

State of Somaliland Main Laws as at 30 June 1960

(O – Ordinance; GN – Government Notice; No. – Number)

[Acknowledgement: I have used as a very useful reference the 'Index To the Laws in Force in the Northern Region on 15 August 1960' compiled by Mr Iqbal Singh who worked at the Somaliland Legal Department.]

Introduction

I have listed below the main laws (Acts, Ordinances and Regulations) which were in force as at 30 June 1960. The list is not exhaustive but I have aimed to cover, as far as possible, the main enactments but not their numerous amendments. All the amendments to these enactment up to December 1949 have been included in the three volume compilation of 'The Laws of the Somaliland Protectorate in Force on 1 January 1950' (which superceded the June 1930 compilation), but the enactments from 1950 to 1960, though published in annual volumes have not been so compiled.

At Somaliland's independence on 26 June 1960 and the coming into force of the independent [State of Somaliland Constitution](#), all the previous laws in force will still be current, but subject their compliance with the provisions of the new Constitution. The Constitution also provided that the Council of Ministers can change any such previous legal provisions that are no longer compatible with the independent status of the country and the interests of the Somaliland people. The relevant constitutional provisions are:

A] Powers of the Council of Ministers to change existing law to conform it to the 1960 Somaliland Constitution: These are set out in the transitional provisions (section 54) relating to existing laws as follows -

Section 54: Existing Laws

(1) Without prejudice to the repeal or revocation of any existing law with effect from the commencement of this Constitution, *the existing law shall continue to be the law of Somaliland as from the commencement of this Constitution except in so far as it is thereafter amended, modified, repealed or revoked by competent authority but shall be construed with such adaptations and modifications as may be necessary to bring it into conformity with the provisions of this Constitution.*

(2) The Council of Ministers may by order published in the Gazette at any time within twelve months after the commencement of this Constitution *make such amendments and modifications of the existing law as appear to the Council of Ministers to be necessary or expedient for bringing the existing law into conformity with this Constitution or otherwise for giving effect or enabling effect to be given to this Constitution; and the existing law shall have effect accordingly from such time as may be specified in the order, not being earlier than the commencement of this Constitution.*

(3) An order made under this section may be revoked or amended by a further order made under this section or in relation to any law or instrument affected thereby, by the authority having power to repeal, revoke or amend that law or instrument.

(4) *In this section “the existing law” means the written and unwritten law of Somaliland as it exists immediately before the commencement of this Constitution.*

[Italics added]

B] The Constitutional provisions relating to how the British & Indian laws and common law shall be applied ‘*so far only as the circumstances of Somaliland and its inhabitants permit and subject to such qualifications as local circumstances render necessary*’. Also courts, in applying the existing laws have to be guided by Somaliland Customary law and by Islamic Law (Sharia). These are set out in sections 42 and 43 of the Constitution, as follows:

Section 42: Application of certain Indian enactments and the law of England

(1) The criminal and civil jurisdiction of the Courts of Somaliland shall, so far as circumstances permit, be exercised in conformity with the enactments set out in the Second Schedule to this Constitution and subject thereto and so far as the same do not extend or apply shall be exercised in conformity with the substance of the common law, the doctrines of equity and the statutes of general application in force in England on the 16th Day of March , 1900, and with the powers vested in and according to the procedure and practice observed by and before the Courts of Justice and Justices of the Peace in England according to their respective jurisdiction and authorities at that date, save in so far as the said enactments and the said common law, doctrines of equity and statutes of general application, and the said powers, procedure and practice have been, or hereafter may be, modified, amended or replaced by any written law made for Somaliland :

Provided always that the said common law, doctrine of equity and statutes of general application shall be in force in Somaliland so far only as the circumstances of Somaliland and its inhabitants permit and subject to such qualifications as local circumstances render necessary.

(2) For the purpose of facilitating the application of the enactments set out in the Second Schedule to this Constitution -

(a) a Court may construe any such enactment with such alterations not affecting the substance as may be necessary or proper in order to adapt the same to the matter before the Court ;

(b) the Council of Ministers may by order direct by what authority any jurisdiction, powers or duties incident to the operation of any such enactment and for the exercise or performance of which no convenient provision has been otherwise made shall be exercised or performed ;

(c) any order of the Council of Ministers made in pursuance of this subsection shall be published in the Gazette and shall have effect as from a date to be specified in the order.

