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Declassified E.O. 12356 Section 3.3/MND No.

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Declassified E.O. 12356 Section 3.3/NND No.

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GENERAL ORDER NO. 47, DISABILITIES OF DIRECTIONS (...)
JUN. - AUG. 1945

AC/4074/32/LEGAL.

OPENED : June 1945

CLOSED : 4 August 1945

SUBJECT : GENERAL ORDER No 47 (DISABILITIES OF DIRECTIONS ETC .)
(SUBSEQUENTLY MADE A REGIONAL ORDER .)

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THIS FOLDER

CONTAINS PAPERS

FROM

JUNE 45

TO

AUG. 45

CATALOGUE-

READY FOR ARCHIVES :

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Declassified E.O. 12356 Section 3.3/NND No.

785016

FILE CLOSED 4 August 1945

76.4074/32
D.L. 472 OF 4 AUG 45DISQUALIFICATIONS OF DIRECTORS AND STATUTORY
CONTROLLERS OF PRIVATE ENTERPRISES

The Italian version of this decree is the only authoritative text. This version is not a literal translation; its object is to inform Officers conveniently of the provisions contained in the Decree.
Officers are referred to the Italian texts for all points of detail or matters of procedure or dispute.
Words in brackets are explanatory and are not included in the original text.

Civil Disabilities of Fascists	Art 1-2
Relief from Disabilities	" 3
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Administration	" 5-6
Liability of Managers to Expiration	" 7
Appeals	" 8

CIVIL DISQUALIFICATIONS OF FASCISTS

The undermentioned are hereby disqualified from holding the office of director or manager or receiver of a company limited by shares or whose responsibilities are limited in any other way, which has a capital of more than 5 million lire, or of an insurance company having a nominal capital or assets exceeding 1 million lire

a) any person who has been convicted for any of the offences referred to in first part of D.L. 159 of 27 July 1944 notwithstanding that the sentence (which may have been imposed upon him in respect of such offence) does not include exclusion from public office;

b) any person who has suffered confiscation under Art 9 of D.L. 159 aforesaid;

c) any person who has been subjected to any of the sanctions contained in the first para of Art 1, or the first or second para of Art 3 of D.L. 149 of 26 Apr 45;

a) any person who

(i) has been deprived of the right to vote as having held one of the fascist offices mentioned in the decree of the President of the Council of Ministers dated the 2 Feb 45 and published in the Official Gazette No 20 of 15 Feb 45, or who

(ii) has been a member of the fascist government after 3 Jan 45, or having been a militant member of the fascist party subsequent to that date, has held the office of deputy or national councillor, or being a senator has been removed from office under the last para of Art 8 of D.L. 159 of 27 Jul 44; or

(iv) has suffered forfeiture of profits derived from the regime under D.L. 534 of 31 May 45;

(v) any person who by final judgement under Art 22 of D.L. 159 of 27 Jul 44 has

lost the right to pension; the date of this decree

- of an insurance company.
- a) any person who has been convicted for any of the offences referred to in the first part of D.L. 159 of 27 July 1944 notwithstanding that the sentence (which may have been imposed upon him in respect of such offence) does not include exclusion from public office;
 - b) any person who has suffered confiscation under Art 9 of D.L. 159 aforesaid;
 - c) any person who has been subjected to any of the sanctions contained in the first para of Art 1, or the first or second para of Art 3 of D.L. 149 of 26 Apr 45;
 - a) any person who
 - (i) has been deprived of the right to vote as having held one of the fascist offices mentioned in the decree of the President of the Council of Ministers dated the 2 Feb 45 and published in the Official Gazette No 20 of 15 Feb 45, or who
 - (ii) has been a member of the fascist government after 3 Jan 45, or
 - (iii) having been a militant member of the fascist party subsequent to that date, has held the office of deputy or national councillor, or being a senator has been removed from office under the last para of Art 8 of D.L. 159 of 27 Jul 44; or
 - (iv) has suffered forfeiture of profits derived from the regime under D.L. 364 of 31 May 45;
 - (v) any person who by final judgement under Art 22 of D.L. 159 of 27 Jul 44 has been deprived of his right to pension;
 Any person within any of the above description who at the date of this decree coming into force is in office as a director manager or receiver is hereby relieved from such office or appointment.
 2. No contract for public works and no public utility concession shall be granted to any company not within the provisions of Art 1 hereof nor to any private concern whose directors or owners are within any of the descriptions contained in Art 1 hereof. Contracts already in existence shall remain valid for a period of one year from the date of publication of this decree.
 3. Provided however that persons within the descriptions contained in subpara (d) of Art 1 who distinguished themselves in the fight against the Germans or before the outbreak of the present war, took an open stand against fascism and ceased to belong to the national fascist party may be relieved from such disqualification.

Such relief against which there shall be no appeal may be granted on the request of the person concerned. The Commission to hear such requests shall be appointed by the Council of Ministers and constituted as follows:

- a) the High Commissioner for sanctions against fascists or a person appointed by him;
- b) two citizens of acknowledged probity and of sound anti-fascist record nominated (respectively) by employers and workers organizations.
- Two substitute members may be appointed on the nominations of the said organizations.
- The Commission may in suitable cases limit the disqualification referred to in Art 1 to a definite period of time.

Such relief may also be granted by the Commission in cases involving only slight political activity or in the case of persons who are of acknowledged technical and administrative ability or who have shown substantial and effective opposition to fascism or to the German invader during the occupation.

Directors and owners of companies and concerns referred to in Art 2, who are within the description of subpara (d) of Art 1 hereof may apply for relief under this Art, for the purpose of excluding or limiting the sanctions contained in Art 2 hereof.

