

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

Anno I.

Mogadiscio, 25 Agosto 1970.

Suppl. n. 6 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. 49 of 18 August 1970.

Law on Somali Social Insurance Fund.

THE PRESIDENT

OF THE SUPREME REVOLUTIONARY COUNCIL

HAVING SEEN the deliberation of the Council of Secretaries
on August 2nd, 1970;

TAKING NOTE of the approval of the Supreme Revolutionary
Council;

HEREBY PROMULGATES

the following Law:

CHAPTER I

GENERAL PROVISIONS

Article 1

Establishment

1. The Somali Social Insurance Fund « C.A.S.S. » established
by Decree Law No. 5 of 27th March, 1962, converted with amend-
ments into Law by Law No. 8 of 26th May, 1962, shall continue as
an autonomous agency, but shall hereafter be governed by the pro-
visions of this Law and the Regulations issued thereunder.

2. C.A.S.S. shall be subject to the provisions of the Law Governing Autonomous Agencies, Law No. 16 of 1st April, 1970.

3. C.A.S.S. shall have its Head Office in Mogadishu and may establish branches in other parts of the Republic.

Article 2

Supervision

1. C.A.S.S. shall function under the supervision of the Secretary of State for Justice, Religion and Labour.

2. The Secretary of State for Justice, Religion and Labour may from time to time give C.A.S.S. such directives as he may consider necessary in order to ensure that it acts in accordance with the best interest of the State.

Article 3

Objectives

1. The objectives of «C.A.S.S.» shall be to exclusively carry on the following compulsory insurance activities in respect of employees:

- (a) industrial accident and occupational disease insurance;
- (b) disablement and old age insurance;
- (c) Tuberculosis insurance;
- (d) involuntary unemployment insurance; and
- (e) insurance against any disease whose risk is not covered by any other form of insurance.

2. C.A.S.S. may also carry on any other insurance activities which may be subsequently provided for.

Article 4

Powers

C.A.S.S. shall, within the limits of law, have all powers necessary for the achievement of its objectives.

Article 5

Fees

1. C.A.S. may, whenever appropriate, collect special fees for services rendered in pursuance of its objectives.

2. The rate of the fees referred to in the preceding paragraph shall be established by decree of the Secretary of State for Justice, Religion and Labour.

Article 6

Premiums and contributions

For the achievement of its objectives referred to in Article 3, C.A.S.S. shall be given the premiums and contributions paid by employers and employees at the rates established by the Regulations in force.

CHAPTER II

ORGANIZATION

Article 7

Organs

1. The organs of C.A.S.S. shall be:
 - (a) the General Manager;
 - (b) The Board of Directors.
2. The central and local administrative organization of C.A.S.S. shall be established by Regulations.
3. The accounts of C.A.S.S. shall be audited by the special unit established for the purpose in the office of the Magistrate of Accounts.

Article 8

Board of Directors

The Board of Directors shall consist of:

- (a) the General Manager, as Chairman;
- (b) a representative from the Labour Department of the Ministry of Justice, Religion and Labour, as Member;
- (c) a representative from the Ministry of Finance, as Member;
- (d) a representative from the Ministry of Industry and Commerce, as Member;
- (e) a representative from the Ministry of Agriculture, as Member;
- (f) a representative from the Ministry of Health, as Member;
- (g) two representatives of employees, as Members;
- (h) two representatives of employers, as Members.

Article 9

Appointment

1. 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 Justice, Religion and Labour, having heard the Council of Secretaries and the Supreme Revolutionary Council.

2. The other members of the Board of Directors shall be appointed by decree of the President of the Supreme Revolutionary Council, on the proposal of the Secretary of State for Justice, Religion and Labour.

Article 10

Removal and Tenure of Office

1. The General Manager and the members of the Board of Directors may be removed from office, following the procedure prescribed for their appointment.

2. The members of the Board of Directors referred to in Article 7, letters (g) and (h) shall, unless otherwise removed, hold office for a period of two years, and they may be re-appointed.

Article 11

Emoluments of the General Manager and sitting allowance to the Members of the Board of Directors

The emolument 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 Justice, Religion and Labour, 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 the Law Governing Autonomous Agencies, Law No. 16 of 1st April, 1970.