Section 43: Courts to be guided by Somali customary law in certain cases

In all cases, civil and criminal, to which only Somalis are parties, every Court shall-

(a) *be guided by Somali customary law, (including Somali customary law which is based upon Islamic law)* so far as it applicable and is not repugnant to justice, equity and good conscience or is inconsistent with any written law in force in Somaliland or any regulation or rule made thereunder; and

(b) decide all such cases according to substantial justice, without excessive regard to technicalities of procedure and without undue delay.

[Italics added]

It is also important to note that even after the union of Somaliland and Somalia which was nominally on 1 July 1960, the laws in each of the two countries continued in force in their respective territories until common laws were adopted that covered both territories. This was set out clearly in both versions of the Acts of Union. For example the belated [1961 Act of Union](#) states:

‘Article 3: Continuation of Laws and Institutions

1. The laws in force in Somaliland and Somalia at a the time of the establishment of the Union shall remain in full force and effect in the respective jurisdictions subject the provisions of the Constitution [*i.e the Somali Republic Constitution*], this law [*i.e the Union Law*] or any future law. [*Italics added*]
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.’

Although, after the union, many of Somalia’s Italian laws were simply extended to Somaliland in preference to the existing Somaliland laws, the process of harmonisation of laws continued well into the 1970s.

Finally, I have left out various ordinances which, though still in the statute book, were unlikely to have been enforced after independence and fell into disuse quickly or were repealed/replaced by other laws. Examples of these were:

- Political Removal and Detention Ordinance 1910 (No 2/10)
- Undesirable Publications Ordinance 1939 (No 16/39 as amended)
- Undesirable Publications Notices (Various) banning some publications
- Sedition Ordinance 1939 (No 15/39)
- Collective Punishment Ordinance 1949 (No 8/48 as amended)
- Collective Punishment Regulations 1944 (GN 9/44 as amended)
- Political Cases (Attachment of Livestock) Ordinance (No. 3 of 1937)

Some of the provisions of these Ordinances were, however, covered later in the Public Order Law 1963 and in the Penal Code (which came into force in 1964) , and of course after the Military dictatorship usurped power in October 1969 and abrogated the Somali Republic Constitution (and the principles of the linked Act(s) of Union), decrees much more drastic than the above Ordinances were routinely issued.

Editor

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ADMINISTRATIVE LAW

Transfer of Statutory Functions (*on independence*) Ordinance 20 of 23 June 1960

ANTIQUITIES

Antiquities Ordinance 1956 (No 1/46)

Declaration of Monuments Notices (GN – various relating to Old ruins, like Amoud and Taleh)

ARMS & AMMUNITION

Arms and Ammunition Ordinance 1939 (No 21/39, as amended)

Arms and Ammunition Regulations 1939 (GN 28/39 as amended)

BIRTHS AND DEATHS

Births and Deaths Registration Ordinance 1904 (No 2/04 as amended)

Births and Deaths Registration Rules 1907 (as amended)

BANKING

Savings Bank Ordinance 1936 (No. 2/36 as amended)

Savings Bank Regulations 1936 (as amended)

BUILDING RESTRICTIONS

Building Restrictions Ordinance 1936 (No 7/36 as amended)

BUSINESS PROFITS

Business Profits Tax 1955 (No 13/1955 as amended)

Business Profits Tax Regulations 1955 (GN 41/55 as amended)

CHARCOAL

Production of Charcoal and Lime (Restriction) Ordinance 1947 (No. 6/47 as amended)

Production of Charcoal and Lime (Restriction) Rules 1954 (GN 52/54)

CHILDREN AND YOUNG PERSONS

Children and Young Persons Ordinance 1949 (No 25/49 as amended)

CIVIL AVIATION

Air Navigation Acts 1936 & 1947

Carriage by Air Act 1932

Colonial Civil Aviation (Application of Act) Order 1952

Carriage by Air (Non-international Carriage) (Colonies, Protectorates and Trust Territories) Order 1953