PENALTIES

- 4 Directors, Managers or Receivers of companies to which Art 1 applies, who are within any of the descriptions contained therein, who continue to exercise the functions of their office, shall be liable to one year's imprisonment and a fine of one hundred thousand lire. Persons within the above mentioned descriptions who (hereafter) take up a position referred to in Art 1 shall be liable to the same punishment.

The manager of any company who is aware of the fact that any person disqualified under Art 1 hereof continues to exercise in any such company the functions of his office and fails to notify the president of the tribunal which has jurisdiction over the district in question of such illegality, shall be liable to six months imprisonment and a fine of fifty thousand lire. A manager who, being aware that a person appointed director, manager or receiver of a company after this decree comes into force is disqualified under Art 1 hereof, fails to report such illegality to the tribunal having jurisdiction, shall be liable to the same punishment.

Directors or owners of companies or concerns within Art 2 hereof who are within the description contained in Art 1, who nevertheless enter into contracts for public works or receive concessions of public utilities, shall be liable to the penalties laid down in the first paragraph (hereof).

ADMINISTRATION

- 5 Within thirty days from the coming into force of this decree every company within the provisions of Art 1 hereof shall file at the Chancery of the Tribunal having jurisdiction a declaration containing the names of their directors, managers or receivers who have ceased to act as such under the provisions of para 2 of the said Art and shall serve notice of the said declaration on the person concerned by registered letter.

On the expiration of such period the High Commissioner for sanctions against fascists may issue a decree removing from office any director, manager or receiver whose name has not been reported under the preceding para as having vacated his office. Notice of the decree shall be served on the person concerned. For the manager, manager or receiver.

liability to the Tribunal having jurisdiction. Directors or owners of companies or concerns within Art 2 hereof who are within the description contained in Art 1, who nevertheless enter into contracts for public works or receive concessions of public utilities, shall be liable to the penalties laid down in the first paragraph (hereof).

ADMINISTRATION

5. Within thirty days from the coming into force of this decree every company within the provisions of Art 1 hereof shall file at the Chancery of the Tribunal having jurisdiction a declaration containing the names of their directors, managers or receivers who have ceased to act as such under the provisions of para 2 of the said Art and shall serve notice of the said declaration on the person concerned by registered letter.
 - On the expiration of such period the High Commissioner for sanctions against persons not named in a decree received from office any director, manager or receiver whose name has not been reported under the preceding para as having vacated his office. Notice of the decree shall be served on the person concerned. For the above purpose, the High Commissioner may require any director, manager or receiver of any company within the provisions of Art 1 hereof to complete within a stated time a special questionnaire to show whether he is within any of the descriptions contained in the said article.
 - Any person failing to complete and return such questionnaire within the said time limit or who makes a false or incomplete declaration shall be liable to the penalties prescribed for giving false or reticent testimony.
6. If the person concerned is of opinion that his removal has been unjustly ordered, he may within 10 days of receiving such notice appeal to the Commission formed under Art 3 hereof.
 - Decrees against which no appeal has been lodged within the prescribed time and decrees appeals against which have been rejected shall be transmitted to the Chancery of the Tribunal having jurisdiction.

LIABILITY OF MANAGERS TO SANCTIONS

7. Any person within the descriptions contained in Art 1 (hereof) who has been

deprived of his right to the position of director, manager or receiver in accordance with the preceding article, is hereby disqualified from holding the position of technical or administrative manager, departmental or office or office head, branch manager or any office in which he exercises powers delegated to him both as to the companies in which he held any of the above mentioned positions or in any associated company which is within Art 1 hereof.

ARTICLE

8 Art 24 of DL 159 of 1944 shall apply to the provisions of this decree.

9 This Decree shall come into force in the territories not restored to Italian Administration on such day as may be ordered by the Allied Military Government.

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785016

DISCLOSURE OF 4 AUG 45

DISSEMINATION OF DIRECTORS
AND
STATUTORY CONTROLS
OF
PRIVATE ENTERPRISES

2399

Declassified E.O. 12356 Section 3.3/NND No.

785016

DISABILITIES OF DIRECTORS
AND
STATUTORY CONTINGENTS
OF
PRIVATE ENTERPRISES

CA Sec

31 Aug 15

RESTRICTED

Legal

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JULY 110945B

E/9156

JULY 111120B

ROUTINE

AMC LIGURIA REGION

ALCOM CITE ACCAS

RESTRICTED

Subject is disabilities of directors and statutory controllers of private enterprises. This Hq is not in favour of proposed Regional order covering above. Letter follows. End signed CARR.

Dist

Action - CA Sec
 Info - Chief Commissioner
 Legal SC
 File 2
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LEGAL SUB.COMMISSION

CDO

CDO

Chief Commissioner

CDO

Ration Bureau

CL RKS

11 JUL 1945

RESTRICTED

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HEADQUARTERS

11 JUL 1945

A.

C.

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

REGIONAL ORDER NO.

DISQUALIFICATION OF DIRECTORS AND STATUTORY
CONTROLLERS OF PRIVATE ENTERPRISES

WHEREAS it is necessary that all persons who have participated actively in the political life of fascism or who have shown that by reason of fascist tendencies they are unworthy of holding high office in private industry should be disqualified during the continuance of Allied Military Government from holding the office of administrator or controller or the appointment of liquidator in companies in private industry.

AND WHEREAS the Italian Government has not prior to the date hereof enacted legislation for this purpose within territory subject to the administration of the said government.

