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DRAFT DECREE ON TRANSIENT PROVISIONS FOR ADMINIS-
TRATION OF COMMUNES & PROVINCES
FEB. - JULY 1944

FILE CLOSED 27 July 1944

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PARTITO FASCISTA REPUBBLICANO
FEDERAZIONE DELL'URBE

IL COMMISSARIO FEDERALE

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Legal (13A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 394

Ref/160/58/CA

27 July 1944

SUBJECT: Executive Memorandum No. 39

TO : Distribution below.

Enclosed herewith is Executive Memorandum No. 39 (first revision). This supercedes Executive Memorandum No. 39 (undated), schedule and appendices appearing in pages 75 to 84 of the Instructions for the Guidance of Officers of the Commission.

M. S. LUSH

M. S. LUSH
Brigadier
Executive CommissionerDISTRIBUTION:"C"
Group 2 List "A"

LEG. SUB-COMMISSION	
CLO	✓
DCLO	
Chief Counsel	
CID	
Italian Section	
CL RKS	

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HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.C. SECTION
APO 394

Ref/160/59/CA

July 1944

EXECUTIVE MEMORANDUM)

(First Revision)

NUMBER : 39)

ITALIAN LOCAL GOVERNMENT.

1. The present position with regard to the organization of Italian Provincial and Communal Administration in Italian Government Territory and Military Government Territory (with the exception of 5th and 8th Army AMG areas) is as follows:

a. In Italian Government Territory local government is now regulated by Royal Decree No. 111, published in the Gazzetta Ufficiale on 22 April 1944. All Regional Orders dealing with the reorganization of local government ceased automatically to be effective in any territory on the date on which such territory was restored to the jurisdiction of the Italian Government.

b. In Military Government Territory (with the exception of 5th and 8th Army AMG areas) Royal Decree No. 111 was made applicable by virtue of the Executive Commissioner's endorsement published in the Gazzetta Ufficiale of 10 May 1944. The actual operation of the Royal Decree dated from the time a copy of the Gazzetta Ufficiale is actually handed to the Prefect by the Allied Control Commission, or by such other method as may authorize in the future.

2. With a view to uniformity and continuity of the same pattern of local government throughout Italy, those of the provisions of the Royal Decree No. 111 outlined in Schedule "A", as can be applied to 5th and 8th Army AMG areas shall be so applied as soon as possible. It should be noted, however, that Royal Decree No. 111 is a transitory measure, passed as a war emergency gap pending the restoration of elections.

3. a. Schedule "A" is an Administrative Instruction for the guidance of Senior Civil Affairs Officers, Regional Commissioners and the officers under their respective commands. It outlines the pattern

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1944. All regions government ceased automatically to be effective on the date on which such territory was restored to the jurisdiction of the Italian Government.

2. In Military Government Territory (with the exception of 5th and 8th Army (AP) areas) Royal Decree No. 111 was made applicable by virtue of the Executive Commissioner's endorsement published in the Gazzetta Ufficiale of 10 May 1944. The actual operation of the Royal Decree dates from the time a copy of the Gazzetta Ufficiale is actually handed to the Prefect by the Allied Control Commission, or by such other method as may authorize in the future.

3. With a view to uniformity and continuity of the same pattern of local government throughout Italy, those of the provisions of the Royal Decree No. 111 outlined in Schedule "A" as can be applied to 5th and 8th Army (AP) areas shall be so applied as soon as possible. It should be noted, however, that Royal Decree No. 111 is a transitory measure, passed as a war emergency pending the restoration of elections.

4. Schedule "a" is an Administrative Instruction for the guidance of Senior Civil Affairs Officers, Regional Commissioners and the officers under their respective commands. It outlines the pattern of local government to be followed.

5. Schedule "B" is a chart of Italian local government.

6. Schedule "C" is a List of Administrative Ranks of Civil Servants.

7. Schedule "D" is the English translation of Royal Decree No. 111.

DISTRIBUTION:

"C"
Group 2 List "A"

W.S. MISH
Brigadier
Executive Commissioner

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SCHEDULE "A"

ALLIED CONTROL COMMISSION

ADMINISTRATIVE INSTRUCTION NO.

SUBJECT: Reorganization of Provincial and Communal Administration.

TO : All Senior Civil Affairs Officers, Regional Officers and Officers under their respective commands.

1. The various government officers and organs herein mentioned derive their powers and functions from certain fundamental laws embodied in a Unified Text of Municipal and Provincial Laws of 1915 No. 148 with certain modifications made by the Royal Decree of December 30, 1923, No. 2839.

2. Provincial Administration is to be organized as follows:

a. The highest position in provincial administration is that of Prefect. Next in order come the Vice-Prefect (Vice Prefetto Vicario) and Vice Prefect Inspector (Vice Prefetto Ispettore). The Vice Prefect Vicario acts in the absence of the Prefect with the latter's powers. The Vice Prefect Ispettore is charged with the inspection of conditions of local government throughout the provinces.

b. When the post of Prefect is vacant, and a suitable civil service career official of the necessary grade and qualification is available, he should be appointed with the title "Prefetto". If no such career official is available, a person must be nominated to the position who, possesses the requisite executive ability and does not have an objectionable political background. His title should be "Prefetto Reggente". The same principle applies when a vacancy exists for a Vice-Prefect when no suitable career official is available for appointment. Executive Memorandum No 12 sets forth the procedure in detail.