Article 12

Functions of the General Manager

1. The General Manager shall be the executive head of C.A.S.S. and shall represent it.

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

3. He shall be responsible for the implementation of the decisions of the Board of Directors.

4. He shall be in charge of the day-to-day administration of C.A.S.S.

5. He shall be responsible for the funds, and for the maintenance of the accounts, of C.A.S.S.

6. In case of temporary absence or impediment, the functions of the General Manager as Chairman shall be performed by a member of the Board of Directors designated by the Secretary of State for Justice, Religion and Labour.

Article 13

Functions of the Board of Directors

1. The Board of Directors shall be responsible for the general policy of C.A.S.S.

2. At the meeting of the Board of Directors, six members shall constitute the quorum. When there is an even number of votes, the Chairman have the casting vote.

Article 14

Staff

1. C.A.S.S. may appoint the staff it requires.

2. The terms and conditions of service of the members of the staff shall, subject to any general rules governing the terms and conditions of service of the staff of autonomous agencies issued by the Government, be established by Regulations.

Article 15

Responsibility of General Manager, members of the Board of Directors and staff

The General Manager, the members of the Board of Directors and staff of C.A.S.S. shall, while performing their duties, be deemed to be Public Officials for purposes of responsibility.

CHAPTER III

FINANCIAL PROVISIONS

Article 16

Patrimonio (Capital etc.)

The patrimonio (capital etc.) of C.A.S.S. shall consist of:

- (a) the movable and immovable property of C.A.S.S.;
- (b) insurance premiums and contributions paid by employers and employees;
- (c) any fees due to C.A.S.S. for service rendered by it;
- (d) reserve funds set aside from its profits;
- (e) contributions, if any, given by the State, public bodies or international organizations;
- (f) gifts and legacies made by private persons;
- (g) any other receipts.

Article 17

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 C.A.S.S. The Annual Budget Statement shall be submitted to the Board of Directors who, after approval, submit it to the Ministry of Justice, Religion and Labour and the Ministry of Finance.

Article 18

Annual Accounts

1. Within 31st March, in each year the General Manager shall prepare the Annual Accounts and the Profit and Loss Statement of C.A.S.S. and shall submit them to the Board Directors who, after approval, submit them to the Ministry of Justice, Religion and Labour.

2. The Secretary of State for Justice and Religion and Labour shall, in consultation with the Secretary for Finance, be competent to approve the Annual Accounts and shall give instructions for their publication in the Official Bulletin at the expenses of C.A.S.S.

Article 19

Authorised Loans

C.A.S.S. may, for purposes of its activities, obtain loans from credit institutions within the Republic and abroad, with the prior approval of the Secretary for Justice, Religion and Labour.

Article 20

The accounts of C.A.S.S. shall be maintained in the manner prescribed by any general rules issued by Government for the purpose and by its Regulations.

CHAPTER IV

FINAL PROVISIONS

Article 21

Regulations

The Regulations of C.A.S.S. shall be issued by decree of the President of the Supreme Revolutionary Council, on the proposal of the Secretary of State for Justice, Religion and Labour.

Article 22

Repeal

Decree Law No. 5 of 27th March, 1962, converted with amendments into Law by Law No. 8 of 26th May, 1962, is hereby repealed.

Article 23

Entry into force

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

2. It shall come into force on the day following the date of its publication in the Official Bulletin.

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

Mogadishu, 18 August, 1970.

Major General Mohamed Siad Barre
PRESIDENT

of the Supreme Revolutionary Council

Scek Abdulgani Scek Ahmed
SECRETARY OF STATE
for Justice, Religion and Labour

LEGGE 16 Agosto 1970, n. 50.

Modificazione all'art. 16 della Legge 31 Dicembre 1969, n. 5, sul trattamento di quiescenza del personale Civile dello Stato.

IL PRESIDENTE

DEL CONSIGLIO RIVOLUZIONARIO SUPREMO

VISTA la Prima Carta della Rivoluzione;

VISTA la Legge 21 Ottobre 1969, n. 1;

VISTO il Decreto Legislativo 12 Giugno 1962, n. 3, sull'Ordinamento Giudiziario;

VISTA la Legge 25 Febbraio 1970, n. 11, che ha esteso al personale della Magistratura e a quello Ausiliario dell'Ordine Giudiziario le norme sul trattamento di quiescenza del personale Civile dello Stato, di cui alla legge 31 Dicembre 1969, n. 5;

RITENUTO che per detto personale si rende necessario prorogare il termine previsto dall'art. 16, comma terzo, lettera (b), della legge 31 Dicembre 1969, n. 5, per la cessazione dal servizio dei pubblici dipendenti, ai fini dell'applicabilità delle norme contenute nella legge stessa;

SU PROPOSTA del Segretario di Stato alla Giustizia, Affari Religiosi e Lavoro;

APPROVA E PROMULGA

la seguente legge:

Art. 1

In deroga all'art. 16, comma terzo, lettera (b), della legge 31 Dicembre 1969, n. 5, sul trattamento di quiescenza del personale Civile dello Stato, il termine del 28 Febbraio 1970 è prorogato per il personale della Magistratura e per gli Ausiliari dell'Ordine Giudiziario al 30 Settembre 1970.