I,
Region, hereby order as follows:

Regional Commissioner,

ARTICLE I

The following persons are hereby disqualified during the continuance of this Order from holding the office of administrator or controller and from the appointment of liquidator of stock or limited companies having a capital of more than 5 million lire or mutual insurance companies having a capital of more than 1 million lire or such lower capital in either case as I may hereafter direct:-

- (1) Persons who have been convicted for any of the offences referred to in the first part of the Italian Government's D.L. 159 of 27 July 1944 notwithstanding that the sentence which may have been imposed upon them in respect of such offences does not include the exclusion from public offices;
- (2) Persons who have been subjected to confiscation in accordance with Art. 9 of D.L. 159 aforesaid;
- (3) Persons who have been subjected to any of the sanctions set out in Art. 8 of D.L. 159 aforesaid as amended by the Italian Government's D.L. No. 2 of 14 January 1945.

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administration of the said government.

Regional Commissioner,

I, hereby order as follows:

ARTICLE I

The following persons are hereby disqualified during the continuance of this Order from holding the office of administrator or controller and from the appointment of liquidator of stock or limited companies having a capital of more than 5 million lire or mutual insurance companies having a capital of more than 1 million lire or such lower capital in either case as I may hereafter direct:-

(1) Persons who have been convicted for any of the offences referred to in the first part of the Italian Government's D.L. 159 of 27 July 1944 notwithstanding that the sentence which may have been imposed upon them in respect of such offences does not include the exclusion from public offices;

(2) Persons who have been subjected to confiscation in accordance with Art. 9 of D.L. 159 aforesaid;

(3) Persons who have been subjected to any of the sanctions set out in 14. 8 of D.L. 159 aforesaid as amended by the Italian Government's D.L. No. 2 of 1 January 1945;

(4) Persons who

(a) have held any of the positions set out in the Decree of the President of the Council of Ministers dated 2 Feb 45 published in Official Gazette No. 20 of 15 Feb 45;

(b) have been members of the Fascist Government after 3 Jan 25;

(c) having been militant members of the Fascist party subsequent to 3 Jan 25 have held the position of deputy or national councillor;

(d) have been disqualified from holding the position of Senator in accordance with the last paragraph of Article 8 of D.L. 159 aforesaid;

(e) have been appointed Ministers of State by the Fascist Government.

(5) Persons who have been deprived by final judgement of their right to a

pension in accordance with Article 22 of ILL 159 aforesaid.

Any person who at the effective date of this order is in office as an administrator or controller or liquidator as aforesaid and is disqualified by this Article from such office or appointment shall automatically vacate such office or appointment.

ARTICLE II

In the case of companies other than those contemplated by Article I hereof in which the office of administrator or controller or the appointment of liquidator is held by a person within any of the categories of Article I hereof and in the case of private concerns in which the manager or owner is a person in any such category it is hereby ordered that no contract for public works and no concession of public utilities may be granted to any such company or concern.

ARTICLE III

It shall be lawful for any person affected by Article I, paragraph 4 hereof, to make application on the grounds hereinafter mentioned for the purpose of avoiding or limiting the application of the penalties imposed by Article I or II hereof, to a Commission appointed in accordance with the provisions of General Order No. 35 of the Allied Military Government. The said Commission is hereinafter called the Commission.

If on hearing such application the Commission shall determine that the applicant has distinguished himself in the fight against the Germans, or before the outbreak of the present war took an open stand against fascism and ceased to belong to the National Fascist Party, or that the applicant has been guilty of only slight political activity and is of acknowledged technical and administrative capacity and has shown a hostile attitude to the Germans during their occupation, the Commission may order that the penalties imposed by Article I or II hereof shall cease to have effect or may order that such penalties shall only operate for a specified term.

It shall be open to any administrator or controller of any company referred to in Article I hereof who since liberation from the Germans of the town in which the head office of said company is situated and before the date of this Order has been removed from the said office on the alleged ground that he has been guilty of fascist activity or fascist sympathies or of collaboration with the Fascist Republican Government or the German Government to make application to the Commission for reinstatement. Upon such

purpose of the Commission, to a Commission appointed in accordance with the provisions of General Order No. 35 of the Allied Military Government. The said Commission is hereinafter called the Commission.

If on hearing such application the Commission shall determine that the applicant has distinguished himself in the fight against the Germans, or before the outbreak of the present war took an open stand against fascism and ceased to belong to the National Fascist Party, or that the applicant has been guilty of only slight political activity and is of acknowledged technical and administrative capacity and has shown a hostile attitude to the Germans during their occupation, the Commission may order that the penalties imposed by Article I or II hereof shall cease to have effect or may order that such penalties shall only operate for a specified term.

It shall be open to any administrator or controller of any company referred to in Article I hereof who since liberation from the Germans of the town in which the head office of said company is situated and before the date of this Order has been removed from the said office on the alleged ground that he has been guilty of fascist activity or fascist sympathies or of collaboration with the Fascist Republican Government or the German invader to make application to the Commission for reinstatement. Upon such application the Commission shall take into consideration the matters referred to in this Article and may make such order as is mentioned therein.

ARTICLE IV

It shall be an offence:

- a. For any person being the administrator controller or liquidator of any company and being disqualified by Article I hereof from such office or appointment to continue to exercise the functions of such office or appointment.
- b. For any person being the controller of any company mentioned in Article I hereof and having knowledge that any administrator, controller or liquidator of such company is continuing to exercise such function therein although disqualified under Article I hereof to fail to denounce such illegality to the President of the Tribunal of the District.

