be applied shall be the subject of a special restrictions plan for each airdrome or airport, which must be approved by the Executive.

Article 88. The reference point for the fixing of the elevations of the obstructions shall be that of the farthest point of the corresponding runway to the zone under consideration, or that of the perimeter of the runways which, in each airdrome or airport, may be established by the Executive.

Article 89. For the special case of high tension wires in "safety zones" referred to in Article 82, the following applies:

A) Up to 1,500 meters from the perimeter of the runways which shall be established by the Executive in each airdrome or airport, an absolute prohibition to install such lines;

B) Between 1,500 and 1,750 meters, the height shall not exceed 15 meters;

C) Between 1,750 and 2,000 meters, the height shall not exceed 20 meters;

D) Between 2,000 and 2,250 meters, the height shall not exceed 25 meters;

E) Between 2,250 and 2,500 meters, the height shall not exceed 30 meters;

F) Between 2,500 and 2,750 meters, the height shall not exceed 35 meters;

G) Between 2,750 and 3,000 meters, the height shall not exceed 40 meters;

H) Between 3,000 and 3,250 meters, the height shall not exceed 45 meters.

This proportion shall be observed up to 5 kilometers for airdromes of the first category, up to 4 kilometers for airdromes of the second category, up to kilometers for airdromes of the third category, and up to 2 kilometers for airdromes of the fourth category.

Article 90. For the installation of high tension wires, or the construction of aerial obstructions exceeding a height of 25 meters anywhere on the territory of the Republic requires in advance a favorable report of the proper aviation authorities and the approval of the Executive.

Article 91. With respect to existing obstructions, the Executive may, upon recommendation of the aviation authorities, provide by decree for the elimination of obstructions located within "safety zones" which are considered dangerous to air navigation.

Article 92. The installation of radiobroadcasting stations is prohibited in the safety zones referred to in Article 82, at a distance less than 2.5 kilometers (two and a half kilometers) from the boundary of the runways, or from the surrounding perimeter of each airdrome or airport as fixed by the Executive.

Article 93. The Executive, upon recommendation of the aviation authorities, may decree, with compensation in advance, for the transfer of radiobroadcasting stations presently located within the radius fixed by Article 92. If there is no agreement reached with the interested party, the procedure provided in Article 175 shall be followed.

TITLE IX. EXPROPRIATIONS

Article 94. The Executive may expropriate the land considered necessary for the establishment of airdromes or for the extension of any already in existence.

In all cases, the procedure shall be that established in Article 175.

Article 95. When the public interest so requires, the Executive may requisition domestic private aircraft, and guarantee to the owners the corresponding compensation. The evaluation as to what constitutes public interest is a discretionary power of the Executive.

BOOK II. PRIVATE AIR LAW

TITLE I

Chapter I. Purchase and Sale of Aircraft

Article 96. Aircraft shall be deemed personal property, with the exceptions established in this Code.

Article 97. The sale of aircraft must be made in writing, and the contract, under penalty of nullity, must be registered in the National Aircraft Register.

Article 98. The transfer title and the registration certificate must be presented to the competent organ within ten days from the date of issue for recordation in the National Aircraft Register and for the issuance of a new certificate. In case of failure to record in the Register, the seller and the purchaser shall be jointly liable for any damages and injuries which may occur.

Article 99. When the acquisition takes place abroad, the national consular authorities may register the contract and immediately send an affidavit thereof directly to the National Aircraft Register, together with the certificate of registration.

The consular authority shall issue a receipt for the registration certificate which may later be exchanged for a new certificate.

Chapter II. Charter of Aircraft

Article 100. To charter an aircraft it is necessary to fulfill the conditions required for the owner of an aircraft except when there is an authorization from the Ministry of National Defense.

Article 101. A charter or aircraft may be for a single or for several trips, or for a specified period of time.

Article 102. A charter of aircraft must always be approved by the competent authority and recorded in the National Aircraft Register.

Article 103. The legal relations between the lessee and the lessor must be established a private document recorded in the National Aircraft Register.

Article 104. A charter shall not be in effect in regard to third parties when it has not been recorded in the National Aircraft Register.

Non-registration make the lessee and lessor jointly liable for damages and injuries caused by the aircraft.

Chapter III. Aircraft Mortgages

Article 105. Aircraft may be mortgaged. A public instrument to that effect must be recorded in the National Aircraft Register, and be accompanied by the registration certificate, for the purpose of establishing the respective recordation.

Article 106. Mortgages established abroad on national aircraft may be authorized and recorded by the consular authorities of the Republic; the procedure shall be that established in Article 98.

Article 107. National aircraft which are encumbered by a mortgage, may not be transferred abroad without the express consent of the mortgage creditor, shown in the same document.

Article 108. In the case of loss, decrease in value or seizure of the aircraft, a mortgage creditor may attach the insurance, the compensation due for damages caused by third parties, and the value of the expropriation, up to the amount of his mortgage.

Article 109. Preference of the same kind over the mortgage creditor shall be granted to:

1. Court costs.
2. Debts owed to the State for fines arising from violations and for taxes.
3. Airport fees and fees for use of public services of air navigation covering the last voyage.
4. Compensation due for assistance and salvage.
5. Expenses for repair or supply incurred by the commander during the last voyage for actual needs of the aircraft.
6. Wages of the flight personnel and crew members during the last voyage.

TITLE II. AVIATION INSURANCE

Chapter I. Compulsory Insurance

Article 110. Aviation insurance against risks to themselves and to third parties is compulsory in commercial aviation covering the crew, passengers, the aircraft, and generally all flight equipment.

Aviation insurance for damages to persons or property outside the aircraft is also compulsory, but may not be required for a total sum greater than one hundred thousand pesos.

Airline companies must take this out with the *Banco de Seguros del Estado* (State Insurance Bank). For the purposes of this article, aviation companies which have been declared to be of public interest by the Executive shall be assimilated to commercial aircraft.

Article 111. Insurance for the crew shall be in proportion to the respective wages or salaries and that for the passengers for the minimum amount established by the State Insurance Bank with the approval of the Executive.

Article 112. Airline companies must prove the existence of insurance before the competent authority.

Article 113. In the National Aircraft Register and in the registration the existence of insurance must be noted, together with the date of expiration of the policy.

Article 114. Within a period of not more than fifteen days from the expiration of the policy a recordation shall be made in the National Register as to the existence of a new policy.

Non-observance of this provision shall cause immediate cancellation of the certificate of airworthiness.

Chapter II. Optional Insurance

Article 115. Insurance shall be optional for persons, aircraft and flight equipment not included in Article 110, and for baggage and freight transported.

Chapter III. Provisions Applicable to Both Categories of Insurance

Article 116. Aircraft furnished with certificates of airworthiness shall be considered as having taken off in perfect condition, except for proof to the contrary.

Article 117. Aircraft may be surrendered to the insurer when the loss or damage decreases its value by three-quarters. In the event of disappearance, an aircraft may be abandoned three months after the receipt of the last news.

TITLE III. AIR CARRIAGE

Chapter I. General Provisions

Article 118. A carrier shall be deemed any natural or corporate person who undertakes air transportation for commercial purposes for his own account.

Article 119. An operator shall be deemed to be any person who has aircraft at his disposal and uses it on his own account.

Article 120. International transport, in the absence of treaties, is governed by the provisions of the Aeronautical Code.

Article 121. Air transport does not lose its domestic character when an aircraft makes a forced landing on land or water within the territory of a neighboring country.

Article 122. Where several air carriers successively carry out a transportation, which the interested parties contract for as one operation, this shall be considered a single transportation.

Chapter II. Carriage of Persons

Article 123. A carrier shall deliver to the passenger a ticket which states:

1. Place and date of issue.
2. Points of departure and destination.
3. Name and address of carrier.

Article 124. The lack, irregularity or loss of the ticket shall not prejudice the passenger's right.

Article 125. Non-delivery of the ticket to a passenger deprives the carrier of the defense based on any legal provisions which exempt or limit his liability.

Chapter III. Carriage of Luggage

Article 126. The carrier shall issue in duplicate a baggage ticket or receipt for objects which the traveler does not keep in his custody. The original shall be delivered to the traveller and the second shall be kept by the carrier.

In this document shall be recorded:

1. Place of departure and destination, and date of issue.
2. Number of the passenger ticket.
3. Number and weight of pieces.
4. Amount of declared value.

Article 127. The lack, irregularity or loss of the ticket or receipt shall not prejudice the right of transportation.

Article 128. Non-issuance of the receipt or ticket, or the lack of indication of the number of the ticket, or of the amount and weight of the pieces shall deprive the carrier of his defense based on any provisions of this Code which exempt or limit his liability.

Chapter IV. Transportation of Cargo

Article 129. Upon receiving merchandise for air transportation, the carrier should require an air waybill from the shipper.

If the document is issued by the carrier at the request of the shipper, it shall be considered that the carrier has acted as agent of the shipper, except for proof to the contrary.

Article 130. The air waybill shall be issued in triplicate. The original shall be signed by the shipper and remain in the possession of the carrier at the time of receiving the merchandise. The second copy shall be signed by the carrier and the shipper, and shall accompany the merchandise. The third copy shall be signed by the carrier who shall deliver it to the shipper within 24 hours after receipt of the merchandise.

Article 131. When more than one piece is involved, the carrier may require from the shipper a waybill for each unit.

Article 132. The air waybill should contain:

1. Markings of the aircraft and the registration number.
2. Place of departure and destination and date of issue.
3. Name and address of shipper.
4. Name and address of the first shipper.
5. Name and address of consignee, when not issued to bearer.
6. Nature of the merchandise.
7. Number of pieces, kind of wrapping, special marks, weight, volume and dimensions of the merchandise.
8. Cost of the carriage.
9. Declared value of the merchandise.

Article 133. If the carrier accepts merchandise without an air waybill or without incorporating therein the statements required in the preceding article, he may not avail himself of the protection of the provisions of the Aeronautical Code which exempt or limit his liability.

Article 134. The shipper is liable for the accuracy of the statements in the air waybill and for damages and injuries which may result as a consequence of fraudulent or irregular statements to the carrier or third persons.

Article 135. Except for proof to the contrary, an air waybill shall certify the existence of a contract, the receipt of the merchandise, the conditions of the transportation, and generally all statements contained therein.

Article 136. The lack, irregularity or loss of the air waybill shall not prejudice the existence or validity of the contract, which shall be considered as having been a signed document, with the exception of the provisions of Article 127 with respect to the carrier.

