

BOLLETTINO**UFFICIALE****DELLA REPUBBLICA DEMOCRATICA SOMALA**

Anno I.

Mogadiscio, 18 Agosto 1970

Suppl. n. 4 al n. 8

DIREZIONE E REDAZIONE
 presso la Presidenza del Consiglio Rivoluzionario Supremo
 Pubblicazione Mensile

PREZZO: Sh. So. 5 per numero — **ABBONAMENTI:** Annuo per la Somalia Sh. So. 100. Estero Sh. So. 300 — L'abbonamento richiesto in tempo stabilito, decorre dal 1° Gennaio e l'abbonato riceverà i numeri arretrati — **INSERZIONI:** per ogni riga o spazio di riga Sh. So. 2 — Le inserzioni si ricevono presso la Direzione Bollettino. L'importo degli abbonamenti e delle inserzioni deve essere versato all'Ufficio Imposte sugli Affari.

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PARTE PRIMA

ATTI LEGISLATIVI ED AMMINISTRATIVI

FIRST PART

LEGISLATIVE AND ADMINISTRATIVE ACTS

LAW No. 45 of 13 August 1970.

Establishment of the National Banana Board.

THE PRESIDENT

OF THE SUPREME REVOLUTIONARY COUNCIL

TAKING NOTE of the approval of the Supreme Revolutionary
Council;

HEREBY PROMULGATES

the following law:

CHAPTER I

GENERAL PROVISION

Article 1

Establishment

1. The National Banana Board, hereinafter referred to as «the Board», is hereby established.
2. The Board shall be an autonomous Agency with juridical personality.
3. The Board shall be subject to provisions of the Law Governing Autonomous Agencies, Law n. 16 of 1st April 1970.
4. The Banana Marketing Board shall have its head Office in Mogadiscio and may establish branches in any places within the Somali Democratic Republic and abroad.

Article 2

Superoision

1. The Board shall function under the Ministry of Agriculture.
2. The Secretary of State for Agriculture may give the Board such directives as he may consider necessary from time to time in order ensure that it acts in accordance with best interest of the State.

Article 3

Objectives

The objectives of the Board shall be to the development of Somali Banana in the Republic. For this purpose the Board may:

- 1) study and guide the formulation of policies regarding banana culaivation in the country; regulate, discipline and promote the production, marketing and exportation of bananas;
- 2) conclude contracts with Agencies and Companies importing bananas in any market;
- 3) promote scientific research and studies on technical, agronomical, economic and organizational problems for the purpose of improving the quality of the product;

- 4) study appropriate means to reduce the costs of production, transport, packing and any other cost relating to bananas, for the purpose of making bananas competitive in the international markets;
- 5) encourage and coordinate private enterprises in para 4;
- 6) study and develop programmes and plans for infrastructures for the improvement of banana production and marketing.

Article 4

Powers

The Board shall have the power to do everything that may be necessary or expedient for the purpose of carrying out its functions within the limits established by this Law.

Article 5

Fees

The Board may, whenever appropriate, have the right to collect fees and charges for services it may render in pursuance of its functions.

CHAPTER II

O R G A N I Z A T I O N

Section I — Organs of the Board

Article 6

Organs

The organs of the Board shall be:

- a) The General Manager;
- b) The Board of Directors, consisting of:
 - i) the General Manager as Chairman;
 - ii) one nominee of the Secretary of State for Agriculture;
 - iii) one nominee of the Secretary of State for Industry and Commerce;

- iv) one nominee of the Secretary of State for Finance;
- v) one nominee of the Secretary of State for Public Works;
- vi) one nominee of the Secretary of State for Planning and Coordination;
- vii) one nominee of the Secretary of State for Communication and Transport;
- viii) Six representatives of banana producers to be nominated by the Secretary of State for Agriculture.

Article 7

Appointment of General Manager

The General Manager shall be appointed by decree of the President of the Supreme Revolutionary Council, on the proposal of the Secretary of State for Agriculture, having heard the Supreme Revolutionary Council and the Council of Secretaries.

Article 8

Emoluments of the General Manager and Sitting Allowance to Members of the Board of Directors

1. The emoluments of the General Manager shall be established by decree of the President of the Supreme Revolutionary Council, on the proposal of the Secretary of State for Agriculture, having heard the Council of Secretaries.

