

APPENDIX

SOMALI REPUBLIC

LAW of 31 January 1961, No. 5.

«Act of Union».

Y

THE PROVISIONAL PRESIDENT OF THE REPUBLIC

TAKING NOTE of the approval of the National Assembly;

HEREBY PROMULGATES

the following law:

Article 1.

(Union and Capital of the State)

1. Somaliland and Somalia, being united, constitute under the Constitution the SOMALI REPUBLIC, which shall be an independent, democratic and unitary republic.
2. The Capital of the Somali Republic shall be Mogadishu.

Article 2.

(National Assembly)

The Legislative Assemblies of Somaliland and Somalia shall together comprise the first National Assembly of the Somali Republic.

Article 3.

(Continuation of Laws and Institutions)

1. The laws in force in Somaliland and Somalia at the time of the establishment of the Union shall remain in full force and effect in the respective jurisdictions subject to the provisions of the Constitution, this law or any future law.
2. Subject to the provisions of Article 94 of the Constitution concerning the jurisdiction of the Supreme Court, and any future law, the Courts as presently constituted in Somaliland and Somalia shall continue to exercise the respective jurisdiction conferred upon them by law.
3. Save as otherwise provided in the Constitution, this law or any future law, all public bodies, both central and local, shall continue to exist and shall retain all their duties, functions and powers.

4. Subject to the provisions of any future law, the terms and conditions of service of public officials and employees serving central or local bodies shall not be less favourable than those applicable to them at the time of the establishment of the Union.

5 All rights and obligations, whether public or private, shall continue in existence in accordance with the applicable law, and shall be recognized and given full force and effect.

Article 4.

(Succession to Rights and Obligations)

1. All rights lawfully vested in or obligations lawfully incurred by the independent Governments of Somaliland and Somalia or by any person on their behalf, shall be deemed to have been transferred to and accepted by the Somali Republic upon the establishment of the Union.

2 Whenever such rights or obligations arise from any international agreement their acceptance by the Somali Republic shall be subject to Article 67 of the Constitution.

Article 5.

(Citizenship)

All persons who on the date of the establishment of the Union possessed the citizenship of Somaliland or Somalia shall become citizens of the Somali Republic.

Article 6.

(Army and Police)

1. The Somaliland Scouts and the National Army of Somalia shall constitute the National Army of the Somali Republic and shall be under the authority of the Minister of Defence.

2. The Police Forces of Somaliland and Somalia shall constitute the Police Force of the Somali Republic and shall be under the authority of the Minister of the Interior.

Article 7.

(Financial Provisions)

Until a unified budget of the Somali Republic has been established, the budgetary appropriations for Somaliland and Somalia shall as far as practicable continue to be applied in the respective territories for the purposes for which they were originally intended.

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Article 8.

(Customs)

1 Until otherwise provided by law, goods imported from foreign countries and moving from the territory of Somaliland to the territory of Somalia and vice versa shall be subject to the customs laws in force at the date of the establishment of the Union:

Provided that (a) where the rate of duty in the territory to which the goods are proceeding is equal to or lower than the rate in the territory from which the goods are proceeding, no duty shall be charged; and (b) where the rate of duty in the territory to which the goods are proceeding is higher than the rate in the territory from which the goods are proceeding there shall be charged an amount equal to the difference between the two rates.

2 No customs, excise, or other tax shall be imposed upon the movement goods (including animals) between Somaliland and Somalia or vice versa when such goods originate in the Somali Republic.

3. Nothing in this article shall be deemed to revoke or modify any restriction in force at the time of unification in Somaliland or Somalia on the import, export or movement of any goods into or out of Somaliland or Somalia.

Article 9.

(Repeal of Inconsistent Legal Provisions)

1. Any provision of any law of Somaliland or Somalia, including the Somaliland Order in Council, 1960 (being the Constitution of Somaliland), which is inconsistent with the Constitution of the Somali Republic or this law is hereby repealed.

2. The provisions of the Union of Somaliland and Somalia Law (No. 1 of 1960) are hereby repealed, except for Article 11(4) thereof.

Article 10.

(Title and Entry into Force)

This law may be cited as the «Act of Union» and shall be deemed to have come into operation on the 1st day of July, 1960.

This Law shall be included in the Official Compilation of Laws and published in the Official Bulletin.

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