Article 137. When insurance is carried on merchandise, the carrier is not liable with respect to any special conditions or obligations contained in the policy unless these are expressly established in the waybill.

Chapter V. Carriage of Airmail

Article 138. Carriage of mail shall be made under the supervision and control of the General Post Office. In the exercise thereof, these functions shall be coordinated with those of the Civil Aeronautics Bureau.

Article 139. Delivery of air mail shall have preference over all other matter transported.

Article 140. Aircraft engaged in international postal service shall not be exempt from the requirements of security police, health police and customs inspection.

TITLE IV. LEGAL RELATIONS BETWEEN THE FLIGHT PERSONNEL AND THE CARRIER

Chapter I. Powers of the Aircraft Commander

Article 141. During the voyage, the commander is the representative of the owner, carrier or operator of the aircraft, and the bailee of the mail, baggage and merchandise being transported.

Article 142. In this capacity, the commander shall have the following powers:

1. To purchase anything necessary for continuance of the voyage.

2. To contract for repair services the aircraft may need.

3. To obtain funds for the above mentioned objectives.

4. To obtain the proper certificates as safeguard for his own acts or the rights and interests of the owner, carrier or operator.

Article 143. The powers of the commander may be broader than those established above; in such cases there shall be a special agreement with the owner, carrier or operator. The extension shall be effective against third persons only when it is so stated in the documents carried on board.

Article 144. The powers of the commander, as representative of the owner, carrier, or operator, may be exercised only in places where there is no permanent agent or commercial representative of the owner, carrier or operator.

Chapter II. Liability of the Aircraft Commander and of the Employees of the Carrier

Article 145. The commander or other employee who, during a trip, abandons without justification the performance of his functions, shall be liable to the owner, carrier or operator, and to the passengers or shippers for any damages and injuries which may result from this violation. Insofar as concerns the passengers and shippers, such liability shall be joint with that of the owner, carrier or operator.

Article 146. The commander shall be liable for intent or negligence to the owner, carrier, or operator, who shall have a right of recovery against him for any compensation which they may have had to pay to third persons for his acts.

TITLE V. CIVIL LIABILITY

Chapter I. Contractual Liability

Article 147. A carrier shall be liable for damages and injuries resulting in death or bodily injury to passengers in accidents which occur on board an aircraft while in flight, or in operations thereon, provided they are caused by defects in the aircraft or negligence of the carrier or his employees.

Article 148. A carrier shall be liable for damages and injuries caused by the destruction, loss of, or damage to baggage and merchandise, as a result of acts occurring during the air transportation.

Article 149. Air transportation, for the purposes of the preceding article, shall include the period during which the baggage or merchandise are in the custody of the carrier, from the time of receipt to that of delivery.

Article 150. Unless there is an express agreement, the duties of air transportation shall not include land, maritime or river transportation, outside of the airdrome. However, if, in the course of the contract, land, maritime or river transportation is employed to carry, deliver or transfer baggage or merchandise, any damages and injuries occurring therein shall be presumed to have occurred during the air transportation, unless the carrier proves the contrary.

Article 151. A carrier shall be liable for damages and injuries arising from delays in transportation of passengers, baggage or merchandise in the proportion of ten percent above the damages proved by the passenger and, in other cases, above the value of the merchandise.

Article 152. When dealing with transportation undertaken successively by a number of carriers, each carrier who receives passengers, baggage or merchandise shall be subject to the provisions specified above, and he shall be considered a party to the transportation contract.

In the case of transportation of this kind, the passenger, or his legal successors shall have a right of action only against the carrier who made the transportation during the portion where the accident or delay occurred, except in the case where the first carrier, by express agreement, assumes liability for the entire transportation.

In the case of baggage or merchandise, the shipper shall have an action against the first carrier and the consignee against the last

carrier. Both may sue the carrier who made the carriage during which the destruction, loss of, or damage occurred.

Article 153. If the transportation is gratuitous, liability shall be limited to damages and injuries arising from intent or gross negligence on the part of the carrier or his employees.

Article 154. If the carrier proves that death or injuries have been caused by the negligence of the victims, or that they have contributed thereto, his own liability may be excluded or limited.

Article 155. A carrier shall be exempt from the liability established in Articles 147 and 151 when he proves that he or his employees have taken all necessary measures to avoid the injury or delay, or that it was impossible to take such measures because of *force majeure*.

Article 156. Liability may be limited to the amount of insurance. When damages and injuries are caused by intent of the carrier or his employees, the provisions of this Code exempting from, or limiting liability shall not be applicable.

Article 157. Nullity of a clause exempting the carrier from liability, or which fixes limitations at less than the established ones, shall not void the transportation contract.

Article 158. The receipt of baggage or merchandise by the consignee without protest constitutes a presumption that they have been delivered in good order and in accord with the ticket, receipt or waybill. In case of damage, the consignee shall file a protest with the carrier within three days following receipt of the baggage, or seven days following that of merchandise.

Claims with respect to delay should be filed within three days computed from the date on which the baggage or merchandise were placed at the disposal of the consignee.

In the above cases, the protest shall be expressly stated on the transportation document or in a separate document.

If no protest is filed within the indicated periods of time, no action based on this concept is admissible, unless there is proof of fraud on the part of the carrier.

Chapter II. Liability towards Third Persons

Article 159. Liability toward third persons for acts resulting from air navigation, refers to all public or private, national or foreign aircraft making flights over the national territory or territorial waters.

Article 160. Any damage caused to persons or property on the ground by an aircraft in flight, or which is in operation of take-off or of alighting on land or water, shall give a right to a damage action.

Article 161. A right to damages shall also be granted for any damage caused by objects or articles falling or thrown from an aircraft, without excepting the throwing or jettisoning permitted in case of *force majeure*.

Article 162. The following shall be jointly liable for damages and injuries claimed in accordance with Articles 160 and 161 :

1. The person in whose name the aircraft is registered.
2. The person who is using or operating the aircraft.
3. The person who has caused the damage from the aircraft.

Article 163. Civil liability in the case of Article 110 shall be limited to the amount of insurance for each accident.

In the case of Article 115 the liability shall be limited.

TITLE VI. COLLISIONS AND DAMAGE

Sole Chapter

Article 164. Collisions, crashes of, and damage to aircraft shall be governed, insofar as applicable, by the provisions of maritime law and aircraft, shall be assimilated to a vessel.

Article 165. In the case of a collision, crash and damage, there must be immediate notification of the authorities of the airport nearest to the place where it has occurred, and any instructions received from them, must be observed. When the aircraft is of Uruguayan nationality, this notification is compulsory even when the aircraft is outside the jurisdiction of the State.

TITLE VII. ASSISTANCE AND SALVAGE

Chapter I. Compulsory Aspect

Article 166. Provided it does not endanger their own safety, aircraft commanders in flight shall render assistance to all aircraft in sight, which suffer accidents in the sea or in places far from populated areas, by which the lives of the persons on board are endangered.

Article 167. In addition to the provisions in the preceding article, the obligation to render assistance always exists when signals for help are received, unless the place of the accident is so far away that it would be impossible to answer the call.

Article 168. The owners, carriers or operators of aircraft shall not be liable if the commander fails to observe this obligation to render assistance.

Chapter II. Compensation

Article 169. All assistance gives rise to a right to compensation proportionate to the work performed and the success of the salvage. In the absence of an agreement in advance, an estimate may be made in the manner usual in law.

The right to compensation is lost when the assistance has been expressly rejected and the rejection justified on the basis that there was no risk to the lives of the persons on board the aircraft involved in the accident. Insofar as applicable, the rules concerning this subject of maritime law shall govern.

Article 170. In case of salvage of air mail, the carrier shall contribute a proportionate sum to its value.

BOOK III

TITLE I

Chapter I. Appeals

Article 171. Decisions which cause injury may be appealed within a period of not more than five days to the Ministry of National Defense, whose decision shall be final as to administrative appeals.

Chapter II. Attachments and Injunctions

Article 172. Violations of the legal or regulatory provisions shall give a right to attachment or seizure of the aircraft by the respective

authorities, until payment is made of the corresponding fine. No appeal against a decision imposing payment of a fine may be filed without proof that the fine has been paid.

Article 173. Public State aircraft, private aircraft belonging to it, and public or private aircraft belonging to other States may not be attached or seized.

Article 174. Aircraft engaged in postal services may not be seized on the basis of attachments or injunctions while engaged in such service.

TITLE II. SPECIAL PROCEDURES FOR ELIMINATION OF OBSTRUCTIONS

Chapter I. Elimination of Obstructions Existing in the "Safety Zone"

Article 175. For the elimination of obstructions existing in a safety zone the procedure established in Decree-Law 1496 of April 30, 1942, shall be followed.

Chapter II. Elimination of Obstructions Constructed in the "Safety Zone"

Article 176. When an obstruction is constructed in a safety zone in violation of the provisions of Articles 82 and 83, the procedure fixed in Article 175 shall be followed, and in no case and under no circumstances may the State indemnify the owner.

The expenses inherent in the elimination of the obstruction shall be borne exclusively by the owner.

TITLE III. PENALTIES

Chapter I. Penalties in General

Article 177. Violations of the Aeronautical Code and of the regulations shall be punished, according to their nature, as follows:

1. Suspension or revocation of the flight license.
2. Cancellation of registration.
3. Revocation of the franchise.
4. Fine of fifty to three thousand *pesos*.

If the offender is a public official who, in his capacity as such commits a violation, the above penalties may be applied to him without prejudice to administrative penalties which may also be imposed.

Article 178. The regulations shall provide for penalties for each violation and establish the limits within which the respective authority may vary them.

Article 179. Violation of the provisions of Articles 82 and 83 of this Code shall be punishable by a fine of one thousand *pesos*.

Article 180. When the competent authorities establish a penalty of a fine up to one hundred *pesos*, the offenses to which it refers shall be considered mere misdemeanors outside the jurisdiction of the courts, and when the person fined does not or cannot pay it, he shall be punished by imprisonment instead, one day for each four *pesos*.

Article 181. An administrative decision which imposes a fine greater than one hundred *pesos* shall be by executory proceeding, and the judgment shall serve as a writ of execution.

TITLE IV. ACTION FOR ILLEGALITY

Article 182. Until such time as an Administrative Tribunal (*Tribunal de lo Contencioso-Administrativo*) is organized, actions will be brought before trial judges in the provinces and before fiscal and administrative judges in the Capital.

The action shall be directed to the overruling of the decision objected to, or of the respective damage award at the option of the party concerned. Said action shall be brought within a period of not more than twenty days following notice of the decision, and the procedure shall be that used for ordinary small claims suits.