2. The Members of the Board of Directors shall be paid a sitting allowance at a rate fixed under Article 6 of Law Governing Autonomous Agencies, Law n. 16 of 1st April, 1970.

Section II — Functions

Article 9

Functions of the General Manager

1. The General Manager shall be the executive head of the Board and shall represent it.

2. He shall convene and preside over the meeting of the Board of Directors and determine its agenda.

3. He shall ensure that the decisions of the Board of Directors are implemented.

4. He may, with the authorization of the Board of Directors, conclude contracts on behalf of the Board.

5. He shall be responsible for the funds of the Board and for the maintenance of the accounts of the Board.

6. He shall be in charge of the day-to-day administration of the Board. He may, in respect of the members of the staff of the Board, other than those seconded from the Civil Service, take any administrative or disciplinary measure, provided that appointment and dismissal of said members of staff shall be subject to the prior approval of the Board of Directors.

7. In case of temporary absence or impediment, his functions as chairman shall be performed by a member of the Board of Directors, designated by the Secretary of State for Agriculture.

Article 10

Functions of the Board of Directors

1. The Board of Directors shall be the deliberative organ of the Board.

2. It shall be responsible for the general policy of the Board.

3. At all meetings of the Board of Directors, six members shall constitute the «quorum». Where there is an even number of votes, the Chairman shall have the casting vote.

Article 11

Staff

1. The staff required by the Board may, subject to the provisions of Article 6 of this Law, be provided by secondment from the Civil Service or appointed by the Board.

2. The terms and conditions of service of the members of the staff other than those referred to in Article 6 and those who have been seconded from the Civil Service, shall, subject to any general rules governing the terms and conditions of service of the staff of Autonomous Agencies issued by Government, be established by the regulation of the Board.

Article 12

*Responsibility of the General Manager, Members of the Board
of Directors and staff*

The General Manager, the Members of the Board of Directors and staff of the Board shall, while performing their duties, be deemed to be officers of Civil Service for the purpose of responsibility.

CHAPTER III

FINANCIAL PROVISIONS

Article 13

Capital

The capital of the Board shall consist of:

- a) an initial capital of Sh. So. 4 (four) millions granted by the State;
- b) any other contribution provided by the State, Public Bodies, International Organizations or private persons;
- c) any fees and charges collected under Article 5 of this Law;
- d) reserve funds to be set aside from the Board's profits;
- e) rentals from movable or imovable property of the Board;
- f) any other receipts.

Article 14

Budget

The General Manager shall, not later than 30th September in each year, prepare a statement to be called the Annual Budget Statement for the next financial year, showing the estimated receipts and expenditure of the Board. The Annual Budget Statement shall be submitted to the Board of Directors who, after approval, submit it to the Ministry of Agriculture and the Ministry of Finance.

Article 15

Annual Accounts

1. Within 31st March in each year, the General Manager shall prepare the Annual Accounts and the Profit and Loss Statement of the Board and shall submit them to the Board of Directors who, after approval, submit them to the Ministry of Agriculture and the Ministry of Finance.

2. The Secretary of State for Agriculture shall, in consultation with the Secretary of State for Finance, be competent to approve the Annual Accounts and shall give instructions for their publication in the Official Bulletin at the expense of the Board.

Article 16

Authorized Loans

The Board may, for purposes of its activity, obtain loans from financial institutions within the Republic and abroad with the prior approval of the Secretary of State for Agriculture, having heard the Board of Directors.

Article 17

Accounts

The accounts of the Board shall be maintained in the manner prescribed by any general rules issued by Government and by its by-laws.

Article 18

Audit

The accounts of the Board shall be audited by the separate unit established in the Office of the Magistrate of Accounts for the purpose of auditing Autonomous Agencies.

CHAPTER IV

FINAL PROVISIONS

Article 19

By-Laws

The By-laws of the Board shall be issued by decree of the President of the Supreme Revolutionary Council, on the proposal of the Secretary of State for Agriculture, having headr the Board of Directors.

Article 20

Repeal

Any Law or provisions contrary to, or inconsistent with, this Law is hereby repealed.

Article 21

Entry into force

1. This Law shall come into force on the day following the date of its publication in the Official Bulletin.

2. All persons shall be required to observe it and cause others to obesreve it as a Law of the Republic.

Article 22

English text to prevail

If there is a conflict between the English and the Italian text of this Law, the former shall prevail.