3. In both instances, nominations supported by information as to the qualifications of nominees, are to be submitted to the Senior Civil Affairs Officer or to the Regional Commissioner for transmission through (R.C. & M.G. Section C.A. Branch) channels to the Administrative Section for notification to the Italian Government and for approval by Allied Control Commission.

4. The principal organs of provincial government which are to be revived in consultation with the Prefect are the following:

a. CONSIGLIO DI PREFETTURA - ("Prefectural Council"): It is normally composed of the Prefect or his substitute, who presides, and two senior Council members.

career official of the necessary grade and qualifications is available, he should be appointed with the title "Prefetto". If no such career official is available, a person must be nominated to the position who, possesses the requisite executive ability and does not have an objectionable political background. His title should be "Prefetto Reggente". The same principle applies when a vacancy exists for a Vice-Prefect when no suitable career official is available for appointment. Executive Memorandum No 12 sets forth the procedure in detail.

3. In both instances, nominations supported by information as to the qualifications of nominees, are to be submitted to the Senior Civil Affairs Officer or to the Regional Commissioner for transmission through (R.C. & H.C. Section C.A. Branch) channels to the Administrative Section for notification to the Italian Government and for approval by Allied Control Commission.

4. The principal organs of provincial government which are to be revived in consultation with the Prefect are the following:

a. CONSIGLIO DI PREFETTURA - ("Prefectural Council"): It is normally composed of the Prefect or his substitute, the President, and two senior Councillors ("Consiglieri") of the Prefecture. Its powers and functions are principally advisory and are regulated by specific laws, although the Prefect may request the opinion of the Council on any matter. It also has certain functions relating to the approval of accounts of communes and certain institutions, in which capacity its composition is enlarged to include additional officials.

b. GIUNTA PROVINCIALE AMMINISTRATIVA - ("Provincial Administrative Board"): It is composed of ten members with the Prefect or Vice Prefetto Vicario as Presidente of the Board, and includes the following officials of the Prefecture: A Vice Prefect Inspector, two Councillors, the Chief Accountant ("Ragioniere Capo") or his substitute and the Intendente of Finance, ("Intendente di Finanza") or his substitute. The remaining four regular and two substitute members, are citizen appointees chosen from experts in legal administrative or technical matters, nominated by the Deputazione Provinciale, where it has been possible to constitute such body and confirmed by the Prefect subject to approval of the Allied Control Commission. The Giunta Provinciale Amministrativa has powers of review over communal administration.

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The following persons cannot be members of the Giunta Provinciale Amministrativa:

- I. The President, Vice-President and members of the Deputazione Provinciale.
- II. Mayors and Aldermen of Communes
- III. Paid Provincial and Communal functionaries
- IV. Relatives up to the second degree; and first degree relatives of the Provincial tax-collector and tax-receiver.

c. DEPUTAZIONE PROVINCIALE - ("Provincial Deputation"): This body is revived to replace the fascist-created Rettorato, the latter body being now abolished. In Pro-fascist provincial government, the Deputation was normally appointed by, and from among, the members of a larger elected body known as the Consiglio Provinciale ("Provincial Council"). For present purposes since the elective Consiglio is not possible at this time, the Deputation is to be nominated by the Prefect and approved by the Allied Control Commission. It consists of a President and unpaid regular and substitute citizen members. The numerical composition of the Deputazione Provinciale varies according to the population as follows:

<u>Inhabitants</u>	<u>Regular Deputies</u>	<u>Alternates</u>
Over 600,000	10	4
" 300,000	8	2
Other provinces	6	2

The President is also the Head of Provincial Administration ("Capo dell'Amministrazione Provinciale"). He convokes, presides over, prepares the agenda for, and executes the decisions of the Deputazione Provinciale. The President, subject to the approval of the Prefect, may appoint a Vice-President from among the Provincial Deputies who assists him and substitutes for him in his absence. The President may entrust the deputies with special administrative duties.

5. Municipal Administration is to be organized as follows:

- a. SINDACO: In place of "Podestà" the democratic title of "Sindaco" (Mayor) must be adopted where a commune has a Giunta Comunale and "Commissario Prefettizio" where there is no such local body. New appointments or changes in the position of Mayor will be made by the Prefect, if in office, and approved by the Allied Control Commission. Appointments of Vice-Sindaco to be similarly effected.
- b. The Mayor may entrust to the Aldermen (Assessori) special duties in connection with the municipal Administration. The Mayor convokes, presides over, prepares the agenda for, and executes the decisions

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The President is also the Head of Provincial Administration ("Capo dell'Amministrazione Provinciale"). He convokes, presides over, prepares the agenda for, and executes the decisions of the Deputazioni Provinciali. The President, subject to the approval of the Prefect, may appoint a Vice-President from among the Provincial Deputies who assists him and substitutes for him in his absence. The President may entrust the deputies with special administrative duties.