The judge of the case may decide at any time to enjoin execution of the decision appealed, when its enforcement might produce irreparable harm. Against judgments of trial courts, a right to appeal is available to the appellate courts, whose decisions shall be final.

FINAL PROVISION

Article 183. The general laws shall apply insofar as that is not contrary to this Code.

Article 184. This Code shall take effect in three months from its promulgation, and all provisions contrary to its text are hereby repealed.

OTHER LEGISLATION IN FORCE

1. Decree of May 13, 1949 implements Article 31 of the Code of Aeronautic Legislation, deals with radio equipment of aircraft, utilization of radios in planes, regulations for radio-operators, method of obtaining licenses, etc. (*Diario Oficial*—June 10, 1949)

2. Decree 14,232 of August 12, 1949 approves implementation of Article 34 of the Air Code regarding licenses for flight and auxiliary personnel. (*Diario Oficial*—September 17, 1949)

3. Decree 15,756 of May 6, 1950 permits the re-exportation of aeronautical material imported by foreign corporations. (*Diario Oficial*—June 9, 1950)

4. Decree 21,834 of October 10, 1952 amplifies Decree 11,147 of February 28, 1948 regarding flights over the prohibited zone of Montevideo and test flights. (*Diario Oficial*—October 18, 1952)

5. Decree 22,495 of June 5, 1953 exempts hospital or ambulance planes [aeronaves sanitarias] from certain flight restrictions, gives them precedence over other planes in landings, etc. (*Diario Oficial*—June 18, 1953)

6. Decree 22,499 of June 5, 1953, regulates the air service for suppression of smuggling. (*Diario Oficial*—June 20, 1953)

7. Decree of November 20, 1953 repeals that part of Article 12 of the Regulations approved by Decree 21,409 of July 4, 1952, which forbids any photographic equipment on commercial airplanes, and as a consequence, permits such transportation. The rest of the article remains in force. (*Diario Oficial*—December 4, 1953)

8. Decree 23,133 of December 16, 1953 repeals Article 34 of the Regulations for Inspectors of Air Transport which permitted the hour of departure to be advanced upon permission of the inspector. (*Diario Oficial*—December 29, 1953)

9. Decree of December 30, 1953 amends Decree 15866 of June 13, 1950 to provide that the documents mentioned therein must conform to rules of the International Civil Aviation Convention. (*Revista Notarial*—1953: 1892)

10. Decree 23829 of February 9, 1955 creates a committee to establish a search and rescue service in cases of aviation accidents. (*Diario Oficial*—February 17, 1955)

11. Decree 23826 of February 6, 1955 approves the rules for the investigation of aviation accidents of non-military airplanes, in accordance with the recommendations of the International Civil Aviation Organization. (*Diario Oficial*—February 18, 1955)

12. Decree 23845 of April 15, 1955 approves the list of courses for technical school of aeronautics. (*Diario Oficial*—April 21, 1955)

13. Decree 23851 of May 20, 1955 amends Decree 21409 regarding use of cameras and photographic equipment in airplanes. (*Diario Oficial*—May 28, 1955)

14. Decree of December 29, 1955 substitutes existing document of origin of planes by the one provided for by the International Civil Aviation Organization. (*Diario Oficial*—January 7, 1956)

15. Resolution of June 7, 1956 creates a commission to insure compliance with the International Civil Aviation Convention on documentation of airplanes. (*Diario Oficial*—July 5, 1956)

16. Decree of June 28, 1956 approves general regulations covering helicopters, heliports, etc. (*Diario Oficial*—July 21, 1956)

17. Decree of July 25, 1956 regulates the assignment of aircraft to air clubs for the Air Reserve and Civil Air Patrol. (*Diario Oficial*—August 6, 1956)

18. Decree of July 25, 1957 approved Appendix IV to Annex I of the Regulation to the Air Code concerning licensing of helicopter pilots. (*Diario Oficial*—August 17, 1957)

19. Resolution 20877 of January 23, 1958 regulates use of foreign-registered aircraft for crop dusting. (*Diario Oficial*—January 30, 1958)

20. Decree of February 27, 1958 creates a *Comisión Honoraria* to study a plan for the development of national aviation and of collaboration with foreign aviation enterprises. (*Diario Oficial*—March 25, 1958)

21. Decree of April 29, 1958 amends Article 85 of the Regulation of the Air Code regarding the identification of planes used for instruction. (*Diario Oficial*—May 7, 1958)

22. Decree of May 22, 1958 amends Articles 18/21 of the regulation of Article 29 of the Air Code (Decree 3348 of June 9, 1944). (*Diario Oficial*—June 6, 1958)

23. Decree of March 13, 1958 approves the code of signals to direct the movements of airplanes on land and of hovering helicopters. (*Diario Oficial*—September 18, 1958)

24. Decree of February 24, 1959 provides that the national flag must be painted on the rudders of all civil aircraft with the exception of training ships. (*Diario Oficial*—March 12, 1959)

25. Decree of June 18, 1959 approves the regulation on procedure for obtaining permission for foreign military planes to fly over and or land on national territory. (*Diario Oficial*—July 29, 1959)

26. Decree of June 25, 1959 approves the regulation for the operation of private planes at the National Airport of Carrasco. (*Diario Oficial*—July 29, 1959)

27. Decree of August 6, 1959 amends Article 93 of the Air Code regarding altitude at which planes must fly. (*Diario Oficial*—August 18, 1959)

28. Decree of August 20, 1959 provides that import permission must be presented in order to register aircraft. (*Diario Oficial*—September 8, 1959)

29. Decree of October 1, 1959 regulates signals and procedure for flight near prohibited, restricted or dangerous zones. (*Diario Oficial*—October 22, 1959)

VENEZUELA

CIVIL AVIATION LAW¹

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CIVIL AVIATION LAW

CHAPTER I. GENERAL PROVISIONS

Article 1. This law shall govern all matters relating to civil aviation, without thereby affecting the observance of the provisions of international treaties and agreements concluded by the Republic. In cases not provided for herein, the pertinent provisions of other laws or the general principles of air law shall apply.

Article 2. The air space above Venezuelan territory shall be subject to national sovereignty.

For the purposes of this law, Venezuelan territory shall be deemed to be the territory defined in Article 2 of the Constitution of the Republic.

Article 3. Civil Aviation shall include transportation of passengers, mail, baggage and goods whether for profit or not; the use of aircraft for scientific purposes, for exhibition and publicity; for industrial, agricultural or health work; for sport, training and tourism, and [shall include] all equipment, installations, routes, services and other activities proper or related to such air activities.

Article 4. All civil aircraft within Venezuelan territory or flying above it, and the crew thereof, the passengers and goods transported, shall be subject to the jurisdiction and administration of the Venezuelan authorities.

Article 5. All events and legal acts taking place on board Venezuelan aircraft while in flight outside Venezuelan territory, shall be subject to Venezuelan law, unless they be such that they violate the safety and public order of the subjacent foreign State [this shall

¹ *Gaceta Oficial* No. 452 Ex. April 21, 1955.

include] unlawful acts committed aboard any aircraft over foreign territory, when they produce such an effect on Venezuelan territory or when it is intended that they should have such effect therein, and legal acts performed on foreign aircraft flying above Venezuelan territory.

Article 6. The owner, the person who has the disposal or the operator of an aircraft and the captain or pilot thereof, shall be jointly responsible for any violation of this law and the regulations issued thereunder if it is the result of an order given in execution of either.

Article 7. The National Government shall specify prohibited areas in regard to flight by civil aircraft and it may at any time suspend in whole or in part all flight activities in the Republic.

Article 8. The State reserves domestic service of commercial transportation to Venezuelan Aircraft.

Article 9. All aircraft must be provided with a permit in order to fly over the national territory.

Article 10. Aircraft shall enter or leave the national territory through air routes specified by the National Government, and shall land or take off on airports designated for such purpose.

Article 11. All aircraft in flight must land on the ground or on water when ordered to do so by the competent authority.

Article 12. Aerial photographs may be taken only by the official services which are assigned such functions or by persons who have prior authorization.

Article 13. Civil aircraft may not transport war materiel.

Transportation of explosives, arms and munitions for sale or for lawful carriage, and of inflammable substances, may only be made with prior authorization in each case.

The National Government may prohibit or limit the transportation of other articles.

Article 14. The unauthorized transportation of narcotics and of persons under the influence of narcotics or who are in a state of intoxication, shall be prohibited.

The chiefs of Airports or Airdromes, in special cases, may authorize transportation of persons who are under the influence of narcotic drugs or to whom it may be necessary to administer such substances during the trip, provided they are administered by medical prescription and that they travel under the care of a qualified person.

When they constitute a danger to the flight safety, air transportation of persons suffering from contagious or mental diseases, shall be permitted in aircraft chartered for the purpose, and taking all proper precautions.

Article 15. It shall be prohibited to throw objects and articles from any aircraft in flight, except in cases of search and rescue work. However, such operations may be authorized in cases of publicity flights, of health or agricultural work, or of assistance to persons and towns.

Article 16. In case of national or international emergency, aircraft and their equipment, instruments, parts, tools, installations, and other facilities and services of civil aviation, shall be considered part of the national defense. Therefore, such elements shall be subject to requisition, utilization, expropriation, internment, attachment, dismantling or destruction, according to the necessities or requirements of the situation as evaluated by the National Government, or by the immediate competent military authority, if the case be urgent.

CHAPTER II. REGULATION OF AIRCRAFT

Article 17. For the purposes of this law there shall be considered aircraft all vehicles capable of rising into, and staying and traveling in the air, which are intended for transportation of persons or goods, for exhibitions, publicity, tourism, training, sports or other commercial, agricultural, health or scientific purposes.

Hydroplanes and amphibian aircraft which are resting or gliding on the water or which are being towed thereon, shall also be subject to the laws and regulations pertaining to maritime navigation.

Article 18. Venezuelan aircraft shall be classified as State aircraft and Civil aircraft. State aircraft shall be deemed aircraft which are the property of the State and for official exclusive use of the Nation, of the States, Municipalities and other public organizations. All others shall be considered civil aircraft for public or private service.

Article 19. Aircraft shall have the nationality of the State in which they are registered and may not have more than one registration.

Article 20. Only Venezuelan or Venezuelan legal persons may be registered in the Air Registry of the Republic of Venezuela and they registered in the Air Registry for public air transportation service or for private aerial work.

Article 21. All private aircraft must carry the distinctive marks of nationality and registration.