Mogadishu, 13 August 1970.

Major General Mohamed Siad Barre
PRESIDENT
of the Supreme Revolutionary Council

Dr. Abdulrahman Moh. Hassan
Secretary of State for Agriculture

DECREE OF THE PRESIDENT OF THE SUPREME REVOLUTIONARY
COUNCIL No. 179 of 1 August 1970.
Retirement Lieut Abdi Jama Hujalleh.

THE PRESIDENT
OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN the First Charter of the Revolution by which the Supreme Revolutionary Council have taken over Legislative, Executive and Judiciary powers of the State;

HAVING SEEN Chapter 44 of the Laws of Somaliland 1950 --- Non-European Officers' Pensions Ordinance;

HAVING SEEN Article 4 of the Decree of Supreme Revolutionary Council No. 21 of 1st December, 1969;

HAVING CONSIDERED the application for retirement submitted by Lieut. Abdi Jama Hujalleh, dated 23rd February, 1970 and endorsed by Commandant of Police under his letter No. FIN/13/29 of 28th May, 1970.

ON THE PROPOSAL of the Ministry of Interior;

DECREES:

Article 1

Having attained the retirement age, the request of Lieut. Abdi Jama Hujalleh to retire from the Government Service under the Non-European Officers' Pensions Ordinance, is hereby approved w.e.f. 19th May, 1970 when he will proceed on earned leave pending retirement.

Article 2

He should be paid all his terminal benefits due to him in accordance with conditions of service governing his appointment.

Mogadiscio, 1 August, 1970.

Major Gen. Mohamed Siad Barre
PRESIDENT
of the Supreme Revolutionary Council

Brig Gen. Hussein Kulmie
Secretary of State for Interior
Ibrahim Megag Samater
Secretary of State for Finance

VISTO e Registrato - Reg. n. 5, foglio n. 30.
Mogadiscio, li 5 Agosto 1970.
Il Magistrato ai Conti:
MOHAMUD ISSE SALWE

**DECREE OF THE PRESIDENT OF THE SUPREME REVOLUTIONARY
COUNCIL No. 180 of 1 August 1970.**
Retirement Sub-Lieut Suliman Ahmed Dabay.

THE PRESIDENT
OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN the First Charter of the Revolution by which the Supreme Revolutionary Council have taken over Legislative, Executive and Judiciary powers of the State;

HAVING SEEN Chapter 44 of the Laws of Somaliland 1950 — Non-European Officers' Pensions Ordinance;

HAVING SEEN Article 4 of the Decree of Supreme Revolutionary Council, No. 21 of 1st December, 1969;

HAVING CONSIDERED the application for retirement submitted by Sub-Lt. Suliman Ahmed Dabay dated 24th February, 1970 and endorsed by Commandant of Police under his letter No. FIN 13/28 of 28th May, 1970.

ON THE PROPOSAL of the Ministry of Interior;

DECREES:

Article 1

Having attained the retirement age, the request of Sub-Lt. Suliman Ahmed Dabay to retire from the Government Service under the Non-European Officers' Pensions Ordinance, is hereby approved w.e.f. 7th May, 1970 when he will proceed on earned leave pending retirement.

Article 2

He should be paid al his terminal benefits due to him in accordance with the conditions of service governing his appointment.

Mogadiscio, 1 August, 1970.

Major Gen. Mohamed Siad Barre
PRESIDENT
of the Supreme Revolutionary Council

Brig Gen. Hussein Kulmie
Secretary of State for Interior
Ibrahim Megag Samater
Secretary of State for Finance

VISTO e Registrato - Reg. n. 5, foglio n. 29.
Mogadiscio, li 5 Agosto 1970.
Il Magistrato ai Conti:
MOHAMUD ISSE SALWE

DECREE OF THE PRESIDENT OF THE SUPREME REVOLUTIONARY
COUNCIL No. 181 of 1 August 1970.
Retirement Sub-Lieut Nur Elmi Egal.

THE PRESIDENT
OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN the First Charter of the Revolution by which the Supreme Revolutionary Council have taken over Legislative, Executive and Judiciary powers of the State;

HAVING SEEN Chapter 44 of the Laws of Somaliland 1950 -- Non-European Officers' Pensions Ordinance;

HAVING SEEN Article 4 of the Decree of Supreme Revolutionary Council No. 21 of 1st December, 1969;

HAVING CONSIDERED the application for retirement submitted by Sub-Lt. Nur Elmi Egal dated 10th February, 1970 and endorsed by Commandant of Police under his letter No. FIN/13/30 of 28th May, 1970.