5. Municipal Administration is to be organized as follows:

a. SINDACI: In place of "Podestà" the democratic title of "Sindaco" (Mayor) must be adopted where a comune has a Giunta Comunale and "Commissario Prefettizio" where there is no such local body. New appointments or changes in the position of Mayor will be made by the Prefect, if in office, and approved by the Allied Control Commission. Appointments of Vice-Sindaci are to be similarly effected.

b. The Mayor may entrust to the Alderman (Assessori) special duties in connection with the municipal Administration. The Mayor convokes, presides over, prepares the agenda for, and executes the decisions taken by the Giunta Municipale.

c. SEGRETARIO COMUNALE (Town Clerk): This official is a civil servant and cannot be appointed mayor, or be lightly dismissed. The Prefect has full power to effect transfers, retirements, and appointments of Town Clerks, and changes should be effected only through him under the standing procedure which must be closely followed.

d. GIUNTA COMUNALE ("Municipal Board of Aldermen"): This body is revived to replace the fascist-created Consulta Comunale. Normally, as in the case of the Provincial Deputation, its members, called "assessori" ("Aldermen") should be selected by, and from among the members of, an elected Consiglio Comunale ("Municipal Council"). Under present emergency conditions the members of the Giunta Comunale are appointed and removed by the Prefect, if in office, with the approval of the Allied Military Government. The Giunta Comunale should be established as early as conditions so permit. The numerical composition of the Giunta varies according to population and is as follows:

<u>Inhabitants</u>	<u>Assessori (Aldermen)</u>	<u>Alternates</u>
Over 250,000	10	4
" 60,000	8	4

D (Cont'd)

<u>Inhabitants</u>	<u>Assessori (Aldermen)</u>	<u>Alcarnates</u>
Over 30,000	6	2
" 3,000	4	2
Other communes	2	2

6. Substitute or alternate members of any of the aforementioned agencies do not take part in their meetings except in the absence of the regular members.

7. In the selection of members of the above agencies, consideration should be given to various shades of political opinion according to their local strength. Labor and agriculture as well as industry and the professions, moreover, must be adequately represented. Persons who held such positions in the Fascist Party as specified in Article I of Royal Decree of December 28, 1943, No. 23/8 are barred from office.

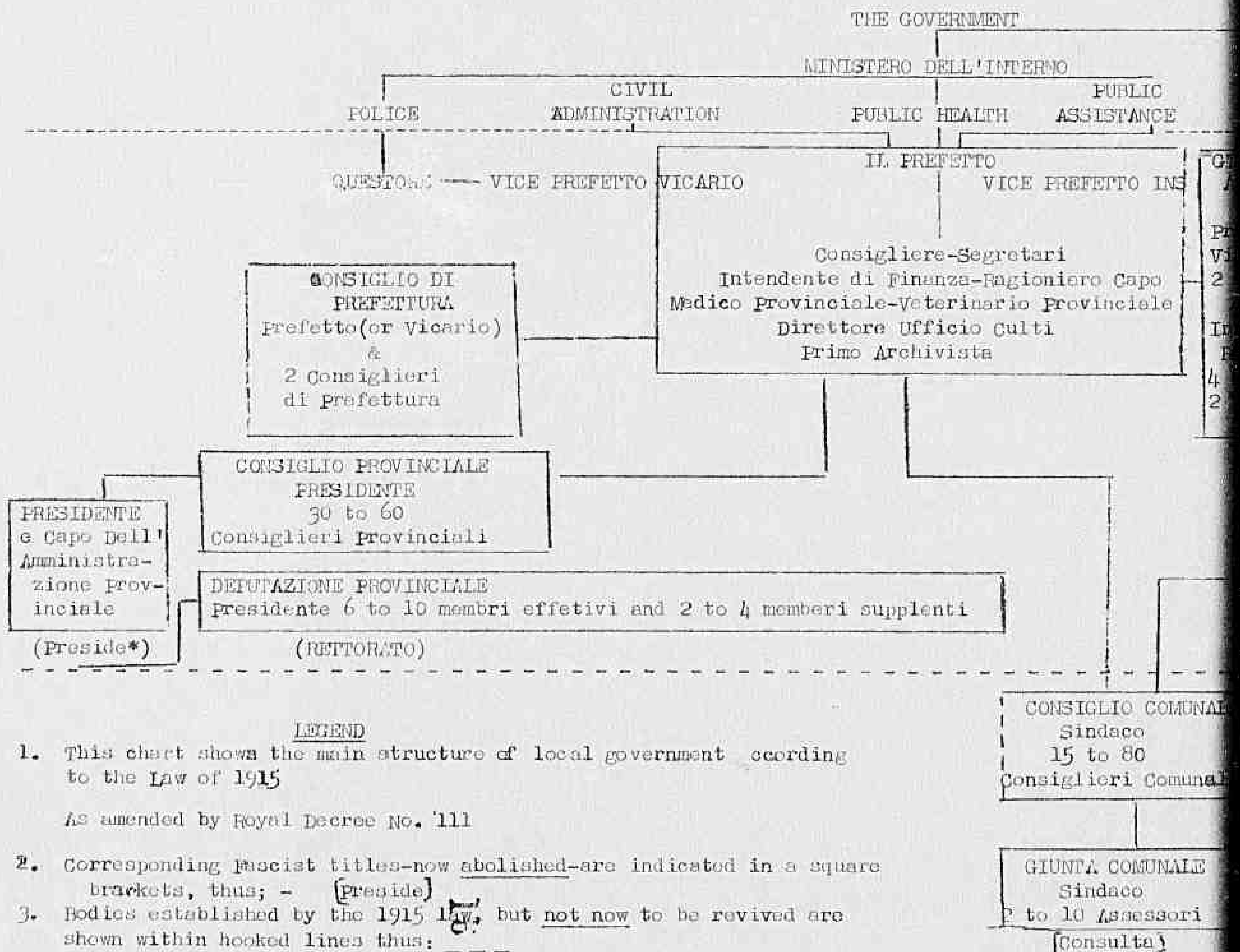
8. For the purposes of securing a proper understanding and a uniform application of these instructions, as well as other matters affecting local government, meetings of all Provincial Commissioners will be held at regular intervals. Similar meetings of all Prefects will also be held in order to assure a uniform application of the patterns of local government herein set forth.