Article 22. All aircraft must be provided with a certificate of air worthiness, in order to show that they have passed the tests for conditions of flight safety.

Unless there is proof to the contrary, it shall be presumed that an aircraft provided with a valid certificate of air worthiness has taken off in satisfactory flight condition.

Foreign certificates of air worthiness of aircraft in transit shall be valid in Venezuela.

Article 23. Aircraft, engines and accessories which are built or modified may be placed into service only with the approval of the aviation authority.

CHAPTER III. TECHNICAL FLIGHT PERSONNEL

Article 24. Technical flight personnel shall consist of the members of the flight crew and the ground personnel attached to the civil aviation service.

Article 25. To serve as a member of the technical flight personnel possession of the respective license shall be necessary. Licenses issued abroad by the competent authorities of countries which grant reciprocal treatment to Venezuela, may be validated or recognized provided the requirements under which they have been issued or validated are the same and at least, comply with standards prescribed in Venezuela for the granting of such licenses.

Sole paragraph. Validation or recognition of licenses obtained abroad by Venezuelans shall be exempt from the requirement of reciprocity.

Article 26. The employment of foreign technicians as consultants or instructors of Venezuelan technical flight personnel may be authorized, when it is necessary for the discharge and improvement of an aviation service.

Article 27. Any aircraft intended for public transportation service shall be under the command of a captain designated by the operator.

When the captain takes command of the aircraft in order to begin the flight, he shall be responsible for the aircraft and its crew, passengers and their luggage, and for the cargo and mail. This responsibility shall cease at the end of the flight when the representative of the Operator or any other competent official takes charge of the aircraft, the passengers, baggage, cargo and mail.

Article 28. The captain shall record in the log book any events which may have legal consequences, and which occur on board during the flight, and he shall report them to the competent authorities of the first place of landing on the national territory or to the competent foreign authorities and the Venezuelan consul, if the landing is made outside the country.

CHAPTER IV. AIR OPERATIONS

Article 29. To operate civil aircraft in Venezuelan territory a prior license or permit must be obtained and other requirements and conditions relating thereto must be fulfilled.

Article 30. Inspection and clearance of public service aircraft of their crews, passengers and baggage, cargo and mail, must be carried out expeditiously and in accordance with the regulations.

CHAPTER V. FLIGHT REGULATIONS

Article 31. The State shall exercise technical direction of air navigation and of the meteorological services, of aeronautical telecommunications and of aids to aerial navigation either directly or by means of licenses or permits to technical organization which shall have the character of auxiliary or organization in regard to communications and which shall be considered as affected with the public interest.

The use of such services shall be compulsory for all aircraft in accordance with the respective rules, conditions and rates.

Article 32. Operations of military aircraft on air routes, in flight control zones or on civil airdromes shall be subject to the provisions concerning air activity as provided for by this law and the regulations issued thereunder.

CHAPTER VI. CIVIL AIRDROMES

Article 33. Civil airdromes shall be deemed areas on land or water, suitable for taking off, landing, and maneuvering of civil aircraft. Civil airdromes may be public or private. The aviation authority shall determine the service to which each airdrome belongs.

Civil airdromes shall be subject to technical inspection and supervision by the aviation authority.

An airport shall be deemed any civil airdrome for public service which has facilities and installations suitable for the operation of public service aircraft. According to the kind and importance of the facilities and installations, airdromes shall be classified in categories and the charges for services offered thereon shall be in accordance with the rates and fees, which are determined and revised by the National Government.

Article 34. Every civil airport or airdrome shall be under the exclusive and direct authority of a chief designated for this purpose.

Article 35. Any airport which in the opinion of the National Government meets the required conditions and has been declared as such, shall be deemed an international airport.

The authorities functioning at international airports shall be subject to the internal regulations concerning international airports.

Article 36. Construction, management, administration and operation of airports, of public or private airdromes and of facilities and installations on civil airdromes, shall depend on an authorization by the aeronautical authority.

The structures and installations on land located in the control areas of airdromes, shall be subject to the provisions of the respective regulations.

Proprietors or operators of civil airdromes shall permit gratuitous use thereof to State aircraft, to aircraft of foreign States on official visit or mission, and to private aircraft used exclusively for tourism, training and agricultural or health purposes and, generally to any aircraft used for search and rescue operations or any aircraft in an emergency.

Article 37. Construction and maintenance of civil airdromes and of public service airports of the installations and services thereof and the purchase of materials for such establishments shall be considered of affected with the public interest and shall not be subject to the formalities of the preceding provision. Signals and installations of all kinds intended to assure proper air navigation shall also be considered affected with the public interest.

Private airdromes shall be considered affected with the public interest when they are so declared by the National Government.

CHAPTER VII. AIR TRANSPORTATION

Article 38. Air carriers shall be deemed commercial organizations which are organized in accordance with the pertinent laws, and which undertake the operation of public transportation services of passengers, cargo, mail or any other activities characteristic of such service.

Flights between two or more points on the same route which follow a published timetable, or which are made in such manner as to be continuous, shall constitute scheduled air transportation. All other kinds of air transportation shall be considered non-scheduled air transportation.

Public scheduled air transportation shall be permanently available to the public and shall be operated in accordance with previously approved itineraries, flight schedules, timetables and rates. Non-scheduled air transportation shall be operated in the form of flights contracted for by the users and payment shall not be less than that authorized for the corresponding scheduled service.

Article 39. In order to obtain a license or permit for the establishment and operation of a public air transportation service, such service must be a public necessity or convenience; it must be performed by a lawfully organized enterprise, with the capacity and technical and financial resources to operate the proposed service, and it must assure the fulfillment of all responsibilities arising from the service

and of other responsibilities which, in conjunction with other requirements are stipulated in the license or permit.

Licenses for scheduled air carriers shall be granted for a maximum initial period of ten years, and permits for public non-scheduled air carriers for a period stated in each case, which may be revoked at any time.

A licensed scheduled air carrier shall have a right to extensions of the initial period if he shows that he has rendered service.

Article 40. Permission may be granted to make special flights of public transportation between points served by a scheduled carrier when the latter is not able to make them. The rates for such flights may not be less than those authorized for the corresponding scheduled service.

Furthermore, flights for the exclusive purpose of testing and technical experimentation over unexplored routes may be authorized. Such authorizations shall be granted for a maximum of three months and may not be extended.

Article 41. Public international air transportation shall be classified as Venezuelan scheduled and non-scheduled service, and foreign scheduled and non-scheduled service.

Such service shall be rendered in accordance with the conditions stated in each case.

Both licenses and permits shall conform to the provisions of the applicable international treaties or agreements. Permits or authorizations for foreign international carriers shall be granted on the basis of reciprocity, and without thereby affecting Venezuelan air carriers.

Article 42. Non-compliance with any of the provisions of this Chapter or the Regulations issued under this Law, shall be reason for suspension of the services or for revocation of the license or permit, without thereby affecting any other applicable penalties.

Article 43. The Government shall have priority for the purchase, at the end of each license period or the extension thereof, of the property and the rights inherent in the transportation service of the respective enterprise.

CHAPTER VIII. COMMERCIAL AND PRIVATE AIR SERVICES

Article 44. Aircraft for commercial air service shall be those used for aerial work other than transportation.

Aircraft for private air service shall be those used for private purposes of their owners and those belonging to aviation schools or to other private aeronautical institutions. In no case may private service aircraft engage in public carriage.

Article 45. Operations of aircraft in commercial or private service shall be carried out in accordance with the provisions of the respective permits, but commercial services may be rendered only by Venezuelan companies and technical personnel, except when the latter are not available in the country.

CHAPTER IX. LIABILITY FOR DAMAGES

Article 46. Public air carriers shall be liable for death, injury or any other damages caused to passengers, and for the destruction of, or damages to his hand baggage.

The damages to which this article refers shall be those which are caused to a passenger by the action of the aircraft while entering or leaving the aircraft and which, because of the transportation, are caused to a passenger on the aircraft prior to his leaving it at the termination of the trip agreed upon in the carriage contract or which are caused by a forced or accidental landing.

The amount of compensation shall be the following:

a) For death or total permanent disability, twenty thousand bolivares (B^s20,000).

b) For partial permanent disability up to ten thousand bolivares (B^s10,000).

c) For partial temporary disability, up to five thousand bolivares (B^s5,000).

d) For destruction of or damage to hand baggage, up to one hundred bolivares (B^s100).

Article 47. Public air carriers shall be liable for damages caused by loss, damage, or delay in the delivery of the cargo or checked luggage.

The amounts of compensation shall be the following:

a) For loss of, or damage to cargo, up to twenty bolivares (B^s20,000) per kilogram of gross weight.

b) For delay in the delivery of the cargo, up to an amount equal to the transportation cost.

c) For loss of, or damage to checked luggage, up to five hundred bolivares (B^s500,00) per piece.

If the cargo or checked luggage is carried under a declared value, the limit of liability shall be such value.

Article 48. The owners or operators of civil aircraft shall be liable for any damage which, by reason of the operation of an aircraft or as a consequence of objects falling or thrown therefrom, are caused to persons or property on the ground.

Operation of aircraft shall be deemed to mean any movement carried out by the aircraft by means of its own propulsion machinery.

The compensation for such damages shall be in proportion thereto, but it shall not exceed the following limits:

a) Aircraft up to 5,000 kilograms of gross weight, sixty thousand bolivares (B^s60,000).

b) Aircraft up to 20,000 kilograms of gross weight, two hundred thousand bolivares (B^s200,000).

c) Aircraft up to 40,000 kilograms of gross weight, three hundred thousand bolivares (B^s300,000).

d) Aircraft over 40,000 kilograms of gross weight, six hundred thousand bolivares (B^s600,000).

When damage is caused both to persons and property, the amount of compensation to persons shall not exceed two-third of the total compensation awarded.

When there is damage to more than one, the compensation shall be distributed in proportion to the extent of damages suffered by each person.

Article 49. Carriers may agree on liability up to thirty thousand bolivares (B^s30,000) for death or permanent total disability and up to fifteen thousand bolivares (B^s15,000) for injury to a person.

Article 50. Carriers shall not limit their liability for damages caused to passengers or to their hand baggage when it is proved that the

damage were due to intent on their part or on the part of their agents or employees.

Article 51. Carriers shall be exempt from liability: in all cases in which they prove that the damage was due to the acts or conditions of the victim or to unlawful acts of a third person: in cases of temporary partial disability and destruction of, or damage to hand baggage, if they prove that they took reasonable precautions to avoid such damage, and complied with technical measures required by the law and the regulations issued thereunder, or that it was impossible for them to take such measures: and for delay in the delivery of cargo when it has been caused by adverse weather conditions, by considerations of flight safety, by salvage maneuvers or for reasons of protecting human life or property.