ON THE PROPOSAL of the Ministry of Interior;

DECREES:

Article 1

Having attained the retirement age, the request of Sub-Lt. Nur Elmi Egal to retire from the Government Service under the Non-European Officers' Pensions Ordinance, is hereby approved w.e.f. 20th May, 1970 when he will proceed on earned leave pending retirement.

Article 2

He should be paid all his terminal benefits due to him in accordance with the conditions of service governing his appointment.

Mogadiscio, 1 August, 1970.

Major Gen. Mohamed Siad Barre
PRESIDENT
of the Supreme Revolutionary Council

Brig Gen. Hussein Kulmie
Secretary of State for Interior
Ibrahim Megag Samater
Secretary of State for Finance

VISTO e Registrato - Reg. n. 5, foglio n. 31.

Mogadiscio, 5 Agosto 1970.

Il Magistrato ai Conti:

MOHAMU ISSE SALWE

DECRETO DEL SEGRETARIO DI STATO AI LAVORI PUBBLICI

28 Luglio 1970, n. 182.

Concessione di area di terreno demaniale a favore del Sig. Mohamed Abdi Hassan.

IL SEGRETARIO DI STATO

VISTA la Costituzione della Repubblica Somala nella parte compatibile con lo Spirito della Rivoluzione del 21 Ottobre 1969;

VISTA la Prima Carta della Rivoluzione del 21 Ottobre 1969;

VISTO l'assetto giuridico della Repubblica Democratica Somala n. 1 in data 21 Ottobre 1969;

VISTO il D. P. R. 23 Maggio 1961, n. 144;

VISTO l'Ordinanza n. 5 del 12 Aprile 1950;

VISTA la domanda in data 21-9-1961, presentata dal Sig. Ali Garad Giama intesa ad ottenere in concessione a scopo edilizio un appezzamento di terreno demaniale sito in Mogadiscio — nei pressi del 4° Km. per Afgoi — Ricade nella zona VII Esterna;

CONSIDERATO che, l'avviso ad opponendum riguardante l'area di terreno richiesta è rimasto affisso a termini di legge all'albo del Municipio di Mogadiscio, ed è stato pubblicato sul Bollettino Ufficiale della Somalia Suppl. n. 1 al n. 9 del 10 Settembre 1962, senza opposizione da parte di terzi;

VISTO il progetto concernente la costruzione di un edificio in muratura che è stato approvato dalla Commissione Edilizia Municipale di Mogadiscio nella sua 298° seduta del 29-10-1962;

VISTA la bolletta n. 9814 in data 17 Novembre 1962, dell'Ufficio Tasse sugli Affari attestante che il Sig. Ali Garad Giama ha pagato la somma di Sh. So. 484, quale prezzo di cessione dell'area di terreno richiesta in concessione a scopo edilizio, della superficie di mq. 968, sito in Mogadiscio — nei pressi del 4° Km. per Afgoi;

VISTO il verbale di consegna in data 10 Febbraio 1970, redatto dal Servizio Tecnico Erariale dal quale si rileva che per ragioni di lottizzazione è stata consegnata al Sig. Ali Garad Giama una superficie di mq. 880, cioè inferiore di mq. 88, a quello che il Sig. Ali Garad Giama ha pagato con sopradetta bolletta n. 9814 in data 17 Novembre 1962;

VISTO il disciplinare di concessione edilizia e la planimetria che lo integra;

VISTA la domanda in data 2 Luglio 1970, presentata dal Sig. Ali Garad Giama, dalla quale si chiedeva il rimborso di Sh. So. 44, pari a mq. 88, di terreno designato in meno;

VISTO l'atto n. 3871 di Rep. in data 12-4-1970, registrato a Mogadiscio il 26 Maggio 1970, al n. 446 Atti Pubblici Vol. 19 a rogito Notaio Dr. Hassan Warsame Ali, con il quale il Sig. Ali Garad Giama cede e trasferisce al Sig. Mohamed Abdi Hassan tutti i diritti presenti e futuri sul terreno della superficie di mq. 880, sito in Mogadiscio — nei pressi del 4° Km. per Afgoi;

DECRETA:

E' concesso a scopo edilizio al Sig. Mohamed Abdi Hassan l'area di terreno demaniale di mq. 880, sito in Mogadiscio — nei pressi del 4° Km. per Afgoi, di cui alla planimetria allegata e alle condizioni contemplate nell'unito disciplinare che si approva e si rende esecutivo, stipulato in data 25 Luglio 1970, fra il Governo rappresentato dal Segretario di Stato ai LL. PP. e l'interessato Sig. Mohamed Abdi Hassan.