Colonial Air Navigation Order 1955 (as amended)

Air Navigation (Control of Air Routes) Regulations 1951 (GN 51/51)

Civil Aviation (Investigation of Accidents) Regulations 1951 (GN 48/51)

Air Transport (Licensing of Air Services) Regulations (as amended)

Air Transport Licensing Authority 1959
Aerodromes (Control of Obstruction) Ordinance 1951
Aerodromes Fees Rules (as amended)

CIVIL PROCEDURE

Indian Code of Civil Procedure 1908
Civil Procedure Ordinance 1923 (No. 6/23)
Indian Limitations Act 1908
Indian Majority Act 1875
Execution of Money Decrees (Subordinate Courts) Ordinance

COMMISSIONS OF INQUIRY

Commissions of Inquiry Ordinance 1939 (No 11/39)

COMPANIES

Indian Companies Act 1913
Indian Companies Act (Application) Ordinance

CONSTITUTION

Constitution of the State of Somaliland 1960
Union of Somaliland and Somalia Law 1960 (Law No. 1/60)

CONTRACT LAW

Indian Contract Act 1872

CORONERS

Coroners Ordinance 1956 (N2/56)

COURTS

HIGH Court (Qualification of Judges) Ordinance 1950 (No. 25/50)
Judicial Districts & Appointment of Judges Ordinance 1939 (No 19/39 as amended)
Poor Persons Defence Ordinance 1939 (No 26/39 as amended)
Subordinate Courts Ordinance 1944 (No 4/44 as amended)
Subordinate Courts (Court Fees) Rules (as amended GN82/57)
Courts Fees Ordinance 1956 (No 14/56 as amended)
Destruction of Court Record Ordinance & Rules

CRIMINAL LAW

Indian Penal Code 1860 (as amended)
Indian Penal Code (Modification) Ordinance(s) (Various, such as Nos. 4/35, 12/37 and 16/60)
Infanticide Ordinance 1938 (No. 17/38 as amended)
Prevention of Cruelty to Animals Act 1890

CRIMINAL PROCEDURE

Criminal Procedure Ordinance 1929 (No 4/26 as amended by many other Ordinances – 18 up to 1949 and at least 6 more up to 1960)
Subordinate Courts (Criminal Procedure) Rules 1952 (GN 31/52 as amended)

CURRENCY

Currency Change to EA Shs Ordinance 1951 (No 16/51)
Coinage Proclamation 1941 (GN 19/42)

CUSTOMS & EXCISE

Customs Ordinance 1952 (No 5/52 as amended)
Customs regulations 1952 (GN 17/52 as amended)
Excise Duties Ordinance 1947 (No 13/47)
Excise Duties Rules 1947

DISEASES

Communicable Diseases Ordinance 1953 (No 3/53 as amended)
Communicable Diseases (Vaccination Certificates) Rules 1954 (GN 30/56 as amended)
Smallpox (Special Measures) Regulations 1959
Prevention of Rabies Ordinance (No 6/35)
Plague Ordinance 1900 (No. 4/00)

DRUGS

Dangerous Drugs Ordinance 1934 (No. 9/34)

EDUCATION

Education Ordinance 1948 (No. 8/48)

ELECTRICITY

Electricity Ordinance 1954 (No. 17/54)
Electricity Regulations 1956 (GN 37/56 as amended)

EMPLOYMENT/LABOUR

Employers Liability Ordinance 1927 (No. 7/27)
Employment of Women, Yong Persons and Children Ordinance 1938 (No. 6/38)
Minimum Wages Ordinance 1938 (No. 14/38)
Recruiting Servant Regulations 1937 (GN 35/37)
Contract of Employment Ordinance 1953 (No 6/53)
Workmen's Compensation Ordinance 1953 (7/1953) (As amended in 1957)
Trade Unions and Trade Disputes Ordinance 1944 (No 8/44 as amended)
Trade Unions (Registration) Rules 1959
Registrar of Trade Unions 1969

EVIDENCE

Indian Evidence Act 1872 (as amended)
Indian Evidence (Modification) Ordinance 1936 (No. 14/36 as amended)