Article 52. The owner as well as the operator of an aircraft shall further be exempt from liability for damages caused to third persons on the ground, when such damages arise from the victim's own fault, when they are the result of acts committed by third persons with the intent of causing damage to an aircraft, to the victim or property or when the person who operates the aircraft does so without the consent of the owner or of the operator who, in this last event must show that it was impossible for him to avoid the unlawful use, although he has taken all necessary preventive measures. Noncompliance with this requirement shall make them jointly liable with the person causing the damage.

Article 53. In the case of a collision of two or more aircraft the damages caused to a third person on the ground must be paid proportionately by each of the owners or operators of the aircraft. Such owners or operators shall be jointly liable for the payment of the compensation.

Article 54. An action for payment of compensation for damages to passengers and their hand baggage, or to third persons on the ground must be brought within one year counting from the date of the events which gave rise to them or, if there are none, from the date of the beginning of the trip as stipulated in the carriage contract.

Article 55. Claims in cases of loss of, damage to, or delay in delivery of the cargo or checked luggage must be presented to the carrier within ten days after the date of delivery or the date on which it should have been delivered. Failure to make such claim shall prevent the bringing of such action.

An action for payment of such compensation must be brought within a period of one hundred and eighty days from the date on which the cargo or the checked luggage should have been delivered.

Article 56. In all cases not provided for in this law, an action for damages to persons or property and the right to compensation shall be determined by the provisions of the Civil Code.

Article 57. The person in charge of the operation of any civil aircraft must insure the crew thereof against the risks of the services rendered by its members.

CHAPTER X. ACCIDENTS. SEARCH AND RESCUE

Article 58. For exclusively administrative purposes of this law, investigation and determination of liability for accidents of civil aircraft shall be the responsibility of aviation authorities.

Article 59. Search and rescue of civil aircraft shall be affected with the public interest and, except in special situations, shall be carried out under the direction and control of the aviation authorities.

Article 60. An aircraft shall be considered lost when its destruction is proved, when it is declared unserviceable by the aviation authority, as the consequence of a disaster, or when three months have passed since the date on which the last news was received from it.

The Aviation Authority shall declare the loss and shall cancel the respective registration. After such declaration, the statute of limitation for the respective actions shall begin to run.

Article 61. An aircraft shall be considered abandoned when in a duly justified situation the owner or operator makes a declaration to that effect; when it is not registered and the name of the owner and its place of origin are unknown; and when it remains inoperative on an airdrome for more than ninety days without being in the care of some person.

The Aviation Authority shall declare the abandonment, and with the cooperation of the other authorities concerned, shall dispose of the aircraft and of the property found aboard.

CHAPTER XI. SERVITUDES

Article 62. Aircraft shall be deemed personal property (chattels) of a special nature, susceptible of being mortgaged, which must be registered or recorded in the Air Registry of the Republic of Venezuela. Transfer of ownership and servitudes which may be imposed thereon must be recorded in the Air Registry. Otherwise such acts shall be without effect with respect to third parties.

Article 63. The following shall be preferred credits on aircraft, on their value or the amount for which they are insured, in the order named:

1. Credits for national and local taxes and other payments for the current and the preceding year.
2. Court costs incurred in the common interest of creditors.
3. Compensation for damages due this law.
4. Expenses for aid and salvage for services rendered to an aircraft in danger and supplies for its last trip.
5. Salaries owed to members of the crew for the last trip and up to 15 days after the arrival of the aircraft at the airport.

Article 64. In cases of attachment or any other legal action taken with regard to an aircraft used as public carrier, the authority who imposes the measure shall see that there is no interruption in the service and shall inform the Aviation Authority of the action taken.

CHAPTER XII. SCHOOLS, CLUBS AND AVIATION INDUSTRIES

Article 65. Private Aviation schools shall be operated under a revocable and temporary permit, and aviation and model airplane clubs shall be organized as civil associations. Both shall be subject to the supervision of, and inspection by the National Government.

Article 66. Aviation manufacturing plants and repair shops shall be established in accordance with the respective permits.

Article 67. Such schools and institutions of aeronautical studies, and the establishment of aviation manufacturing plants and repair

shops shall be considered affected with the public interest. This shall also apply to aviation and model airplane clubs when so declared by the National Government.

CHAPTER XIII. AIR REGISTRY OF THE REPUBLIC OF VENEZUELA

Article 68. There shall be a registry called Air Registry of the Republic of Venezuela, in which shall be recorded:

a) Any title showing acquisition, assignment, change, mortgaging or extinction of ownership charter or charges on Venezuelan civil aircraft, aircraft engines, civil airdromes and aviation installations, and other aids to air navigation;

b) Licenses and permits of air carriers and the resolutions modifying or cancelling them;

c) Licenses of Venezuelan aviation personnel and renewals, suspensions and cancellations thereof.

Article 69. The Regulations shall provide for the organization, operation, and fees of the Air Registry.

Furthermore, they shall provide for franchises, rebates or exemptions to be granted.

CHAPTER XIV. PENALTIES

Article 70. A fine of from five hundred (B^s500) to twenty thousand bolivares (B^s20,000) shall be imposed:

I. On public scheduled air carriers:

a) for operating in violation of approved rates, itineraries, flight schedules and timetables;

b) for denying free access of their services to the public without a lawful reason;

c) for non-compliance with the duties imposed by the license or permits granted, which do not justify invalidation thereof by cancellation or revocation;

d) for failure to maintain in perfect condition their flight equipment, airdromes, auxiliary installations and other property related to the safety and efficiency of the service:

e) Except in the case of *force majeure*, for failure to follow the air routes or to utilize the airports assigned to them in their licenses or permits.

II. On Foreign carriers engaged in public international air carriage, whenever they load or unload cargo or mail on non-commercial flights or because they engage in domestic service on Venezuelan territory.

III. On Carriers engaged in non-scheduled public air carriage and on companies making special public service flights, for charging rates that are lower than those approved for regular air carriage.

Article 71. A fine of from two hundred and fifty (B^s250) to twenty thousand bolivares (B^s20,000) shall be imposed:

I. On owners, persons having the disposal of, or operators of private aircraft used for aerial photography, topography and similar work, for doing or permitting such work without a permit.

II. On owners, persons having the disposal of, or operators of private aircraft used for scientific applications of civil aviation,

in cases of non-compliance with the legal provisions on Venezuelan and foreign personnel except where the impossibility thereof is proved.

Article 72. A fine of from five hundred (B^s500) to twenty thousand bolivares (B^s20,000) shall be imposed on owners, persons having the disposal of, or operators of civil aircraft, for registering them in the Registry of another State, without having cancelled the Venezuelan registration and for transporting without proper authorization weapons, dangerous articles, inflammable or explosive substances and similar articles.

Article 73. A fine of from fifty (B^s50) to ten thousand bolivares (B^s10,000) shall be imposed on any owner, person having the disposal of, or operator of a civil aircraft:

I. Who permits the craft to fly:

- a) without marks of nationality and registration;
- b) without a valid certificate of air worthiness or registration;
- c) with a crew which lacks the proper licenses;
- d) without safety instruments and auxiliary equipment;
- e) except in case of *force majeure*, for not using installations and services for the aid of air navigation.

II. Who alters the marks of nationality and registration without proper authorization.

III. Who orders the commander or pilot of an aircraft to act in violation of this law or of the Regulations issued thereunder.

IV. Who imports a foreign aircraft or exports a Venezuelan craft, without complying with the required conditions.

V. Who fails to notify immediately the aviation authority of accidents to their aircraft.

VI. Who refuses to participate in search and rescue operations.

VII. Who allows the aircraft to obstruct or impede flight operations or movement on the airdromes.

VIII. Who commits any violation of the regulations concerning airdromes.

When a public carrier is involved the penalty shall not be less than five hundred bolivares.

Article 75. A fine of from one hundred (B^s100) to ten thousand bolivares (B^s10,000), **or imprisonment shall be imposed on any person** who unduly impedes or attempts to impede the use of runways, platforms and other places of transit on airdromes, or who, by means of radio broadcasting impedes, or interferes with aeronautical radio-communications.

Article 75. A fine of from fifty (B^s50) to ten thousand bolivares (B^s10,000) shall be imposed upon owners, or persons having the disposal of, and operators of any civil airdrome who do not permit the gratuitous use thereof to State aircraft, or the landing of aircraft in emergencies and in the case of airports, for failure to render services in the manner prescribed by this law or by the licenses.

Article 76. A fine of from fifty (B^s50) to five thousand bolivares (B^s5,000) or imprisonment be imposed on any person who without just cause, refuses to take part in search and rescue operations for aircraft, if required to do so by the authorities. The same penalty shall apply to any person who, has knowledge of an air accident and

does not immediately inform the authorities nearest to the place of the accident, and, except for just causes, to any person who removes or alters an aircraft which suffered an accident or who removes parts thereof without proper authorization, unless he acts for reasons, of protecting human life or property.

Article 77. The license of any commander or pilot of any civil aircraft shall be suspended for flying in a condition of intoxication or for permitting any member of the crew to participate in the operations of the aircraft in such condition.

Suspension of the license may be temporary or permanent as provided for in the Regulations.

Article 78. A fine of from one hundred (B^s100) to two thousand bolivares (B^s2,000) shall be imposed on a commander or pilot of any civil aircraft:

I. Who does not use the services and installations of aid to air navigation and other safety devices.

II. Who does not comply with flight orders.

III. Who permits crew members of the aircraft to fly without carrying their licenses in due form. The same penalty shall be imposed on other members of the flight crew in this situation.

IV. Who allows person who is not a member of the flight to take part in the operations of the aircraft, except when there is proof of *force majeure*.

V. Who transports bodies of deceased persons, or contagious or mental patients without the required authorization.

VI. Who abandons an aircraft, the other members of the crew, the passengers, the cargo and other property, in a place which is not the point of destination of the flight and without just and serious cause.

VII. Who flies over prohibited areas, except in case of *force majeure*.

VIII. Who begins a flight without ascertaining the validity of the certificate of air worthiness of the licenses of the flight crew and of the marks of nationality and registration of the aircraft.