9. In conformity with the above, from now onwards, all Provincial and Municipal Decrees and Orders must be issued in the name of the Prefect or local Mayor respectively and bear only the "VISTO" of the Allied Military Government Officer concerned.

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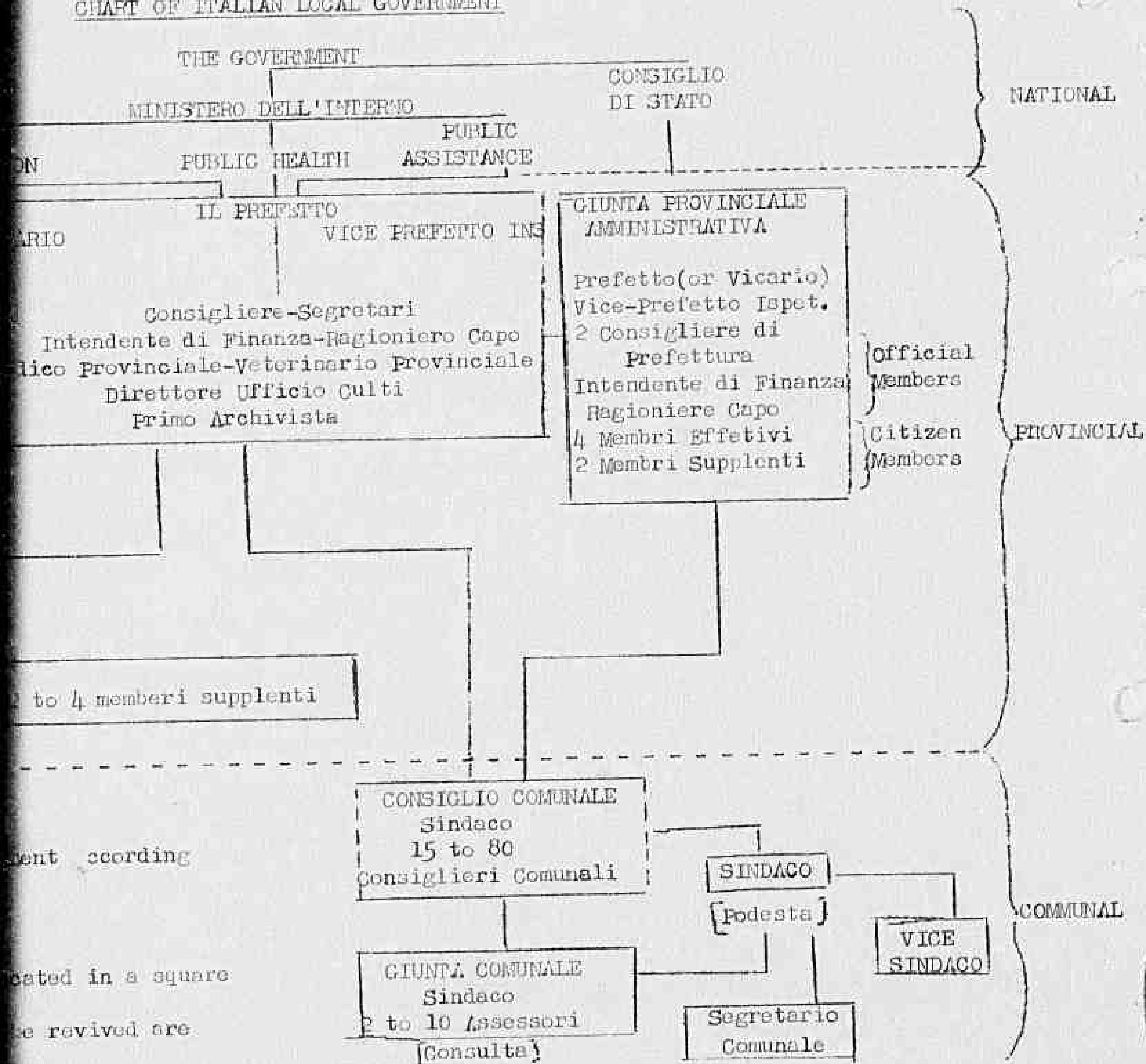
SCHEDULE "B"

CHART OF ITALIAN LOCAL GOVERNMENT



SCHEDULE "B"

CHART OF ITALIAN LOCAL GOVERNMENT



SCHEDULE "C"

(BE)

Civil Servants are divided into three groups, A, B, and C.

The first deals with political and administration affairs; the second handles accountancy and administration; the third takes care of archives, registry, typing, etc.

ADMINISTRATIVE RANKS

Grade	XI	Under Secretary
"	X	Secretary
"	IX	First Secretary
"	VIII	Councillor Second Class
"	VII	" First Class
"	VI	Vice-Prefect - Inspector
"	V	" " - "Vicario"
"	IV	Prefect Second Class
"	III	" First "

In addition to the foregoing, there is another category of personnel appointed by the Ministry of Interior, who have not passed the prescribed civil service examination, consequently without rank, known as "personale avventizio".

