

**DECREE-LAW No. 13 of 9 September 1965.**  
**Organisation of Civil Aviation.**

THE PRESIDENT OF THE REPUBLIC

HAVING SEEN Article 63 of the Constitution and Article of Law No. 14 of 3 June 1962, on the Organisation of Government, as amended by Decree Law No. 1 of 1965;

RECOGNISING the urgent necessity to make provisions governing the organisation of Civil Aviation;

HAVING HEARD the Council of Ministers;

ON THE PROPOSAL of the Minister of Communications and Transport;

HEREBY DECREES

CHAPTER I

**Functions and Powers of the Minister of Communications and Transport with regard to Civil Aviation**

Article 1

*General Powers*

In the performance of the functions relating to civil aviation, referred to in Law No. 14 of 3 June 1962, as amended, the Minister of Communications and Transport shall:

- a) adopt the necessary measures to ensure the development of civil aviation;
- b) promote safety and efficiency in the use of civil aircraft, and exercise the necessary control thereof;
- c) organise and operate telecommunications and a unified meteorological service;
- d) promote research into questions relating to civil aviation;
- e) carry out any other function relating to civil aviation, as may be prescribed by law and regulations.

Article 2

*Power to Implement International Agreements*

The Minister of Communications and Transport shall adopt the necessary measures to implement:

- a) the Convention on International Civil Aviation of 7 December 1944;

- b) the Convention of the World Meteorological Organisation of 11 October 1947;
- c) any other Convention on the same or related subjects to which the Somali Republic may become a Party after the entry into force of this Decree law.

Article 3

*Air Traffic Control*

The Minister of Communications and Transport shall establish and operate the services necessary for the exercise of air traffic control of all aircraft flying within the air space of the Republic.

Article 4

*Meteorological Services*

The Minister of Communications and Transport shall establish and operate a unified Meteorological service with related telecommunications, to serve Civil Aviation and all other needs of the Republic in this field.

Article 5

*Civil Airports and Airport Charges*

1. The Minister of Communications and Transport may, for the purpose of civil aviation, establish and operate airports, and provide and maintain in connection therewith roads, approaches, buildings, installations and apparatus.

2. The Minister of Communications and Transport may, in agreement with the Minister of Finance, establish landing and parking fees, as well as other charges for services rendered in the aforementioned airports, and arrange a unified system of collection of such fees and charges.

Article 6

*Power to Issue Authorisations, Licences and Certificates*

1. The Minister of Communications and Transport shall provide for the registration of aircraft for civil aviation, and the issuance of Certificates of Airworthiness, as well as Licences and Certificates to pilots and other civil aviation personnel.

2. For the purpose referred to in the preceding paragraph, the Minister may:

- a) provide for the technical inquiries necessary to verify whether the prescribed requirements are fulfilled;
- b) establish, in agreement with the Minister of Finance, the fees for the issuance of authorisations, licences and certificates.

3. Where the prescribed requirements are no longer fulfilled, the Minister shall have the power to revoke or withdraw the authorisations, licences and certificates referred to in paragraph 1.

## Article 7

### *Air Navigation Concessions and Overflight Permits*

The Minister of Communications and Transport shall have the power to grant concessions for the establishment and operations of civil airlines. For this purpose, he may authorise the occupation of land and the construction of buildings and permanent installations as well as the use of civil airports in the territory of the Republic; he may also grant general or special authorisations to foreign civil aircraft to overfly or land in the territory of the Republic.

## Article 8

### *Investigations*

1. The Minister of Communications and Transport shall have the power to arrange for the investigation of civil aviation accidents occurring within the territory of the Republic or its air space, and those occurring outside the national territory and air space in cases where aircraft registered in the Somali Republic are involved therein.

2. Pending the investigations referred to above, the Minister may adopt the necessary measures to prevent interference in the conduct of such investigations; for this purpose, he may prohibit access to unauthorised persons. He may also order the removal of part of, or the whole aircraft or other objects necessary for the investigation.

Article 9

*Provisions Concerning Property*

The Minister of Communications and Transport shall:

- a) administer State property for the use of civil aviation;
- b) request that the necessary steps be taken, in accordance with law, for the acquisition, expropriation, sale of other modes of disposal or transfer of property or rights as may be necessary for the purpose of civil aviation;
- c) establish, by decree, the areas subject to special restrictions and control for civil aviation purpose;
- d) take the necessary measures for the demolition or removal, total or partial, of buildings, plantations, poles, cables, conduits, power lines, obstructions or installations of any kind existing in the above mentioned areas; he may also order the interruption of traffic or the diversion of roads or other land or waterways, where it is necessary to ensure the security and efficiency of civil aviation.