IX. Who permits the use of aerial photographic equipment on board an aircraft in flight without proper authorization.

X. Who performs acrobatic, buzzing or exhibition flights over inhabited areas.

XI. Who throws or permits the unnecessary throwing of objects or ballast from an aircraft in flight.

XII. Who performs demonstration flights, or technical or training tests without proper permission.

XIII. Who refuses without just cause to participate in search and rescue operations.

XIV. Who does not immediately notify the aviation authority of any accidents which either happened to him or of which he has knowledge by reason of his position.

XV. In the case of the crew of a foreign civil aircraft on the national territory, if they do not land on the airdromes which may have been assigned them in the respective permit, except in the case of *force majeure*.

XVI. Who performs, without prior inspection and approval, flights with aircraft which have been repaired.

Article 79. A fine of from fifty (B^s50) to two thousand bolivares (B^s2,000) shall be imposed on the members of the aviation ground personnel, who, by any act or omission in the performance of their duties, endanger or tend to endanger the safety of an aircraft and of airdromes or auxiliary installation.

Article 80. A fine of from fifty (B^s50) to two thousand bolivares (B^s2,000) or imprisonment shall be imposed on any person charged with the care of beacons and safety devices on the ground or on the aircraft, who does not perform his duties in accordance with the provisions of the regulations.

Article 81. For periods up to six months, when in cases it is deemed necessary the aviation authority may suspend the licenses of flight personnel, for the violation of the provisions on safety or it may revoke them when in their judgement such a measure is indicated.

Article 82. Any other violation of this law or of the Regulations issued thereunder not expressly provided for in this Chapter, shall be punished by a fine of from one hundred (B^s100) to twenty thousand bolivares (B^s20,000).

Article 83. Decisions by the competent public officials imposing penalties shall be subject to appeal before the respective Ministry. The appeal must be presented before the official who imposed the penalty within five working days from the date on which the interested person was notified. In the case of a fine, no appeal shall be unless such fine has been paid or bond posted which is satisfactory of the public official who imposed the fine.

Appeals from the decision of the Ministry, in cases where it imposes the penalty or where it had the case under study, shall be made to the Federal Court.

Such appeal shall be presented to the same authority within ten days from the date on which the interested party was notified or if that is the case, on which the decision appealed from was confirmed.

There shall be no right to appeal to the Federal Court when the penalty is a fine of less than four thousand bolivares (B^s4,000).

CHAPTER XV. AVIATION AUTHORITY

Article 84. The aviation authorities are those designated by the National Government for that purpose.

Article 85. In the absence of an aviation authority in a particular place some other authority may take jurisdiction in matters of supervision of aviation and, in the case of a violation it must immediately inform the nearest aviation authority of such event.

Article 86. The aviation authorities shall have power to detain any aircraft which violates provisions on air navigation.

CHAPTER XVI. FINAL PROVISIONS

Article 87. Fines, fees and charges imposed under this law and the Regulations issued thereunder, shall be paid in accordance with the provisions of the Organic Law of National Finance.

Article 88. The Law on Civil Aviation of July 13, 1944, amended in part by the law of July 25, 1945, is hereby repealed.

Article 89. In accordance with the needs of the respective services, and provided it is considered convenient and the legal formalities

have been complied with, the National Government may grant, in whole or in part, exemptions, franchises and subsidies to national air lines operating in the Republic.

OTHER LEGISLATION IN FORCE

Resolution 421 of December 19, 1960 provides that as of January 31, 1961, only Venezuelan technicians can perform the remunerative aeronautical activities mentioned in the *Reglamento de Licencias al Personal Técnico Aeronáutico*. (*Gaceta Oficial*—December 27, 1960)

2. Decree 600 of July 26, 1961, approves a regulation on private or noncommercial aviation. (*Gaceta Oficial*, July 26, 1961)

3. Decree 981 of February 5, 1963, approves a regulation on non-scheduled air transport services. (*Gaceta Oficial*, February 5, 1963)

VIETNAM

The Republic of Vietnam has no basic air law. The Secretary of State for Public Works and Communications has issued Regulations for Civil Aviation ¹ to which Vietnam is a member. This regulation has been issued in form of a decision ² by the Director of Civil Aviation acting for and on behalf of the Secretary of State, and includes four annexes:

Annex 1: General provisions—Definitions and measurements;

Annex 2: Rules of the air;

Annex 3: Functions of organizations regulating civil aviation;

Annex 4: Procedures for flight service.

The regulation is based on Annexes 2 (including Amendment 5) and 11 (including Amendment 9) of the Chicago Convention and on Document ICAO 444/RAC/501/6 (including Amendment 4), and its organisation generally follows that of the ICAO documents.

¹ *Reglementation de la Circulation Aerienne*, second ed. 1961. pub. as pamphlet by the *Service de la Navigation Aerienne, Section Circulation Aerienne, Direction de l'Aviation Civile*.

² Decision No. 16. QD/KV/KL of June 30, 1961.

YEMEN

According to an airgram of July 23, 1963, from the U.S. Embassy at Taiz, Yemen does not have civil aviation laws or aviation treaties with other nations.

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YUGOSLAVIA

LAW No. 392 OF JUNE 1, 1949, No. 47, 1949 ¹

In accordance with Article 1 of the Law on the Delegation of Powers to the Government of the F.P.R.Y. to issue regulations regarding the national economy, and at the proposal of the Minister of Transportation of the F.P.R.Y., the Government of the F.P.R.Y. issues the following

DECREE ON AIR NAVIGATION, [as amended] ²

I. GENERAL PROVISIONS

Art. 1

The operation of aircraft in the airspace of the F.P.R.Y., their takeoff and landing on the territory of the F.P.R.Y. shall be subject to the provisions of the present Decree and regulations issued in accordance therewith.

Any contrivance, used or intended for flying or air navigation shall be considered as an aircraft.

Art. 2

Aircraft shall be either official or civil.

Aircraft belonging to the Armed Forces, Customs Authorities and the State Security shall be considered official aircraft.

Those [aircraft] intended for air traffic, sanitary services, sports or belonging to associations and organizations and all others not belonging to the official [category], shall be considered civil aircraft.

The provisions of the present decree shall not apply to official aircraft unless otherwise provided for.

Art. 3

Civil aircraft may fly over territory of the F.P.R.Y., take off and land only with the permission of the Ministry of Transportation of the F.P.R.Y., Aeronautics Administration, and in accordance with the provisions of these rules.

Foreign aircraft may fly over the territory of the F.P.R.Y., take off and land only when authorized on the basis of an international agreement or when they obtain a special permit from the Ministry of Foreign Affairs of the F.P.R.Y. and provided they abide by the provisions of the present Decree and rules governing air navigation and the traffic of passengers and goods.

¹ Uredba O Zračnoj plovidbi, Br. 392 od. 1. juna 1949. *Stužbeni List Federativne Narodne Republike Jugoslavije*, Br. 47, 1949 (Decree on Air Navigation, Law No. 392 of June 1, 1949. Official Gazette of the Federal People's Republic of Yugoslavia [hereinafter referred to as F.P.R.Y.] No. 47, 1949).

² Art. 12, Decree No. 534 of December 12, 1951, Bringing Into Conformity With the Provisions of the Basic Law on Petty Offenses [other] Special Provisions on Petty Offenses in Decrees and Other Regulations. [Issued by] the Government of the F.P.R.Y., and its Agencies. (Sl. L. No. 56, 1951.)

Art. 4

Aircraft shall be forbidden to transport, without a special permit, any kind of arms, ammunition, explosives, poisonous gases, acids, inflammables and articles and equipment which could be dangerous to the security of the state.

Art. 5

All civil aircraft must be registered and equipped with visible marks of registration and nationality. For every flight they must have the required documents.

The flight personnel in civil aircraft must have a valid working permit issued by the competent agency of the state in which the aircraft is registered.

All aircraft must have a commander [leader]. If the commander [leader] is not specifically designated, then the first pilot shall be considered as such.

Art. 6

Civil aircraft of the F.P.R.Y. and all foreign aircraft may fly in the air space of the F.P.R.Y. only in the prescribed air corridors. Gliding aircrafts of the F.P.R.Y. are excepted.

Flying over prohibited zones shall be forbidden.

The entrance or exit of domestic and foreign aircraft into or from the airspace of the F.P.R.Y. may be made only along an established border air corridor.

Foreign aircraft entering the F.P.R.Y. are required to establish radio contact with the nearest airport of the F.P.R.Y. as soon as they enter the prescribed air corridor. They shall also be required, during their flight on their designated route, to enter into contact with any airport which they pass over.

Art. 7

The take off and landing of civil aircraft shall be permitted only at airports and airfields.

Foreign aircraft coming from abroad may land on public customs airports only, and may take off only from these in order to fly abroad.

II. CIVIL AIRCRAFT

Art. 8

Civil aircraft and equipment in the F.P.R.Y., as a rule, shall belong to the State or to governmental economic enterprises.

Societies, organizations and other legal entities and individuals may operate and use civil aircraft and flying equipment only with the permission of the Ministry of Transportation of the F.P.R.Y.

Art. 9

Civil aircraft of the F.P.R.Y. shall not be used for flying unless it is recorded in the registry kept by the Ministry of Transportation of the F.P.R.Y., Aeronautics Administration.

An aircraft may be registered only in one place at a time.

Art. 10

Before registration, an aircraft must be inspected by an expert commission, which shall establish its airworthiness.

In establishing this airworthiness it shall be determined whether the aircraft has the equipment necessary for its purpose.

If the equipment contains radio communication equipment a special permit for the operation thereof must be obtained from the Postmaster General of the F.P.R.Y.

Art. 11

Civil aircraft flying over the territory of the F.P.R.Y. must have the following documents: a certificate of registration, a certificate of airworthiness, the aircraft log, a working permit for the crew, a list of passengers, an invoice of cargo and mail, the flying route and a permit for the use of radio communication equipment, provided such exists.

III. AIRPORTS AND AIRFIELDS

Art. 12

Airports shall be official, public or special.

Official airports shall be designated for the use of official aircraft; public [airports] shall be for the use of civil and foreign aircraft and special airports shall be built, organized and operated by the state, by domestic social organizations and by government economic enterprises for civil aircraft with a special purpose.

Public airports at the same time may be also customs airports. In such case they must be equipped with all necessary facilities for the functioning of the customs services and for preventing the spread of contagious diseases.

Art. 13

Public airports in the F.P.R.Y. shall belong to the state and shall be under the administration of designated government agencies.

The use of airports shall be subject to federal taxes as established by the Ministry of Finance of the F.P.R.Y.

The servicing of aircraft and other services on airports shall be paid for separately.