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SCHEDULE "D"

(Translation by Interior Sub-Commission, A.C.C. - 10 May 1944)

ROYAL DECREE - Law of APRIL 4th, 1944 No. 111

Transitory Rules for the Administration of Communes and Provinces.

VITTORIO EMANUELE III

By Grace of God and by the Will of the Nation
King of Italy

Whereas Art. 1d. of the Law of January 19th, 1939, No. 129;
Whereas the Unified Text of the Communal and Provincial Law approved by Royal Decree
of March 3rd, 1934, No. 363;

Whereas the Royal Decree Law of October 30th, 1943, No. 2/B;
Having considered that it is necessary to issue transitory rules for the administra-
tion of Communes and Provinces while waiting to establish administrative
elections;

Considering the state of emergency in consequence of the war;

After having heard the Council of the Ministers;

On the proposal of the Minister of Interior;

WE HAVE DECREED AND WE DECREE

Art. 1

Each commune has a mayor (Sindaco) and a board of aldermen (Giunta Municipale).
The mayor (Sindaco) and the aldermen (Assessori Municipale) are appointed by
the Prefect.

They may be removed by the Prefect for not having complied with the duties of
their office or for reasons of public order.

Against any measures of removal no appeal is allowed juridically or administra-
tively.

Art. 2

The mayor (Sindaco), in the case of absence or inability to appear, is substi-
tuted by the alderman, delegated as such (Assessore Delegato), who will be appointed
by the decision of the year (Sindaco) subject to approval of the Prefect.

The mayor (Sindaco) may, moreover, entrust to the aldermen (Assessori) special
duties in connection with the administration of the commune.

The mayor (Sindaco) convokes and presides over the board of aldermen (Giunta
Municipale), arranging the matters to be discussed at each meeting, and executes
the decisions taken by the board.

Art. 3

The board of aldermen (Giunta Municipale) is empowered to deliberate on the
matters of the Unified Text of February 4th, 1915, No. 148, as modified by R.

Art. 1

Each commune has a mayor (Sindaco) and a board of aldermen (Giunta Municipale). The mayor (Sindaco) and the aldermen (Assessori Municipale) are appointed by the Prefect.

They may be removed by the Prefect for not having complied with the duties of their office or for reasons of public order.

Against any measures of removal no appeal is allowed juridically or administratively.

Art. 2

The mayor (Sindaco), in the case of absence or inability to appear, is substituted by the alderman, delegated as such (Assessore Delegato), who will be appointed by the decision of the mayor (Sindaco) subject to approval of the Prefect.

The mayor (Sindaco) may, moreover, entrust to the aldermen (Assessori) special duties in connection with the administration of the commune.

The mayor (Sindaco) convokes and presides over the board of aldermen (Giunta Municipale), arranging the matters to be discussed at each meeting, and executes the decisions taken by the board.

Art. 3

The board of aldermen (Giunta Municipale) is empowered to deliberate on the matters over which the Unified Text of February 4th, 1915, No. 148, as modified by R. D. of December 30th, 1923, No. 2839, established the authority of the board of aldermen (Giunta Municipale) and of the Communal Council (Consiglio Municipale), without prejudice to the provisions of special laws in force.

I.

Art. 4

The administration of each province is composed of a President (Presidente) and a Provincial Deputation (Deputazione Provinciale).

The President (Presidente) and the provincial deputies (Deputati Provinciali) are appointed by the Prefect. The provisions of paragraph 3 of Art. 1 apply to them.

Art. 5

The president (Presidente) may appoint a Vice-President (Vice Presidente) from among the provincial deputies (Deputati Provinciali), and he may entrust them with special duties in connection with the administration of the province.

The vice president (Vice Presidente) assists the president (Presidente) and substitute for him when absent or prevented by a justified reason.

Art. 5 (Cont'd)

The appointment of the Vice President (Vice Presidente) must be approved by the Prefect. The president (Presidente), moreover, convokes and presides over the provincial Deputation (Deputazione Provinciale) arranging the matters to be discussed at each meeting, and executes the decisions taken by the Provincial Deputation (Deputazione Provinciale).

Art. 6

The Provincial Deputation (Deputazione Provinciale) is empowered to deliberate on all matters over which the Unified Text of February 4th, 1915, No. 148, as modified by Royal Decree of December 30th, 1923, No. 2839, established the authority of the Provincial Deputation (Deputazione Provinciale) and of the Provincial Council (Consiglio Provinciale), without prejudice to the provisions of the special laws in force.

Art. 7

Besides the cases provided by the Unified Text of February 4th, 1915, No. 48 those persons cannot be appointed to the office of mayor (Sindaco), president (Presidente), alderman (Assessore Comunale), provincial deputy (Deputato Provinciale), or elective member (Membro Elettivo) of the Giunta Provinciale Amministrativa (G.P.A.) who come under any of the provisions of Art. 1 of the Royal Decree of December 28th, 1943, No. 29/B.

Art. 8

The composition, convocation, and functioning of the Board of Aldermen (Giunta Comunale) and of the Provincial Deputation (Deputazione Provinciale) are governed by the provisions of the Unified Text of February 4th, 1915, No. 148, as modified by Royal Decree of December 30th, 1923, No. 2839.