Mogadiscio, li 28 Luglio 1970.

IL SEGRETARIO DI STATO ai LL.PP.
Ing. Ali Hussein Osman

VISTO e Registrato - Reg. n. 1, foglio n. 25.
Mogadiscio, li 3 Agosto 1970.
Il Magistrato ai Conti:
MOHAMUD ISSE SALWE

DECRETO DEL SEGRETARIO DI STATO AI LAVORI PUBBLICI

11 Agosto 1970, n. 183.

Assegnazione di area di terreno demaniale al Ministero degli Esteri — sito 5 Km. per Afgoi.

IL SEGRETARIO DI STATO

VISTA la Costituzione della Repubblica Somala nella parte compatibile con lo Spirito della Rivoluzione del 21 Ottobre 1969;

VISTA la Prima Carta della Rivoluzione del 21 Ottobre 1969;

VISTO l'assetto giuridico della Repubblica Democratica Somala n. 1 in data 21 Ottobre 1969;

VISTO il D. P. R. 9 Gennaio 1967, n. 6;

VISTO l'Ordinanza n. 5 del 12 Aprile 1950;

VISTA la richiesta del Ministero degli Esteri n. 2932/1/1 di prot. del 25 Giugno 1970, con la quale chiede l'assegnazione di un appezzamento di terreno demaniale — sito in Mogadiscio — per la costruzione di un edificio da adibirsi agli Uffici;

VISTO l'accertamento tecnico effettuato dal Servizio Tecnico Erariale del Dipartimento Demanio in data 14 Luglio 1970;

CONSIDERATA la necessità da eseguire del Ministero degli Esteri, sull'area delle costruzioni di un edificio ad uso di Uffici;

DECRETA:

Art. 1

E' riconosciuto a favore del Ministero degli Esteri, il diritto di proprietà del lotto di terreno — sito in Mogadiscio — V Km. per Afgoi;

L'area concessa ha la forma rettangolare con i lati di mt. 200 e mt. 100 e così copre una superficie di mq. 20.000;

Essa confina: a Nord con via del P. R. e Società Ructeida, a Sud con la direttrice Mogadiscio-Afgoi, ad Est con muro di comunione che divide tra il Ministero degli Esteri e Ministero Rurale, ad Ovest con il Ministero Minerario.

Art. 2

L'area descritta al prec. Art. 1 è meglio specificata nell'allegata planimetria, che fa parte integrante del presente decreto.

Mogadiscio, li 11 Agosto 1970.

IL SEGRETARIO DI STATO ai LL.PP.
Ing. Ali Hussein Osman

VISTO e Registrato - Reg. n. 1, foglio n. 29.

Mogadiscio, li 12 Agosto 1970.

Il Magistrato ai Conti:

MOHAMUD ISSE SALWE

PARTE SECONDA

DISPOSIZIONI, COMUNICATI, AVVISI, VARIE

REGIONAL COURT OF HARGEISA

CIVIL MISC. APPLIATION No. 12/70 .

Petitioner — Dr. Ali Farah Mohamoud.

Versus

Counter — petitioner: Port Saeed Bank, Mogadiscio.

DECREE:

The petitioner Doctor Ali Farah Mohamoud have sworn statement before me stating that his Port Saeed Saving Book has been burnt by thieves at Zeila when his house was burnt. The Bank according to him contained Shs. 6,500/- which was in his account.

I believe the statement of the petitioner and I order the said saving Bank Book be cancelled and to be published in the Official Bulletin and the amount in the account to be paid to petitioner after 30 days of the publication of the cancellation in the Official Bolletin, in accordance with Article 27 of the Legislative Decree No. 2 of 1965 on payment of publication fees by the petitioner.

O. IUSUF

Ag. President, Regional Court Hargeisa

(200)