Art. 14

Besides airports, there shall also be airfields for landing and take-off only.

They may be owned or used by the state, social organizations, legal entities and individuals. However, they must always be under the control of the Ministry of Transportation of the F.P.R.Y., Aeronautics Administration, which shall regulate the maintenance and use of the airfield.

These airfields shall belong to the special category only.

Art. 15

All radio equipment for communication and radio navigation shall be exclusively under the administration and control of designated aeronautics agencies of the government.

When using an airport, social organizations, enterprises, legal entities and individuals may maintain their own radio communications equipment for commercial purposes, but always only with the approval of the Postmaster General, and under supervision of the Ministry of Transportation, Aeronautics Administration.

Art. 16

The government agency designated to manage an airport shall be the Airport Administration. It shall manage the airport, and regulate and co-ordinate all aeronautical activities of the airport.

Airfields shall be managed by an Airfield Administration.

Art. 17

The Airport Administration shall include aviation control agencies. Their duty shall be to make safe and to control the air navigation of all civil aircraft, foreign and domestic, as well as official aircraft of foreign governments during their flight over the territory of the F.P.R.Y.

All facilities and equipment for flight performance and safety shall be administered and controlled by these agencies.

IV. FLIGHT

Art. 18

In order to receive a takeoff permit, the owner (lessee) or commander of a civil aircraft must report the intended take-off to the aviation control agency of the appropriate airport or airfield.

The report must contain the requested information and the commander shall be bound to follow the information given in the report, unless it is changed on the takeoff permit.

Art. 19

Non-scheduled flights of foreign aircraft and their flights in non-scheduled air traffic above the territory of the F.P.R.Y., either related to a landing or only to transit flight, must be reported through regular diplomatic channels at least 48 hours in advance in order to get the permission.

The report must contain the following information: type and marks of the aircraft, name and address of the owner or the lessee of the aircraft, names of the responsible commander and the crew, purpose of the flight, date, time and place of entry, direction of the flight, place of landing and period of stay in the territory of the F.P.R.Y., date, time and place of exit and also other incidental information (weight of the aircraft, fuel needs, cargo, radio frequency, radio equipment, etc.).

The permission shall be issued by the Ministry of Foreign Affairs of the F.P.R.Y. which shall immediately notify the Ministry of Transportation of the F.P.R.Y., Aeronautics Administration.

In the same manner there shall be reported the flights of foreign aircraft over established air routes with the distinction that the report shall not be made for every aircraft and every flight, but only for regularly scheduled flights.

Art. 20

Before take-off the commander must ascertain that all navigational and technical preparations for the flight have been made.

An aircraft may be operated only by the authorized crew.

Art. 21

During the flight over the territory of the F.P.R.Y. foreign aircraft must use the radio frequencies authorized by the Ministry of Transportation of the F.P.R.Y., Aeronautics Administration, and must obey all orders of the aviation authorities of the F.P.R.Y. issued with regard to the present Decree and the safety of flight.

During flight over the territory of the F.P.R.Y. aircraft shall not fly at altitudes which are dangerous to the safety of the aircraft,

its passengers, or individuals and property on the ground, except when necessary during maneuvering for a forced landing.

Signaling from the aircraft shall be permitted only in connection with communications and safety.

Art. 22

Persons with photographic and motion picture cameras and those with a permit for carrying arms shall hand over all such articles to the commander of the aircraft before entering the aircraft.

Art. 23

Liability of, and damages caused by an aircraft during flight or while taxiing on the ground of coastal waters of the F.P.R.Y. shall be adjudicated according to domestic laws. For damage caused by a foreign aircraft its owner shall be liable.

Art. 24

Entering foreign aircraft are forbidden to land between the state border and the civil customs airfield except in cases of an act of God (*force majeure*). They may takeoff from a civil customs airport only after the custom inspection. In such cases they may not land again on the territory of the F.P.R.Y.

Art. 25

If because of an act of God (*force majeure*) or other excusable causes a foreign aircraft passes the border outside the established air route or finds itself outside the established air routes in the airspace of the F.P.R.Y., the commander shall immediately contact the aviation control authorities of the F.P.R.Y. and, after receiving the signal, shall land on the nearest airport or the airport designated by signals.

If the aircraft refuses to follow the signals given, it shall be forced to land.

Art. 26

If a foreign aircraft is forced by an act of God to land outside an established public airport, the commander shall immediately so report to the nearest government authorities which shall provide for the safety of the aircraft and for the accommodation of the crew, passengers and goods.

Art. 27

In the interest of state security and air navigation, aviation agencies shall have the right to request the landing on a determined airfield of any aircraft flying in the airspace of the F.P.R.Y.

Art. 28

In case of an accident of a domestic or foreign aircraft, the accident shall be investigated in order to establish its nature, extent, causes and, possibly, the liability of individuals.

The investigation shall be conducted by the aviation authorities. The investigation of accidents of foreign aircraft of any kind shall be conducted by a special commission, set up by the Ministry of Transportation of the F.P.R.Y., Aeronautic Administration.

Owners of the aircraft or their representatives may participate as observers in all investigations of the commission.

If the accident assumes the proportion of a catastrophe, i.e., when it involves human victims or when it is a case for which there are special regulations, the investigation shall be conducted by the representatives of the Ministry of Transportation of the F.P.R.Y.

Art. 29

An aircraft shall be considered lost if no traces shall have been found within a period of six months after its disappearance during flight.

Art. 30

The present Decree shall apply also to flight over the Yugoslav airspace without landing.

V. AIR TRAFFIC

Art. 31

Any scheduled or non-scheduled trip by an aircraft between two or more points on land, whether transporting passengers, cargo, mail or empty, shall be considered air traffic in accordance with the present Decree.

Flights, not related to scheduled air traffic shall be considered non-scheduled flights.

Art. 32

Air traffic by means of civil aircraft within the airspace of the F.P.R.Y. shall be considered domestic air traffic.

Air traffic by civil aircraft, whether domestic or foreign, involving the crossing of the borders of the airspace of the F.P.R.Y. shall be considered international air traffic.

Art. 33

Transportation of passengers and cargo between two points on the territory of the F.P.R.Y. shall be made only by domestic aircraft.

Art. 34

The commander of a civil aircraft shall have disciplinary authority over the aircraft during the flight. His authority shall be exercised according to the regulations issued by the Ministry of Transportation of the F.P.R.Y.

The passengers must be notified of the identity of the commander of the aircraft.

Art. 35

The crew, passengers and goods which are transported must be insured during the flight.

If such insurance is not available, then the owner of the aircraft shall be liable for damages, if any.

Art. 36

For the following petty offenses there shall be punished by a fine not to exceed 5,000 dinars:

- (1) any aircraft enterprise and any owner of an aircraft who uses or continues to use in [air] traffic an aircraft without the marks of nationality and registration, or without a certificate of registration or a certificate of airworthiness;

(2) any aircraft enterprise and owner of an aircraft who delivers an aircraft to be flown by individuals without a permit to operate [the craft];

(3) any aircraft enterprise that does not adhere to a strict and regular flight schedule for which it assumed the responsibility;

(4) any commander who takes off before it is established that all navigational and technical preparation for the flight has been completed;

(5) any aircraft enterprise and any owner who overloads an aircraft; any commander who takes off with an overloaded aircraft, as well as the flight controller who permits such aircraft to fly;

(6) any aircraft commander flying outside the established air routes or above a prohibited zone;

(7) any aircraft commander who does not contact the flight control [authority] in time or who does not comply with the orders concerning the flight control;

(8) any person who negligently executes the navigational and technical flight preparation with which he is charged;

(9) any person who acts contrary to Articles 4, 21, 22 and 24 of the present Decree;

(10) any aircraft enterprise and any owner of an aircraft who fails to insure the crew, the passengers and the cargo;

(11) any member of the crew who, without justification, abandons his post of duty on the aircraft;

(12) any person who endangers flight safety, as well as any individual who violates the provisions of the present Decree or the provisions issued pursuant to the present Decree.

For the petty offenses specified in the foregoing Paragraphs numbered 1, 2, 3, 5 and 10, a legal entity shall be punished by a fine not to exceed 20,000 dinars.

For the following petty offenses there shall be punished by a fine not to exceed 3,000 dinars:

(1) any commander who uses an aircraft without the marks of nationality and registration or without obtaining a certificate of registration or a certificate of airworthiness, and any flight controller who permits such aircraft to takeoff;

(2) any commander who uses an aircraft and members of the crew without a permit to operate, as well as any flight controller who permits them to take-off;

(3) any commander who, by his own negligence, causes the destruction of the prescribed flight records, or by his own negligence enters inaccurate information in these records.

For the following petty offenses there shall be punished by a fine not to exceed 1,000 dinars:

(1) any person who, without authorization, enters any landing or takeoff section of the airport, or who, without authorization, remains thereon, as well as any person who keeps or permits domestic animals thereon;

(2) any person who enters or operates an aircraft without authorization.

Art. 36a

In addition to the punishment for petty offenses specified in (a), nos. 4, 5, 6, 7 and 11 and (b) nos. 1-3, of the preceding Article, against

the commander of an aircraft and members of the crew the protective measure of prohibiting their flying may be imposed.

The prohibition to fly shall be imposed for not more than six months.

Any person against whom this measure has been applied, shall lose his license for such time as he is prohibited to fly.

Art. 37

For the petty offenses specified in Article 36 committed by any aircraft enterprise or any commander of an aircraft, by members of the crew or individuals taking part in navigational or technical flight preparation, as well as by the personnel concerned with flight safety, administrative-penal proceedings shall be instituted and the original decision be handed down by the manager of the public airport.

For petty offenses specified in Article 36 committed on an aircraft in flight by persons specified in the preceding paragraph, proceedings shall be instituted and the original decision be handed down by the manager of the public airport having jurisdiction over the place from which the aircraft took off.

From the original decision of the manager of the airport, an appeal may be taken to the air navigation control [administration].

The air navigation control [administration] shall initiate administrative-penal proceedings for those petty offenses specified in Paragraph 1 of this Article in which, in addition to the punishment, the protective measure of a prohibition to fly shall be imposed, and for all other petty offenses against persons specified in Paragraph 1 of this Article it may take jurisdiction over already instituted proceedings, and hand down a decision at any stage thereof.

In the case of an appeal from an original decision by the air navigation control [administration] the next higher authority shall make the determination.

Administrative-penal proceedings for petty offenses specified in Article 36 of the present Decree committed by persons other than those specified in Paragraph 1 of this Article, shall be instituted by the judge for petty offenses.