For any administrator, controller or liquidator of any company or any owner or manager of any concern as defined by Article I hereof, being affected by the provisions of Article I hereof, to make a contract for public works or to procure the concession of a public utility in violation of the provisions of Article II hereof.

ARTICLE V

Within thirty days from the effective date of this order all companies referred to in Article I hereof shall make to the Commission and to the chancery of the appropriate Tribunal a report of the names of their administrators, controllers, or liquidators who have vacated their office or appointment in accordance with Article I hereof.

At the expiration of the said 30 days any administrator, controller or liquidator who has not been reported as having vacated his office may be required by the Commission to furnish information by a special questionnaire so as to show whether he is a person disqualified from office by Article I hereof. If from such information it appears to the Commission that he is a person so disqualified the Commission shall serve upon him and upon the company concerned and upon the chancery of the appropriate Tribunal a notice to that effect.

Any person who upon request fails to furnish such information within the prescribed time or furnishes false or incomplete information shall be guilty of the offence of the giving of false or incomplete evidence.

ARTICLE VI

Any administrator, controller or liquidator who receives notice in accordance with Article V hereof shall within 14 days of such receipt vacate his said office and the company concerned shall thereupon forthwith report such vacation to the appropriate chancery, provided always that such administrator, controller or liquidator may within 10 days of receipt of the said notice file with the Commission an appeal therefrom serving upon the company concerned and the appropriate chancery a copy of such appeal.

In such case the Commission shall forthwith hear and determine the said appeal and shall notify the appellant, the company concerned and the appropriate chancery of the decision thereon.

Provided always that in any case in which the Commission rejects an appeal in whole or in part but is satisfied that the appellant has acted in good faith in not previously vacating his office in accordance with Article I

hereof, the Commission may so certify. Any such certificate shall preclude the institution of proceedings under Article IV (a) or (b) hereof in respect of any offences committed by the appellant prior to the issue of such certificate.

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any person who upon request fails to furnish such information within the prescribed time or furnishes false or incomplete information shall be guilty of the offence of the giving of false or incomplete evidence.

ARTICLE VI

Any administrator, controller or liquidator who receives notice in accordance with Article V hereof shall within 14 days of such receipt vacate his said office and the company concerned shall thereupon forthwith report such vacation to the appropriate chancery, provided always that such administrator, controller or liquidator may within 10 days of receipt of the said notice file with the Commission an appeal therefrom serving upon the company concerned and the appropriate chancery a copy of such appeal.

In such case the Commission shall forthwith hear and determine the said appeal and shall notify the appellant, the company concerned and the appropriate chancery of the decision thereon.

Provided always that in any case in which the Commission rejects an appeal in whole or in part but is satisfied that the appellant has acted in good faith in not previously vacating his office in accordance with Article I hereof, the Commission may so certify. Any such certificate shall preclude the institution of proceedings under Article IV (a) or (b) hereof in respect of any offences committed by the appellant prior to the issue of such certificate.

ARTICLE VII

Without reference to the foregoing provisions of this Order it is hereby enacted that all administrators, controllers and liquidators of concerns mentioned in Article I (c) of General Order No. 35 of the Allied Military Government shall be subject in all respects to proceedings under that Order.

ARTICLE VIII

Administrators and controllers disqualified under this Order shall be replaced in accordance with the provisions of the Italian Government's D.L. 7 of 18 Jan 45 or a receiver may be appointed by the Allied Military Government.

ARTICLE IX

This Order shall come into effect in any Province or part thereof on the date of its first posting therein and shall continue in full force and effect until the conclusion of Allied Military Government or until the implementation in the said province of a decree enacted by the Italian Government for the purpose of the expatriation of such administrators, controllers and liquidators as are mentioned in this Order, whichever date shall first occur.

(3A)

GOVERNO MILITARE ALLEATO
DEL TERRITORIO OCCUPATO

ORDINANZA REGIONALE N.:

REMOZIONE DI DIRIGENTI E SINDACI DI IMPRESE PRIVATE.

DATA la necessità che quanti parteciparono attivamente alla vita politica fascista o dimostrarono, in ragione delle loro tendenze fasciste, di essere immeritevoli di occupare cariche elevate nelle imprese private, vengono dichiarati decaduti, mentre perdura il Governo Militare Alleato, dalla carica di amministratori o sindaci e non siano nominati liquidatori di tali imprese;

DATO che il Governo Italiano non ha emanato a tal fine, anteriormente alla entrata in vigore della presente Ordinanza, alcuna norma di legge per il territorio soggetto alla sua amministrazione;

IO
Regione

Commissario Regionale della
, con la presente ordino quanto segue:

ARTICOLO I

Con la presente Ordinanza e durante l'efficacia della medesima vengono dichiarati decaduti dalla carica di amministratori o di sindaci e non possono essere nominati liquidatori di società per azioni o di società a responsabilità limitata con capitale superiore a 5 milioni di lire o di società di mutua assicurazione con patrimonio sociale superiore a 1 milione di lire ovvero con capitale o patrimonio sociale anche inferiore ai detti limiti così come potrà essere successivamente stabilito con mio ordine:

daci e non siano nominati liquidatori di tali imprese;

DATO che il Governo Italiano non ha emanato a tal fine, anteriormente alla entrata in vigore della presente Ordinanza, alcuna norma di legge per il territorio soggetto alla sua amministrazione;

IO
Regione

Commissario Regionale della
, con la presente ordino quanto segue:

ARTICOLO I

Con la presente Ordinanza e durante l'efficacia della medesima vengono dichiarati decaduti dalla carica di amministratori o di sindaci e non possono essere nominati liquidatori di società per azioni o di società a responsabilità limitata con capitale superiore a 5 milioni di lire o di società di mutua assicurazione o di patrimonio sociale superiore a 1 milione di lire ovvero con capitale o patrimonio sociale anche inferiore ai detti limiti così come potrà essere successivamente stabilito con mio ordine:

- (1) Coloro che hanno riportato condanne per qualsiasi reato previsto nel titolo primo del D.L.L. 27 luglio 1944, n. 159 del Governo Italiano anche quando la condanna per tali reati non comporti l'interdizione dai pubblici uffici;
- (2) Coloro che sono stati assoggettati a confisca a norma dell'Art. 9 del citato D.L.L. 27 luglio 1944, n. 159;
- (3) Coloro che sono stati assoggettati a qualcuna delle sanzioni previste dall'Art. 8 di detto D.L.L. 27 luglio 1944 n. 159, modificato dal D.L.L. 4 gennaio 1945, n. 2 del Governo Italiano;
- (4) Coloro che
 - (a) hanno ricoperto una delle cariche previste nel Decreto del Presidente del Consiglio dei Ministri in data 21 febbraio 1945 pubblicata nella Gazzetta Ufficiale n. 20 del 15 febbraio 1945;
 - (b) sono stati membri del Governo Fascista dopo il 3 gennaio 1925;

- (c) militando nel partito fascista successivamente al 3 gennaio 1925, abbiano ricoperto la carica di deputato o di consigliere nazionale;
- (d) siano stati dichiarati decaduti dalla carica di consigliere a norma dell'ultimo comma dell'Art. 8 del citato D.L.L. 27 luglio 1944, n. 159;
- (e) sono stati nominati ministri di Stato dal Governo Fascista;
- (5) Coloro nei cui confronti sia stata disposta, con giudizio definitivo, la perdita del diritto a pensione prevista dall'Art. 22 del D.L.L. 27 luglio 1944, n. 159.
Chiunque, alla data di entrata in vigore della presente Ordinanza, rivesta, come detto sopra, la carica di amministratore o sindaco o liquidatore e ne sia decaduto a norma del presente articolo, è tenuto a lasciare immediatamente detta carica.

ARTICOLO II

Col la presente Ordinanza si dispone che alle società non contemplate nel precedente Articolo I in cui la carica di amministratore, di sindaco o di liquidatore sia tenuta da persona che si trovi nelle condizioni previste dal detto Articolo I, ed alle imprese nelle quali il dirigente o il proprietario si trovi nelle stesse condizioni, non possono essere affidati appalti di opere pubbliche nè può essere concesso l'esercizio di pubblici servizi.

ARTICOLO III

A coloro che si trovino nelle condizioni previste nel precedente Articolo I n. 4 è concesso di presentare ricorso, in base ai motivi qui appresso indicati, ad una Commissione nominata ai sensi delle disposizioni dell'Ordinanza Generale n. 35 del Governo Militare Alleato al fine di evitare o di limitare l'applicazione delle sanzioni comminate dai precedenti Articoli I e II. Detta Commissione sarà d'ora in avanti chiamata la Commissione.

Il presente articolo è stato approvato dalla Commissione accerta che il

Col la presente Ordinanza si dispone che alle società non contemplate nel precedente Articolo I in cui la carica di amministratore, di sindaco o di liquidatore sia tenuta da persona che si trovi nelle condizioni previste dal detto Articolo I, ed alle imprese nelle quali il dirigente o il proprietario si trovi nelle stesse condizioni, non possono essere affidati appalti di opere pubbliche nè può essere concesso l'esercizio di pubblici servizi.

ARTICOLO III

A coloro che si trovino nelle condizioni previste nel precedente Articolo I n. 4 è concesso di presentare ricorso, in base ai motivi qui appresso indicati, ad una Commissione nominata ai sensi delle disposizioni dell'Ordinanza Generale n. 35 del Governo Militare Alleato al fine di evitare o di limitare l'applicazione delle sanzioni comminate dai precedenti Articoli I e II. Detta Commissione sarà d'ora in avanti chiamata la Commissione.

Se nell'esame di tale ricorso la Commissione accerta che il ricorrente si è distinto nella lotta contro i tedeschi, ovvero prima dell'inizio della presente guerra ha preso pubblicamente posizione ostile al fascismo ed ha cessato di appartenere al Partito nazionale fascista, o che il ricorrente si è reso colpevole soltanto di scarsa attività politica ed è di provata capacità tecnica e amministrativa ed ha tenuto un atteggiamento ostile ai tedeschi durante la loro occupazione, la Commissione può disporre la cessazione delle sanzioni previste dai precedenti Articoli I e II o che dette sanzioni abbiano efficacia solo per un determinato periodo di tempo.

Ogni amministratore o sindaco delle società di cui gli precedenti Articolo I, il quale, dopo la liberazione dai tedeschi della città dove si trova la sede principale della rispettiva società e prima della entrata in vigore della presente Ordinanza, sia stato rimosso dalla carica sull'assunto di essersi reso colpevole di attività fasciste o di aver simpatizzato o collaborato col Governo

repubblicano fascista ovvero coll'invasore tedesco, può presentare ricorso alla Commissione per essere reintegrato nella carica. Ricevuto tale ricorso la Commissione si atterrà alle disposizioni di cui al presente Articolo e deciderà in conformità alle stesse.