The decisions of the mayor (Sindaco), Board of Aldermen (Giunta Municipale), President (Presidente) and of the Provincial Deputation (Deputazione Provinciale) are subject to the control of legality and of importance conferred on the Organs of the Government by the provisions of the laws in effect.

Art. 9

The Provincial Administrative Board (Giunta Provinciale Amministrativa) is composed of the Prefect or his deputy, who presides, of the Provincial Inspector, (Intendente Provinciale), of the Finance superintendent (Intendente dei Finanze), of two councillors of the Prefecture (Consiglieri di Prefettura) appointed at the beginning of every year by the Prefect, of the Chief Accountant of the Prefecture (Ragioniere Capo della Prefettura), of four regular members (Membri Effettivi) and two substitute members chosen from among persons expert in juridical, administrative and technical matters, appointed by the decision of the provincial deputation (Deputazione Provinciale), subject to approval of the Prefect.

The Prefect and the finance superintendent (Intendente di Finanze) respectively

The composition, convocation, and functioning of the Board of Aldermen (Giunta Comunale) and of the Provincial Deputation (Deputazione Provinciale) are governed by the provisions of the Unified Text of February 4th, 1915, No. 148, as modified by Royal Decree of December 30th, 1923, No. 2839.

The decisions of the mayor (Sindaco), Board of Aldermen (Giunta Municipale), President (Presidente) and of the Provincial Deputation (Deputazione Provinciale) are subject to the control of legality and of importance conferred on the Organs of the Government by the provisions of the laws in effect.

Art. 9

The Provincial Administrative Board (Giunta Provinciale Amministrativa) is composed of the Prefect or his deputy, who presides, of the Provincial Inspector, (Ispectore Provinciale), of the Finance superintendent (Intendente dei Finanze), of two councillors of the Prefecture (Consiglieri di Prefettura) appointed at the beginning of every year by the Prefect, of the Chief Accountant of the Prefecture (Ragioniere Capo della Prefettura), of four regular members (Membri Effettivi) and two substitute members chosen from among persons expert in juridical, administrative and technical matters, appointed by the decision of the provincial deputation (Deputazione Provinciale), subject to approval of the Prefect.

The Prefect and the finance superintendent (Intendente di Finanze) respectively designate as substitutes, a councillor of the Prefecture (Consigliere di Prefettura), an official of the accountancy office of the Prefecture, and an official of the Provincial Office of Taxes (Intendenza).

The Substitutes do not take part in the meetings of the board unless there is an insufficient number of the regular members in the respective category.

A quorum of five members is sufficient to render valid the decisions of the Giunta Provinciale Amministrativa in administrative session (in sede amministrativa). For an equality of votes, the President's vote prevails.

Art. 10

The following persons cannot be members of the Giunta Provinciale Amministrativa:

- a. The President, the Vice President and the members of the Provincial Deputation (Deputazione Provinciale).
- b. The Mayors (Sindaci) and the Aldermen (Assessori) of the communes of the province;
- c. Provincial and Communal functionaries and employees as well as accountants and those persons of public institutions of assistance and charity who receive wages or salaries.
- d. Those persons who do not possess the required qualifications for being appointed "Assessori" in conformity to the regulation in force concerning the "Corti d'Assise" (Grand Jury).

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Art. 10 (Cont'd)

- c. Relatives up to the second degree of relationship, and relatives of the Provincial tax-collector and tax-receiver in the first degree while he is fulfilling the office of the "Esattoria" and of the "Recevitoria". (Provincial Administration of Taxes).

Art. 11

In the case of the dissolution of the Provincial Deputation (Deputazione Provinciale) the elective members of the Giunta Provinciale Amministrativa go out of office but are empowered to act until the appointment of the new members.

The elective members who without justified motive do not attend three consecutive meetings lose their office. The dismissal is resolved by the Giunta itself on the proposal of the President (Presidente) after having heard the interested persons.

The vacancies resulting among the elective members are filled by the senior substitute elective member.

When there are no substitutes left, new ones are appointed by the Deputation (Deputazione).

Art. 12

To the elective members of the Giunta Provinciale Amministrativa a fee for each meeting attended by them is paid, the amount of which to be determined by Decree of the Minister of Interior.

The respective expenses are charged to the Provincial Administration.

Art. 13

The regulations of the Unified Text of March 3rd, 1934 No. 383, and subsequent legislation at variance or incompatible with the present Decree are abrogated.

The Prefects will provide for the appointment of the aldermen (Assessori Comunale) and of the Provincial Deputies (Deputati Provinciali) within 60 days that this decree becomes effective.

The Provincial Deputations (Deputazione Provinciali) will provide, within a month after their installation in office, for the appointment of the elective members of the Giunta Provinciale Amministrativa in substitution of the members in office appointed by the Ministry.

Art. 14

The present decree which will become effective on the day following its publication in the "Gazzetta Ufficiale del Regno", Special Series, will be presented to the Legislative Assemblies for conversion into law.

The Minister of Interior, the proposer is authorized to present the respective bill of the Law.

We order to have executed.

Art. 12

To the elective members of the Giunta Provinciale Amministrativa a fee for each meeting attended by them is paid, the amount of which to be determined by Decree of the Minister of Interior.

The respective expenses are charged to the Provincial Administration.

Art. 13

The regulations of the Unified Text of March 3rd, 1934 No. 363, and subsequent legislation at variance or incompatible with the present decree are abrogated.