Art. 2

La presente Legge ha effetto dal 1° Gennaio 1970.

Mogadiscio, li 16 Agosto 1970.

IL PRESIDENTE

del Consiglio Rivoluzionario Supremo
Magg. Gen. Mohamed Siad Barre

IL SEGRETARIO DI STATO

alla Giustizia, Affari Religiosi e Lavoro

Prof. Abdullaahi Saeb Ahmed

DECRETO DEL SEGRETARIO DI STATO ALLA GIUSTIZIA, AFFARI RELIGIOSI E LAVORO 11 Luglio 1970, n. 186.

Trasferimento dell'Ufficiale Giudiziario Sig. Aden Hagi Mohamud.

IL SEGRETARIO DI STATO

VISTA la Prima Carta della Rivoluzione;

VISTA la Legge 21 Ottobre 1969, n. 1;

VISTO il Decreto legislativo 12 Giugno 1962, n. 3, sull'Ordinamento Giudiziario;

VISTO il Decreto 25 Febbraio 1970, n. 39, del Consiglio Rivoluzionario Supremo, che modifica il decreto 25 Ottobre 1969, n. 12, e l'art. 28 dell'Ordinamento Giudiziario;

RITENUTO che occorre provvedere al trasferimento alla Sezione Civile Distaccata di Mahaddei (Giohar) dell'Ufficiale Giudiziario Sig. Aden Hagi Mohamud, attualmente in servizio nella Corte Suprema che ne ha fatto richiesta;

DECRETA:

Art. Unico

Con decorrenza immediata l'Ufficiale Giudiziario Aden Hagi Mohamud, in servizio nella Corte Suprema, è trasferito alla Sezione Civile Distaccata di Mahaddei del Tribunale Distrettuale di Giohar.

Mogadiscio, li 11 Luglio 1970.

IL SEGRETARIO DI STATO
Prof. Abdulgani Scek Ahmed

VISTO e Registrato - Reg. n. 5, foglio n. 94.
Mogadiscio, li 17 Agosto 1970.
Il Magistrato ai Conti:
MOHAMUD ISSE SALWE

DECRETO DEL SEGRETARIO DI STATO ALLA GIUSTIZIA, AFFARI RELIGIOSI E LAVORO 13 luglio 1970, n. 187.

Istituzione della Commissione Ministeriale per le promozioni.

IL SEGRETARIO DI STATO

VISTA la Prima Carta della Rivoluzione;

VISTA la Legge 21 Ottobre 1969, n. 1;

VISTO il Decreto-legge 7 Febbraio 1965, n. 1, contenente modificazioni alla legge 3 Giugno 1962, n. 14. sull'Ordinamento del Governo;

VISTO l'art. 35 della legge 1° Aprile 1970, n. 29, sull'Ordinamento del Personale Civile dello Stato;

RITENUTO che occorre istituire la Commissione Ministeriale per le promozioni dei dipendenti del Ministero e degli ausiliari dell'Ordine Giudiziario;

DECRETA:

Art. 1

E' istituita la Commissione Ministeriale per le promozioni e degli ausiliari dell'Ordine Giudiziario.

Sono nominati membri di detta Commissione i Signori:

- 1) — Dott. Hassan Hasci Fighi — Direttore del Dipartimento Legislativo, con funzioni di Presidente;
- 2) — Scek Mohamed Ahmed Omar — Direttore del Dipartimento Affari Religiosi;
- 3) — Sig. Issa Emoi Ali — Direttore del Dipartimento Lavoro.

Art. 2

Il presente Decreto ha efficacia immediata.

Mogadiscio, li 13 Luglio 1970.

IL SEGRETARIO DI STATO
Prof. Abdulgani Scek Ahmed

VISTO e Registrato - Reg. n. 5, foglio n. 92.

Mogadiscio, li 17 Agosto 1970.

Il Magistrato ai Conti:

MOHAMUD ISSE SALWE

DECRETO DEL SEGRETARIO DI STATO AI LAVORI PUBBLICI