ARTICOLO IV

Sono considerati reati:

a. il continuare ad esercitare le funzioni di amministratore, sindaco o liquidatore delle società anzidette da parte di chi ne sia decaduto a norma dell'Articolo I;

b. la mancata denuncia al Presidente del Tribunale competente per territorio che un amministratore, sindaco o liquidatore di alcuna delle società menzionate nel precedente Articolo I conti di nell'esercizio della carica, quantunque decaduto a norma dell'Articolo I, da parte di altro sindaco della stessa società che sia a conoscenza di tale illegalità;

c. l'assunzione di appalti per lavori pubblici o di concessioni per pubblici servizi, in violazione delle disposizioni del precedente Articolo II, da parte di amministratori, sindaci o liquidatori delle società menzionate nello stesso Articolo II o da parte di proprietari o dirigenti delle imprese ivi stesso menzionate, nel caso che le suddette persone si trovino nelle condizioni previste dal precedente Articolo I.

ARTICOLO V

Entro 30 giorni dall'entrata in vigore dell'ordinamento Ordinanza tutte le società indicate nel precedente Articolo I devono presentare alla Commissione e alla cancelleria del Tribunale competente un rapporto contenente i nomi dei loro amministratori, sindaci o liquidatori che abbiano lasciato la carica a norma del precedente Articolo I.

Scaduti i 30 giorni, la Commissione può richiedere ad ogni amministratore, sindaco o liquidatore che non sia stato compreso nel detto rapporto contenente i nomi di coloro che hanno lasciato la carica, di fornire informazioni a mezzo di uno speciale quesito, da compilare ed espletare da essi, che, se non è stato dalla

a conoscenza di tale illegalità;

2. l'assunzione di appalti per lavori pubblici o di concessioni per pubblici servizi, in violazione delle disposizioni del precedente Articolo II, da parte di amministratori, sindaci o liquidatori delle società menzionate nello stesso Articolo II o da parte di proprietari o dirigenti delle imprese ivi stesso menzionate, nel caso che le suddette persone si trovino nelle condizioni previste dal precedente Articolo I.

ARTICOLO V

Entro 30 giorni dall'entrata in vigore dello stesso Ordinanza tutte le società indicate nel precedente Articolo I devono presentare alla Commissione e alla cancelleria del Tribunale competente un rapporto contenente i nomi dei loro amministratori, sindaci o liquidatori che abbiano lasciato la carica a norma del precedente Articolo I.

Scaduti i 30 giorni, la Commissione può richiedere ad ogni amministratore, sindaco o liquidatore che non sia stato compreso nel detto rapporto contenente i nomi di coloro che hanno lasciato la carica, di fornire informazioni a mezzo di uno speciale questionario affinché risulti se alcuno di essi sia decaduto dalla carica a norma del precedente Articolo I. Se da tali informazioni risulta alla Commissione che qualcuno degli stessi è decaduto dalla carica, la Commissione ne informerà mediante avviso l'interessato, la società in questione e la Cancelleria del Tribunale competente.

Chianque, richiestone, ometta di fornire tali informazioni entro il termine prescritto o fornisca informazioni false o reticenti è punito con le pene stabilite per i testimoni falsi o reticenti.

ARTICOLO VI

Ogni amministratore, sindaco o liquidatore che riceva l'avviso previsto dal precedente Articolo V dovrà, entro 10 giorni, da tale ricezione, lasciare la carica, e la società in questione dovrà

immediatamente inoltrarne conferma alla Cancelleria del Tribunale competente, salvo sempre per detto amministratore, sindaco o liquidatore il diritto di ricorrere alla Commissione nel termine di giorni 10 dalla ricezione di detto avviso inviando alla società in questione e alla Cancelleria del Tribunale competente copia dell'atto di ricorso.

In tal caso la Commissione procederà immediatamente all'esame e alla decisione del ricorso e comunicherà detta decisione al ricorrente, alla società in questione e alla Cancelleria del Tribunale competente.

Resta comunque fermo che in ogni caso in cui la Commissione respinge in tutto o in parte il ricorso ma riconosce che il ricorrente, nel restare in carica malgrado le disposizioni del precedente Articolo I, ha agito in buona fede, deve darne atto. Tale dichiarazione preclude l'inizio dei procedimenti nei confronti di quei reati previsti dal precedente Articolo IV (a) e (b) che siano stati commessi dal ricorrente anteriormente alla data della dichiarazione stessa.

ARTICOLO VII

Indipendentemente dalle precedenti disposizioni della presente Ordinanza, resta stabilito che tutti gli amministratori, sindaci o liquidatori delle imprese menzionate nell'Articolo I (c) dell'Ordinanza Generale n. 35 del Governo Militare Alleato, saranno soggetti per ogni riguardo ai procedimenti stabiliti dalla citata Ordinanza n. 35.

ARTICOLO VIII

Gli amministratori e i sindaci decaduti a norma della presente Ordinanza saranno sostituiti in conformità alle disposizioni del D.L.L. 18 gennaio 1945 n. 7 del Governo Italiano o sarà nominato un sequestratorio del Governo Militare Alleato.

ARTICOLO IX

La presente Ordinanza entra in vigore in ogni provincia o parte di essa alla data della sua prima affissione nella medesima

razione stessa.

ARTICOLO VII

Indipendentemente dalle precedenti disposizioni della presente Ordinanza, resta stabilito che tutti gli amministratori, sindaci o liquidatori delle imprese menzionate nell'Articolo I (c) dell'Ordinanza Generale n. 35 del Governo Militare Alleato, saranno soggetti per ogni riguardo ai procedimenti stabiliti dalla citata Ordinanza n. 35.

ARTICOLO VIII

Gli amministratori e i sindaci decaduti a norma della presente Ordinanza saranno sostituiti in conformità alle disposizioni del D.L.L. 18 gennaio 1945 n. 7 del Governo Italiano o sarà nominato un sequestretario del Governo Militare Alleato.