The Prefects will provide for the appointment of the aldermen (Assessori Comunale) and of the Provincial Deputies (Deputati Provinciali) within 60 days that this decree becomes effective.

The Provincial Deputations (Deputazioni Provinciali) will provide, within a month after their installation in office, for the appointment of the elective members of the Giunta Provinciale Amministrativa in substitution of the members in office appointed by the Ministry.

Art. 14

The present decree which will become effective on the day following its publication in the "Gazzetta Ufficiale del Regno", Special Series, will be presented to the Legislative Assemblies for conversion into law.

The Minister of Interior, the proposer is authorized to present the respective bill of the Law.

We order, to whomsoever concerned, to observe this present decree and to see that it will be observed as a Law of the State.

Dated at Salerno, April 4th, 1944.

VITTORIO EMANUELE

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Paloglio - Reale.

Approved:

The Lord Privy Seal (Guardasigilli): Casati.

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4804/10

10 June 44

CA

SUBJECT : Italian Decree on Local Government.TO : Legal Sub-Commission.
Interior Sub-Commission.

- 1 Reference 421/16/CA of 9 June 44.
- 2 Interior will please co-ordinate. If the views of both Sub-Commissions are in agreement, the views may be expressed as a letter in reply for the VP's signature.
- 3 If agreement is not reached, the two views will be ^{placed} minuted on Interior's file for reply by Admin Sec.

[Signature]
 R.R. CRIPPS,
 Colonel,
 Admin Sec.

*Swi The above means we shall
 have to wait until Interior sends us their file
 for our opinion. ef.*

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HEADQUARTERS
ALLIED CONTROL COMMISSION
R.C. & M.G. SECTION
APO 394

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11A

Ref/421/16/CA

9 June 1944

SUBJECT: Italian Decree III.

TO : Admin. Section.

The attached copy letter from Regional
Commissioner, Region III dated 6 June 44, is for-
warded for the comments of Legal Sub-Commission
and Interior Sub-Commission.

Norman B. Fiske
✓

NORMAN B. FISKE
Colonel
Deputy Executive
Commissioner

Copy to:

Legal Sub-Commission ✓
Interior Sub-Commission ✓

JSR/JR

✓
✓

785016

11/3

HEADQUARTERS
REGION 3, ALLIED CONTROL COMMISSION
APO 394, U.S. ARMY

R/1038 GP:TT

6 June 1944

SUBJECT: Italian Decree

TO : Executive Commissioner, AOC, Hq.

1. The Prefect of Naples Province and the Mayor of Naples City propose that the Italian Decree on local government be modified so as to grant the right to vote to members who are in the "supplenti" category of both the Giunta Comunale and the Deputazione Provinciale.

2. The Regional Commissioner expresses no opinion on the recommendation submitted.

/s/ Charles Poletti
/t/ CHARLES POLETTI
Colonel
Regional Commissioner

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S. CONFIDENTIAL Equ

British

R. R. Temple, capt.
CONFIDENTIAL

OUTGOING

INTERIOR
RQBS/mgr4104/10
(F)7/08 7415
2728 10
MAY 28/835

CONFIDENTIAL

ROUTINE

ACC REAR

AMG REGION 3, AMG REGION 4, AMG REGION 5

EXECUTIVE MEMORANDUM NUMBER THIRTY NINE AND CONCOMITANT APPENDICES ARE OUT OF
DATE PD TO AMG REGION THREE CMA AMG REGION FOUR CMA AMG REGION FIVE FROM ACC REAR
FROM SPICER SIGNED MACFARLANE PD ROYAL DECREE NUMBER ONE HUNDRED AND ELEVEN
DEALING WITH THIS SUBJECT HAS BEEN PUBLISHED AND IS BEING IMPLEMENTED TO COVER ALL
OCCUPIED ITALY AS FAR AS IT IS POSSIBLE TO APPLY CONDITIONS CONTAINED THEREIN

AUTHENTICATED

E. J. CHIOCCA
CFO USA
Asst AdjDISTRIBUTION:

- 1 - File
- 1 - IEC
- 1 - ICC
- 1 - Interior
- 1 - Legal

LEGAL SUB-COMMITTEE	
CLO	☒
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Chief Counsel	☐
CJO	☐
Italian Section	☐
CL RKS	☐
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Major Michael
with.

U.S. CONFIDENTIAL Equals British CONFIDENTIAL

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Finance Sub-Commission
APO 394

FSCR/57.

10 April 1944.

TO : Chief Legal Officer,
Legal Sub-Commission
(For attention Major Hanneford)

FROM: Finance Sub-Commission - Budget Sub-section.

The opinion of the Legal Sub-Commission is sought on the attached draft Royal Decree, so far as it relates to the existing powers of Communes and Provinces as to the levying of taxes and imposts and the authorisation of expenditures; and to the existing control of Communes and Provinces in financial matters by the Control Commission for Local Finance, or similar body, and/or by the Ministers of Finance and the Interior.