EXCHANGE CONTROL

Exchange Control Ordinance 1950 (No. 26/50 as amended)

EXPLOSIVES

Explosives Ordinance 1928 (No 2/28)

Explosives Rules 1928 (20 Feb)

FAUNA & FORESTS CONSERVATION

Fauna Conservation Ordinance 1955 (No. 18/55 as amended)

Forests Ordinance 1944 (No 7/44 as amended)

FEES & ROYALTIES

Fees and Royalties Ordinance 1922 (No 6/22 as amended) *(This provided for the fixing and raising practically all fees, dues, levies and royalties etc collected)*

FIRE PREVENTION

Fire Prevention Ordinance 1936 (No. 9/36 as amended)

FINGER-PRINTS

Finger-prints Ordinance 1948 (No 2/48 as amended)

Finger-prints Rules 1948 (GN 4/48 as amended)

FISH

Fisheries Ordinance 1934 (No. 5/34 as amended)

Fisheries Regulations 1934 (as amended)

Fish Curing Ordinance 1925 (No. 3/25 as amended)

HEALTH

Attention & Treatment in Government Hospitals 1954 (GN 31/54)

HOUSE TAX

House Tax Ordinance 1952 (as amended)

High Court (House Tax Appeals) Rules 1952

ILLALO

Illalo Ordinance 1936 (No 11/36 as amended)

Illalo Regulations

IMMIGRATION

Immigration Ordinance 1924 (No 4/24 as amended)

Immigration Regulations 1942 (GN 21/42)

INQUESTS

Coroners Ordinance 1956 (No 2/56)

INTELLECTUAL PROPERTY

Copyrights Act 1911

Copyright Ordinance 1918 (No 3/18)

Patents and designs Acts 1907 and 1919

UK Designs Protection Ordinance 1928 (No. 5/28 as amended)

Registration of UK Patents Ordinance 1924 (No. 9/24 as amended)

Patents (Fees) Rules 1948 (GN 20/48)

Patents Registrar 1945 (GN 11/45)

Trade Marks Acts, 1905 to 1919

Registration of UK Trade Marks Ordinance 1938 (No. 9/38)

Registration of UK Trade Marks Rules 1938 (GN 32/38)

Trade Marks, Patents (& Companies) Registrar assigned to the Attorney General 1951 (GN 17/51; GN18/51 and GN 19/51).

Merchandise Marks Ordinance 1934 (No. 21/34 as amended-O No. 25/54) (This related not to trade marks but to false 'trade description' defined as any description, statement or other indication ... as to the number, measure, gauge, weight of any goods' or their place of manufacture or production or as what they are made of or as their existing patent, privilege or copyright, if any.)

JUDICIAL MUTUAL ASSISTANCE

Reciprocal Enforcement of UK Judgments Ordinance 1921 (No. 4/21)

Foreign Judgments (Reciprocal Enforcement) Ordinance 1960 (No. 23/60 came into force on 26 June 1960)

Reciprocal Enforcement of Judgments Rules 1922 (as amended by GN . 8/39 and GN 43/52)

Foreign Tribunals Evidence Ordinance 1908 (No. 4/08) & Rules 1909 (as amended)

LAND

Cultivation and use of Land Ordinance 1930 (No. 4/30 as amended)

Expropriation of Land Ordinance 1927 (No 6/27)

Expropriation of Land by Roads Outside Towns 1930 (GN 65/39)

Gum and Damask Plantations (Registration) Ordinance

LEGAL PRACTITIONERS

Legal Practitioners' Rules 1957 (GN 44/57)

Legal Practitioners' (Reciprocal Provisions) Order 1957 (GN 52/57)

LEGISLATION

Interpretation and General Clauses Ordinance 1945 (No. 4/45 as amended – the last amendments were GN 71 of 2 November 1960)

Correction of Clerical & Typographical Errors Ordinance 1956 (No. 13/56)

LEGISLATIVE COUNCIL

Legislative Council (Elections) Ordinance 1958 (No. 9/58 as amended)

Legislative Council (Elections) (Forms) Regulations 1959 (GN 10/59 as amended)

Legislative Council (Elections Petitions) Rules 1959 (GN 17/59)