ARTICOLO IX

La presente Ordinanza entra in vigore in ogni provincia o parte di essa alla data della sua prima affissione nella medesima e resterà in vigore fino alla cessazione dell'amministrazione del Governo Militare Alleato ovvero fino alla data in cui, perdurando ancora il Governo Militare Alleato, verrà reso esecutivo nelle dette provincie un decreto del Governo Italiano emanato ai fini dell'epurazione degli amministratori, sindaci o liquidatori di cui alla presente Ordinanza.

(2A)

MEMORANDUM.

TO : Chief Commissioner, Hq AC.

STATEMENT AS TO PURPOSE
OF GENERAL ORDER NO 47

- 1 The attached General Order No. 47 provides for the Epuration of directors in private industry.
- 2 The need for such epuration is urgently felt in the north. The present Italian legislation does not cover the position. The Italian Government has proposed legislation for this purpose, which is acceptable to this Commission, but after long delays has not succeeded in facing it.
- 3 This General Order, which is acceptable to the CLN in the north and the Regional Commissioner, follows substantially the proposed decree. It provides that in the case of large companies whose directors held certain responsible fascist positions, the directors are disqualified; in the case of small companies, the companies are precluded from obtaining the public contracts. There is machinery for appeal and for the substitution of new directors.
- 4 The order is supplementary to General Order No. 46 which deals with employees of lower grades.

Dated: June 1945.

WHEREAS it is necessary that all persons who have participated actively in the political life of fascism or who have shown that by reason of fascist tendencies they are unworthy of holding high office in private industry should be suspended during the continuance of Allied Military Government from holding the office of administrator or controller or the appointment of liquidator in companies in private industry.

AND WHEREAS the Italian Government has not prior to the date hereof enacted legislation for this purpose within territory subject to the administration of the said government

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AMENDMENTS

ARTICLE I

1st and last para ^{for} ~~"disqualified from holding"~~ and ~~"disqualified"~~ read
"suspended".

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NOT USED See 1A

3A4A

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

GENERAL ORDER NO. 47

DISABILITIES OF DIRECTORS AND STATUTORY
CONTROLLERS OF PRIVATE ENTERPRISES.

I, ELLERY WHEELER STONE, Rear Admiral, United States Naval Reserve, Chief Civil Affairs Officer, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows.

ARTICLE I

The following persons are hereby disqualified from holding the office of administrator or controller and from the appointment of liquidator of stock or limited or mutual insurance companies having a capital of more than one million lire :-

- (1) Persons who have been convicted for or are guilty of any of the offenses referred to in the first part of the Italian Government's DLL 159 of 27 July 1944 notwithstanding that the sentence which may have been imposed upon them in respect of such offenses does not include the exclusion from public offices;
- (2) Persons who have been subjected or are liable to confiscation in accordance with Article 9 of the said decree;
- (3) Persons who have been subjected or are liable to any of the sanctions set out in Article 8 of the said decree as amended by Article 2 of the Italian Government's DLL No 2 of 31 January 1945;
- (4) Persons who
 - (a) Have held any of the positions set out in the decree of the President of the Council of Ministers dated 2 February 1945 published in Official Gazette No 20 of 15 February 1945;
 - (b) have been members of the Fascist Government

- confiscation in accordance with Article 9 of the said decree;
- (3) Persons who have been subjected or are liable to any of the sanctions set out in Article 8 of the said decree as amended by Article 2 of the Italian Government's DLL No 2 of 31 January 1945;
- (4) Persons who
- (a) Have held any of the positions set out in the decree of the President of the Council of Ministers dated 2 February 1945 published in Official Gazette No 20 of 15 February 1945;
 - (b) have been members of the Fascist Government after 3 January 1925;
 - (c) having been militant members of the fascist party subsequent to 3 January 1925 have held the position of deputy or national councillor;
 - (d) being senators have been removed from their office in accordance with the last paragraph of Article 8 of the said DLL 159;
 - (e) have been appointed Ministers of State by the Fascist Government;
- (5) Persons who have been deprived by final judgment of their right to a pension in accordance with Article 22 of the said DLL 159.

ARTICLE III

Add new paragraph.

It shall be open to any administrator or controller of any company referred to in Article I hereof who since liberation from the Germans of the town in which the head office of said company is situated and before the date of this order has been removed from the said office on the ~~gross~~ alleged ground that he has been guilty of fascist activity or fascist sympathies or of collaboration with the Fascist Republican Government or the German invader to make application to the Commission ~~withina~~ for ~~the~~ reinstatement. Upon such application the Commission shall take into consideration the matters referred to in this Article and may make such order as is mentioned in the last preceding paragraph hereof.

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ARTICLE IV

paras 1 and 2 for "disqualified" read "suspended."

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785016

ARTICLE IV

paras 1 and 2 for "disqualified" read "suspended."

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ARTICLE III

Add new paragraph.

It shall be open to any administrator or controller of any company referred to in Article I hereof who since liberation from the Germans of ⁵ the town in which the head office of said company is situated and before the date of this Order has been removed from the said office on the ~~gross~~ alleged ground that he has been guilty of fascist activity or fascist sympathies or of collaboration with the Fascist Republican Government or the German invader to make application to the Commission ~~with~~ for ~~the~~ reinstatement. Upon such application the Commission shall take into consideration the matters referred to in this Article and may make such order as is mentioned in the last preceding paragraph hereof.