Article 10

*Right to Compensation*

1. Where property is expropriated under Article 9 (b) above, the owner of such property shall be entitled to equitable and timely compensation.

Article 11

*Civil Aviation Conventions and Agreements*

1. International conventions and agreements with foreign States or other subjects of international law, concerning civil aviation, may be made, according to law, after prior consultation with the Minister of Communications and Transport.

2. The Minister of Communications and Transport shall have the power to make, according to law, any other convention or agreement on the same subject.

CHAPTER II.

**Organisation of Airports and related Services**

Article 12

*Officer in Charge of Airport*

1. The Minister of Communications and Transport shall appoint for each airport an officer in charge of the services for which his Ministry is responsible, including telecommunications, air traffic control, meteorology and any other service and works connected with the airport.

2. The above mentioned officers shall be provided with adequate staff from the Ministry of Communications and Transport.

Article 13

*Special Airport Services*

1. At each airport:

- a) public health and hygiene services shall be provided by the appropriate organs of the Ministry of Health and Labour;
- b) customs and foreign exchange services shall be provided by the appropriate organs of the Ministries of Finance and Industry and Commerce;
- c) services relating to immigration and public order shall be provided by the Ministry of Interior.

2. The above mentioned organs, as well as any other organ performing public services at the airports, shall cooperate closely with the officer in charge of the airport in the adoption and implementation of measures within their respective competence.

Article 14

*Airports Used Jointly for Civil and Military Purposes*

All measures concerning the airports used jointly for civil and military purposes shall be adopted by the Ministry of Communications and Transport in agreement with the Ministry of Defence.

## Article 15

### *Carriage of Arms or Ammunitions of War*

1. No person shall use civil aircraft for the carriage of arms or ammunition of war without special authorisation issued by the Minister of Communications and Transport, in agreement with the Minister of Defence.
2. For the purposes of this decree law, the term «arms or ammunition of war» means arms or ammunition normally used in warfare.

## CHAPTER III.

### **Advisory Commission for Air Navigation**

## Article 16

### *Composition of the Advisory Commission for Air Navigation*

1. An Advisor Commission for Air Navigation shall be established in the Ministry of Communications and Transport.
2. The Commission shall consist of a Chairman and four members, appointed by the Minister of Communications and Transport from among persons possessing special qualifications and experience on the subject of air navigation and related services.
3. The term of office of the Chairman and the members of the Commission shall be three years. They may be reappointed.
4. The Secretary of the Commission shall also be appointed by the Minister of Communications and Transport.

## Article 17

### *Duties of the Advisory Commission for Air Navigation*

1. The Advisory Commission for Air Navigation shall:
  - a) investigate petitions and claims relating to civil air navigation and related services, and submit its comments and recommendations to the Minister of Communications and Transport;
  - b) advise on any matter relating to civil aviation and air navigation, at the request of the Minister of Communications and Transport.

2. The members of the Commission shall abstain from participating in the deliberations of the Commission on matters in which they have a financial interest, either directly or indirectly.

#### CHAPTER IV.

##### **Penal Provisions and Jurisdiction**

###### Article 18

###### *Penal Sanction*

Whoever contravenes any measure lawfully adopted in matters of civil aviation shall, where the act does not constitute a more serious offence, be punished in accordance with Article 505 of the Penal Code.

###### Article 19

###### *Administrative Sanctions*

Without prejudice to the penal sanction referred to in the preceding article, special administrative sanctions may be imposed by law or regulation in respect of failure to comply with measures lawfully adopted in matters of civil aviation.

###### Article 20

###### *Penal Jurisdiction*

The Regional Courts territorially competent shall have exclusive jurisdiction in respect of offences referred to in Article 18.

#### CHAPTER V.

##### **Transitional and Final Provisions**

###### Article 21

###### *Transitional Provisions*

All Certificates of Airworthiness, Licences, pilot's Certificates and other Certificates and authorisations issued by the competent authorities and still valid on the date of entry into force of this decree law remain valid until their expiry; provided that the Mi-

nister of Communications and Transport may, under this decree law, issue provisions for the revocation, validation or renewal of such Licences, Certificates and authorisations.

Article 22

*Regulations*

The Minister of Communications and Transport may make regulations for the proper implementation of this decree law.

Article 23

*Abrogation*

Any provision contrary to or inconsistent with this decree law is hereby abrogated.

Article 24

*Entry into Force*

This decree law shall enter into force on the day following the date of its publication in the Official Bulletin, and shall be presented to the National Assembly for conversion into law in accordance with Article 63 of the Constitution.

Mogadiscio, 9 September 1965.

**ADEN ABDULLA OSMAN**

*The Prime Minister*  
ABDIRIZAK HAGI HUSSEN

*The Minister of Communications and Transport*  
MOHAMUD ABDI NUR