Legislative Council Elections (Polling Control) Regulations 1959 (GN 19/59)

Legislative Council Elections (Literacy) Regulations 1959 (GN 19/59)

Legislative Council (Powers and Privileges) Ordinance 1959 (No. 11/59)

LIVESTOCK CARE

Cattle Disease Ordinance 1902 (No. 1/02 as amended)

Control of animals suspected of Anthrax Infection

Export of Cattle Order 1953 (GN 35/53)

Prevention of Rabies Ordinance 1935 (No. 4/35)

LOCAL AUTHORITIES (Traditional Leaders)

Local Authorities Ordinance 1950 (No. 8/50 as amended). This related to traditional leaders in specific areas, and not to local government authorities (see below)

LOCAL GOVERNMENT COUNCILS

Local Government Councils Ordinance 1953 (No. 1/53 as amended)

MARITIME AND PORTS

(Merchant Shipping Act 1894)

Carriage of Goods by Sea Ordinance 1926 (No. 6/1926)

Indian Carriage of Goods by Sea 1925

Registration of Vessels Ordinance 1905 (No. 1/05 as amended)

Registration of Vessels Rules 1958 (GN 62/58)

(Native) Passenger Vessels Ordinance 1935 (No. 9/35)

(Native) Passenger Vessels Rules

Seaman's Identity Book 1956

Ports Ordinance 1929 (No 6/29 as amended)

Ports Regulations 1938 (GN 3/38 as amended)

MARRIAGE

Betrothal and Marriage Ordinance 1928 (No. 7/28 as amended) (Applied to so called 'natives')

Marriage Ordinance 1902 (No. 3/02)

Marriage Notices 1944 (GN 4/44 as amended)

MEDICAL PRACTITIONERS

Medical Practitioners and dentists Ordinance 1951 (No. 7/51 as amended)

Dental Charges Rules 1958 (GN 83/58)

MENTAL HEALTH

Mental Disorders Ordinance 1953 (No. 14/53)

Mental Disorders Regulations 1953 (GN 62/53)

MILITARY LAW

Somaliland Scouts Ordinance 1954 (No. 9/54 as amended in 1955)

Somaliland Scouts Reserve Ordinance Ordinance 1955 (No. 7/55)

Somaliland Scouts Regulations 1955 (GN 12/55 as amended)

Trial of Military Personnel Rules

Cantonments Ordinance 1947 (No 25/47)

Cantonments Declarations (various)

Courts Martial Convening Authority 1959 (GN 70/59)

MINING & QUARRYING

Mineral Oil Mining Ordinance 1943 (No. 6/43 as amended)

Mineral Oil Mining Regulations

Mining Ordinance 1953 (No. 18/53 as amended)

Mining Regulations 1954 (as amended)

Controller of Mines 1959

Control of Quarrying Ordinance 1951 (No. 15/51)

NATIONALITY

Somaliland Nationality and Citizenship Ordinance 1960 (No. 15 of 23 June 1960)

OATHS AND DECLARATIONS

Indian Oaths Act 1873

Statutory Declarations Ordinance 1945 (No 2 of 1945)

Recognition of Oaths Ordinance 1916 (No. 1/16)

Official Oaths Ordinance 1957 (No. 10/57 as amended)

[Note: The First Schedule of the 1960 Somaliland Constitution laid down a new Oath of office which would replaced the official oaths in these Ordinances.]

OFFICIAL SECRETS

Official Secrets Ordinance

PENSIONS

Pensions (Increase) Ordinance 1953 (No. 17/53 as amended)

Widows and Orphans Pensions Ordinance

Widows and Orphans Pensions (Somaliland Fund) Ordinance 1950 (No. 10/50)

Widows and Orphans Pensions (Somaliland Fund) (Division) Ordinance 1960 (No. 14/60)

POISONS

Sale of Poisons Ordinance 1906 (No. 1/06 as amended)

Sale of Poisons Rules 1958 (GN 16/58)

POLICE

Police Ordinance 1958 (No. 2/58)

Somaliland Police Force Reserve Ordinance 1951 (No. 14/51)

Police Association Regulations 1958 (GN 84/58)