Art. 38

The Airport Administration may detain, at the expense of the owner, any aircraft and crew whose papers are not in order, until the legal requirements have been satisfied.

VII. FINAL PROVISIONS

Art. 39

Rules for the enforcement of the present Decree shall be issued by the Ministry of Transportation of the F.P.R.Y.

Art. 40

The present Decree shall enter into force on the day of publication in the *Službeni List Federativne Narodne Republike Jugoslavije* [Official Gazette of the F. P. R. Y.].

Based on Article 52 of the Law on State Management (Official Gazette No. 13/56 and 44/57) and Article 60 of the Law on Budgets and Financing of Autonomous Institutions (Official Gazette No 52/59,

23/61, 52/61, 28/62 and 53/62), the Federal Executive Council promulgated the following Regulation:

The Directorate for Civil Aeronautics³

Article 1

The Directorate for Civil Aeronautics (hereinafter, the Directorate) is established as a federal management agency for the performance of management activities in the field of aeronautics.

Article 2

The Directorate performs activities in connection with the movement and control of aircraft of airlines operating in the Yugoslav air space; approves airflight schedules; inspects aircraft; maintains the register of aircraft; gives opinions on technical conditions, as well as on other conditions necessary for the opening of airports; investigates accidents; performs professional examinations of flight personnel; cooperates with institutions and organizations of other countries and with international organizations in the field of air traffic and control; participates in the preparation of international agreements in this field and insures their compliance; and, performs those other management activities in the field of air traffic and control that are not within the competence of other federal management agencies.

The Directorate, in agreement with the State Secretariat for the People's Defense and the Secretariat of the Federal Executive Council for Transport and Communications, determines air routes and border entrance and exit corridors in the Yugoslav air space.

Article 3

The Directorate has the attributes of a legal entity.

Article 4

A Director manages the activities of the Directorate. The Director is appointed and removed from Office by the Federal Executive Council.

Article 5

The Directorate will collect fees for controlling the movement of aircraft on Yugoslav air routes.

These fees are determined by a rate schedule established by the Secretariat of the Federal Executive Council for Transport and Communications in agreement with the Secretariat of the Federal Executive Council for the Federal Budget and General Management.

Income from fees acquired by the Directorate in dinars and foreign exchange will be registered in a separate bank account and may be utilized only for the supply of new, and maintenance of existing installations and equipment for the movement and control of aircraft, as well as for the improvement of the service of aircraft traffic and control.

Utilization of funds from this separate account will be controlled by determinations made by the Directorate in agreement with the Secretariat of the Federal Executive Council for the Federal Budget and General Management.

Article 6

The Directorate performs its functions through District Centers functioning as field offices, and through its administrative units.

³ Published in Yugoslav Official Gazette, No. 4, January 30, 1963, p. 64.

The internal organization of the Directorate will be established by rules promulgated by the Directorate with the agreement of the Federal Executive Council.

Article 7

District Centers perform their functions within an area determined by the Directorate in agreement with the Secretariat of the Federal Executive Council for Transport and Communications and the State Secretariat for the People's Defense.

District Centers will have a unit for the guidance and control of aircraft within their area at every public airport within their scope of responsibility.

District Centers will also have units for the guidance and control of aircraft on selected airfields of the Yugoslav Air Association within their scope of jurisdiction. The Directorate will determine on which airfields of the Yugoslav Airflight Association these units will be located.

Article 8

Supervision over the activities of the Directorate, as well as other rights and duties provided for in Article 43 of the Law on State Management, will be performed by the Secretariat of the Federal Executive Council for Transport and Communications.

The Secretariat of the Federal Executive Council for Transport and Communications may, in the performance of its rights of control, annul or cancel measures taken by the Directorate which are beyond its authority, if these acts are contrary to the law or other regulations.

Article 9

Administrative-penal proceedings against flight violations committed by an airline, the owner or captain of aircraft or by any other person participating in the flight or preparations for it, or organizations which use airports for commercial purposes, will, in the first instance, be instituted by the District Center.

The Directorate will decide on complaints against a decision of a District Center.

Article 10

The Directorate has the right to utilize all buildings, installations, equipment and other property which were previously used by the former Civil Aviation Administration.

Article 11

The following regulations are abrogated on the day when this Regulation comes into force: The Regulation on the Organization and Activities of the Civil Aviation Administration (Official Gazette 21/53); Paragraphs 3 and 4 of Article 23 on the Regulation on Airflight (Official Gazette 47/49); Paragraphs 1 to 5 of Article 37 on the Regulation of Airflight, which was amended by Article 12(c) of the Regulation harmonizing particular rules on violations of regulations and other rules of the Government of Yugoslavia and its agencies with the stipulations of the Fundamental Law on Violations (Official Gazette 56/51); and the Decision on the Authorization of the Civil Aviation Administration to determine border entrance and exit corridors for air traffic (Official Gazette 24/54).

Article 12

This Regulation comes into force on the eighth day after its publication in the Yugoslav Official Gazette.

Ordinance concerning the Commission for the Peaceful Use of Outer Space, March 12, 1963.³

Article 1. The Commission for the Peaceful Use of Outer Space (hereinafter: Commission) is hereby established as an independent agency of the Federal administration.

Article 2. The Commission shall have the duty of organizing research in problems concerning the peaceful use of outer space. For such purpose, it shall coordinate, in accordance with the national plan for peaceful use of outer space, the work of the Federal administrative agencies, and of institutions and organizations established by the Federal government agencies, that perform research in the field of peaceful use of outer space. The Commission shall submit to the competent government agencies proposals for measures for the peaceful use of outer space. It shall also independently undertake all measures within its jurisdiction. It shall pursue the development of peaceful use of outer space within the framework of the international plan.

Article 3. The Commission shall consist of the president and the members who shall be appointed by the Federal Executive Council from the representatives of the interested Federal administrative agencies, institutions and organizations.

Article 4. The Commissions shall decide by majority of the votes of the members of the Commission.

Article 5. The work of the Commission shall be supervised by the president. The president of the Commission shall prepare the meetings of the Commission, convoke it and ensure the execution of decisions and other actions of the Commission.

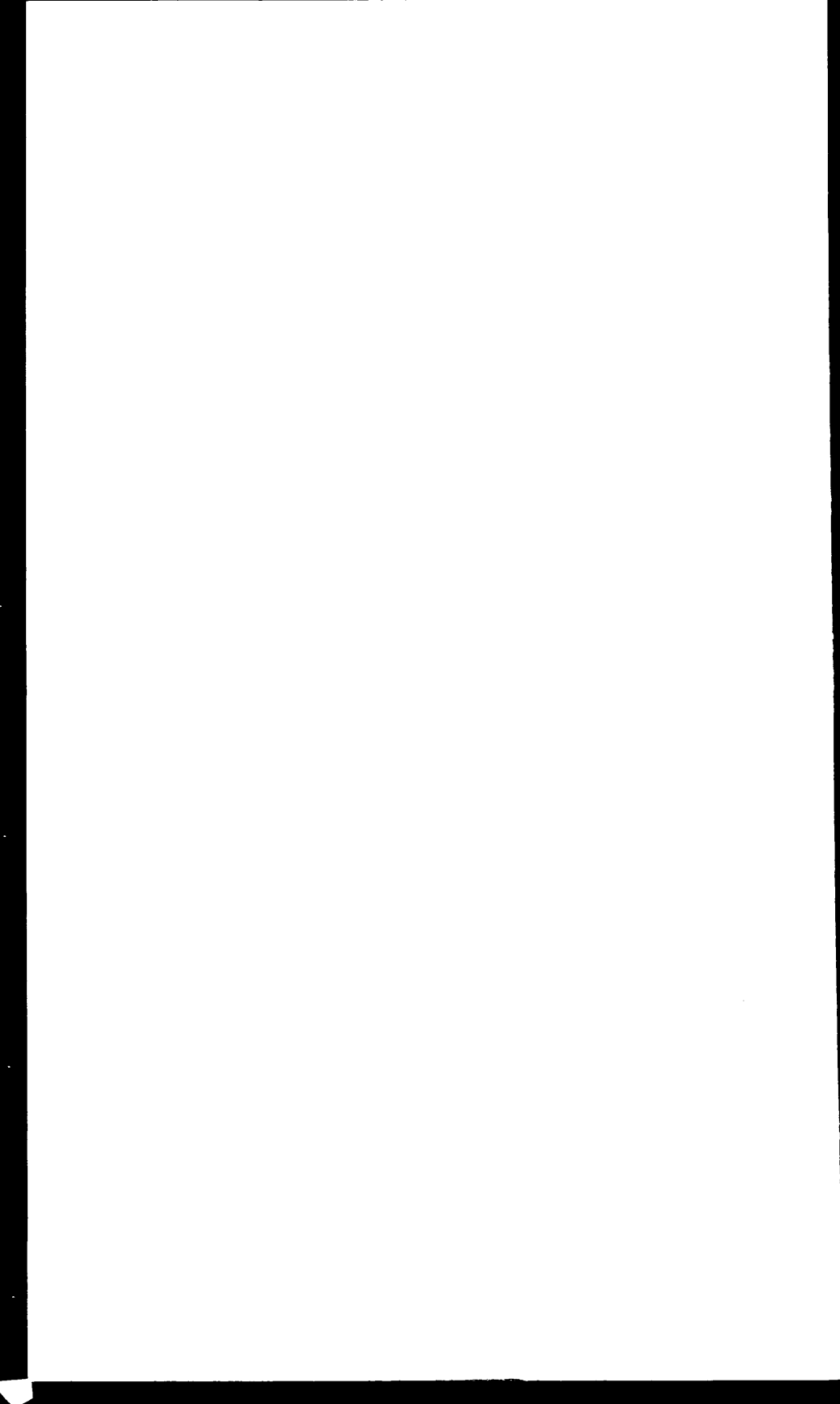
Article 6. The secretariat of the Federal Executive Council for Transportation and Communications shall provide the technical and administrative services for the work of the Commission and the execution of its decisions.

Article 7. The appropriations required for the operation of the commission within its jurisdiction shall be provided for in the budget of such secretariat.

Article 8. The Commission shall issue regulations concerning its organization in accord with the Federal Executive Council.

Article 9. This Ordinance shall take effect on the eighth day after its publication in the Službeni List of the FPRY.

³ Službeni List of the Federal Peoples' Republic of Yugoslavia (FPRY), No. 12/63. March 27, 1963.



ZANZIBAR

Zanzibar has been combined with Tanganyika to form Tanzania.
For law see Uganda.



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