Any person who at the effective date of this order is in office as an administrator or controller or liquidator as aforesaid and is disqualified by this Article from such office or appointment shall be automatically removed from such office or appointment.

ARTICLE II

In the case of stock or limited or mutual insurance companies having a capital of not more than one million lire in which the office of administrator or controller or the appointment of liquidator is held by a person within any of the categories of Article I hereof and in the case of private concerns in which the manager or owner is a person in any such category it is hereby ordered that no contract for public works and no concession of public utilities may be granted to any such company or concern.

ARTICLE III

Notwithstanding the provisions of Articles I and II hereof it shall be lawful for any person company or concern to make application on the grounds hereinafter mentioned to a Commission appointed in accordance with the provisions of General Order No 35 of the Allied Military Government.

If on hearing such application the Commission shall determine that the applicant has distinguished himself in the fight against the Germans, or before the outbreak of the present war took an open stand against fascism and ceased to belong to the National Fascist Party, or that the applicant has been guilty of only slight political activity and has an approved technical and administrative capacity and has shown a hostile attitude to the Germans during their occupation, the Commission may order that the penalties imposed by Articles I and II hereof shall cease to have effect or may order that such penalties shall have effect only for a specified term.

ARTICLE IV

Any person who being the administrator controller or liquidator of any company and being disqualified by Article I hereof from such office or appointment continues to exercise the functions of such office or appointment shall be liable to imprisonment for one year and a fine of 100,000 lire.

to make application on the grounds hereinafter mentioned to a Commission appointed in accordance with the provisions of General Order No 35 of the Allied Military Government.

If on hearing such application the Commission shall determine that the applicant has distinguished himself in the fight against the Germans, or before the outbreak of the present war took an open stand against fascism and ceased to belong to the National Fascist Party, or that the applicant has been guilty of only slight political activity and has an approved technical and administrative capacity and has shown a hostile attitude to the Germans during their occupation, the Commission may order that the penalties imposed by Articles I and II hereof shall cease to have effect or may order that such penalties shall have effect only for a specified term.

ARTICLE IV

Any person who being the administrator controller or liquidator of any company and being disqualified by Article I hereof from such office or appointment continues to exercise the functions of such office or appointment shall be liable to imprisonment for one year and a fine of one hundred thousand lire.

If any person being the controller of any company mentioned in Article I hereof has knowledge that any administrator controller or liquidator of such company is continuing to exercise such function therein although disqualified under Article I hereof and fails to denounce such illegality to the President of the Tribunal of the district he shall be liable to imprisonment for six months and a fine of fifty thousand lire.

If any company or concern mentioned in Article II hereof makes any contract for public works or receives any concession of public utilities in violation of the provisions of that article the managers or owners of such company or concern shall be liable to imprisonment for one year and a fine of one hundred thousand lire.

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ARTICLE V

Para 2 for "disqualified and disqualification" read "suspended and suspension".

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ARTICLE IX

This Order shall come into effect in any province or part thereof on the date of its first posting therein and shall continue in full force and effect until the conclusion of Allied Military Government or until the implementation in the said province of a decree enacted by the Italian Government for the purpose of the epuration of such administrators, controllers and liquidators as are mentioned in this Order, whichever date shall first occur.

ARTICLE V

Within thirty days from the effective date of this order all companies referred to in Article I hereof shall make to the chancellery of the appropriate Tribunal a report of the names of their administrators controllers or liquidators who have been removed from their office or appointment in accordance with Article I hereof.

At the expiry of the said thirty days all administrators controllers and liquidators who are not reported as having been so removed and who are disqualified from such office or appointment under the terms of Article I hereof shall be removed from such office or appointment by order of the Commission referred to in Article III hereof. For this purpose the Commission may require all administrators controllers and liquidators of all companies referred to in Article I hereof to furnish information by a special questionnaire so as to show whether they are liable to disqualification under the said Article.

Any person who upon request fails to furnish such information within the prescribed time or furnishes false or incomplete information shall be liable to the penalties for the giving of false or incomplete evidence.

ARTICLE VI

Any person affected by an order of removal made by the Commission in accordance with Article V hereof shall be notified of such order and if he considers the same to be unjust he may appeal therefrom to the said Commission within ten days from receipt of notification thereof.

When no appeal has been received within the said period or when the appeal has been rejected the Commission shall forward the order of removal to the chancellery of the appropriate Tribunal.

ARTICLE VII

Without reference to the foregoing provisions of

Any person who upon request fails to furnish such information within the prescribed time or furnishes false or incomplete information shall be liable to the penalties for the giving of false or incomplete evidence.

ARTICLE VI

Any person affected by an order of removal made by the Commission in accordance with Article V hereof shall be notified of such order and if he considers the same to be unjust he may appeal therefrom to the said Commission within ten days from receipt of notification thereof.

When no appeal has been received within the said period or when the appeal has been rejected the Commission shall forward the order of removal to the chancellery of the appropriate Tribunal.

ARTICLE VII

Without reference to the foregoing provisions of this Order it is hereby enacted that all administrators and controllers of concerns mentioned in Article I (c) of General Order No. 35 of the Allied Military Government shall be subject in all respects to proceedings under that Order.

ARTICLE VIII

Administrators and controllers removed under this Order shall be replaced in accordance with the provisions of the Italian Government's D.L. 7 of 18 Jan 45 or a receiver may be appointed by the Allied Military Government.

ARTICLE IX

This Order shall come into effect in any province or part thereof on the date of its first posting therein.

FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR.

ELLERY WHEELER STONE,
Rear Admiral,
United States Naval Reserve,
Chief Civil Affairs Officer.

Dated:

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