Police (Leave) Regulations 1958 (GN 47/58)

Police (Retiring Benefits and Compensation) Regulations 1958 (GN 84/58)

POST

Indian Office Act 1898

Warehousing Charges on Parcels

Post Office (Private Boxes) Rules 1950 (as amended)

Postage Stamps Rules 1951

Postal Rates (various)

PRISONS & PRISON SERVICE

Prisons Ordinance 1952 (No. 11/52 as amended)

Prisons Rules 1953 (GN 40/53 as amended)

Prison Service 1955 (GN 26/55)

Visiting Justices and Prison Visitors Appointments (Various)

PROPERTY LAW

Land Acquisition Act 1894
Transfer of Property Act 1882

PUBLIC HOLIDAYS

Public Holidays Ordinance 1953 (No. 4/53)

PUBLIC ORDER

Public Order Ordinance 1948 (No. 17/48 as amended)

PUBLIC SERVICE COMMISSION

Public Service Commission Ordinance 1960 (No. 22 of 23 June 1960)

REGISTRATION OF BIRTHS & DEATHS

Births and Deaths Registration Ordinance 1904 (No. 2/04 as amended)

Births and Deaths Registration (Validation) Ordinance 1955

Births and Deaths Registration Rules 1907 (24 Jan 1907 as amended)

SLAVERY ABOLITION

Abolition of Slavery (in any form) Ordinance 1930 (No. 5/30)

SPECIAL DISTRICTS AND AREAS

Special Districts (Administration) Ordinance 1953 (No. 5/53 as amended)

Arbitral Tribunals Appointments (GN 38/53 and others appointed under s. 5 of the SD Ordinance)

Unsettled Areas Ordinance 1948 (No. 16/48 as amended)

STAMP ACT

Indian Stamp Act 1899

STATUTORY DECLARATIONS & OATHS

Statutory Declarations Ordinance 1945 (No. 2/45)

Official Oaths Ordinance 1957 (as amended 1958)

(Indian Oaths Act 1873)

Constitutional Oath 1960

TELEGRAPHS

Telegraphs Ordinance 1929 (No. 4/29 as amended)

Telegraphs Rules 1952 (as amended)

TIMBER

Timber Export Rules (as amended)

TOWNSHIPS

Townships Ordinance 1924 (No 6/24 as amended)

Townships Proclamations (various)

Public Land in Townships (as amended)

Townships (Alienation of Public Land) Rules 1958 (GN 43/58)

Townships Rules 1949 (GN 70/49 as amended)

Townships (Aerated Water and Ice Factories) Rules 1945 (GN 49/45)
Townships (Hotels) Rules 1952 (GN 8/52)
Townships (Control of Grazing) Rules 1952 (GN 14/52)
Declarations of Trading Centres (Various)

TOWN PLANNING

Town Planning Ordinance 1947 (No 7/1947)
Town Planning Schemes (Various)
Town Planning Board 1960 (GN 32/60)
Town Planning (Amendment) (GN No. 69 of 1 October 1960)

TRADERS

Traders' Licensing Ordinance (as amended)
Traders' Licensing Rules 1950 (as amended)

TRAFFIC

Traffic Ordinance 1937 (No. 13/37 as amended)
Traffic Rules 1937 (GN 32/37 as amended)
Prohibition of certain vehicles on certain roads 1950 (GN 48/50)
Traffic (Registration and Licensing Procedure) Rules 1947 (GN 83/47 as amended)
Prohibition of the Carriage of Grass by Motor Vehicle Ordinance 1950 (No. 14/50 as amended 1959 – GN 34/59)

UNLAWFUL ASSOCIATIONS

Unlawful Associations 1948 (No. 5/48)

VAGRANTS

Vagrants Exclusion Ordinance 1920 (No. 4/20)

WATER

Water Supply Ordinance 1958 (No. 10/58)
Water Supply Rules based on the Ordinance (GN 73 of 12 December 1960 – published in the last Gazette of 1960 dated 31 December 1960)

WEIGHTS AND MEASURES

Weights and Measures Ordinance 1950 (No. 9/50)
Weights and measures Rules 1954 (GN 26/54)