The chief differences between the financial conditions obtaining in 1915 and those of 1934 are:-

- (i) The power to levy *sovrimposte* was increased in both communes and provinces, first by an increase in rates and finally in 1931 by the introduction of a third limit. The *dazio* was abolished and the law relating to the impositions of *imposte di consumo* was extended and unified. T.U. 14 Sept. 1931 No. 1175 and R.D.L. 18 Dec. 1933 No. 1737 (made law 5 Feb. 1934 No. 178) and T.U. (R.D. 3 Mar. 1934 No. 383).
- (ii) The formation of the Commission Centrale per Finanza Locale, Communes and Provinces which, notwithstanding the imposition of *sovrimposte* up to the third limit, were still unable to balance their budgets were required to submit ~~these~~ to this Commission. The Commission had ~~had~~ powers to authorise Communes and Provinces to increase taxes, raise money by loans, etc.
- (iii) The general over-riding control of all Communal and Provincial budgets was transferred to the Minister of Finance.

The existing law relating to the administration of Communes and Provinces is T.U. delle *Legge Comunale e Provinciale* (R.D. 3 March 1934 No. 383). The consolidated instructions for local finance are contained in the T.U. per Finanza

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- (ii) The formation of the Commission Centrale per Finanza Locale, Communes and Provinces which notwithstanding the imposition of sovrimposte up to the third limit, were still unable to balance their budgets were required to submit these to this Commission. The Commission had had powers to authorize Communes and Provinces to increase taxes, raise money by loans, etc.
- (iii) The general over-riding control of all Communal and Provincial budgets was transferred to the Minister of Finance.

The existing law relating to the administration of Communes and Provinces is T.U. della Legge Comunale e Provinciale (R.D. 3 March 1934 No. 383). The consolidated instructions for local finance are contained in the T.U. per Finanza Locale 14 Sept. 1931 No. 1175. But many of the articles of this latter authority have been transferred into, and superseded by, the T.U. of the Law (R.D. 3 March 1934 No. 383). For example Arts. 23, 24 and 321 of T.U. 14 Sept. 1931 are incorporated into Art. 332 of the R.D. of 3 March 1943 No. 383, and Art. 330 of the T.U. for Finanza Locale is now Art. 330 of the consolidated law (3 March 1934, No. 383).

Opinion is sought therefore as to whether the present draft decree leaves undisturbed -

- (a) the existing powers of communes and provinces to levy taxation;
 (b) the existing control over expenditures by communes and provinces;
 (c) the existing financial control over communes and provinces by the Central Commission for Local Finance, or by the Minister of the Interior and Finance conjointly;

and in particular whether, notwithstanding the issue of the draft decree the following articles of the Testo Unico della Legge Comunale e Provinciale (R.D. 3 Mar. 1934 No. 383) remain in full force:-

Titolo II Capi 4/6 Articoli 84 to 110
 Titolo III Capi 2/4 Articoli 133 to 155
 Titolo VI Articoli 251 to 265
 Titolo VII Capi 3.5 Articoli 289 to 343.

for the Minister of Finance
for the Budget Office

TRANSLATION NO. 137.

R.D.L. R.

Transient provisions regarding the administration of communes and provinces.

VICTOR EMANUEL THE III

by the Grace of God and the Will of the Nation

King of Italy

Whereas art. 18 of the law of 19 January 1939, No. 129, and

Whereas the Codified Law of Communal and Provincial law, approved by R.D. of

3 March 1934, No. 333; and

Whereas R.D.L. of 30 October 1943, No. 2/B; and

Whereas it is necessary to make transient provisions for the administration of
communes and provinces, while waiting to establish administrative elections; and

Whereas it is deemed necessary on account of the war;

On proposal of the Minister of the Interior;

Having heard the Council of Ministers;

WE HAVE DECREED AND WE DECREE

Art. 1.

Each commune has a "sindaco" and a municipal "giunta".

The "sindaco" and the municipal assessors are nominated by the Prefect.

They may be removed by the Prefect for non-performance of the duties of their
office and for motives of public order.

Against any measures of removal no appeal is admitted to either a jurisdictional
or administrative session.

On proposal of the Minister of the Interior;
Having heard the Council of Ministers;

WE HAVE DECREED AND WE DECREE

Art. 1.

Each commune has a "sindaco" and a municipal "giunta".
The "sindaco" and the municipal assessors are nominated by the Prefect.
They may be removed by the Prefect for non-performance of the duties of their office and for motives of public order.
Against any measures of removal no appeal is admitted to either a jurisdictional or administrative session.

Art. 2.

The "sindaco", when absent or prevented, is substituted by the deputy assessor, who is nominated by a decision of the "sindaco" and approved by the Prefect.
The "sindaco" may, furthermore, entrust special tasks to the assessors in the administration of the Commune.

The "Sindaco" convokes and presides over the municipal "giunta", fixing the agenda of every meeting and executes the decisions made by the "giunta".

Art. 3.

It belongs to the municipal "giunta" to decide on matters in respect of which, the codified law of 4 February 1915, No. 148, modified by R.D. of 30 December 1923, No. 2839, establishing the competence of the municipal "giunta" and its municipal council subject to terms of special legislation in force.

Art. 4.

The administration of each province is composed by a president and by a provincial deputation.

The president and the provincial deputies are nominated by the Prefect.

To them is applicable the provision in para. 2 of the precedent art. 2.

Art. 5.

The President may nominate a vice-president from among the provincial deputies and entrust to them special tasks in the provincial administration.

The vice-president assists the president and substitutes him in cases of absence or when legitimately prevented.

The appointment of the vice-president must be approved by the Prefect.

The president furthermore presides over and convokes the provincial deputation, fixing the agenda of every meeting and executes the decisions made by the provincial deputation.

Art. 6.

It belongs to the provincial deputation to decide on all matters as to which the competence of the provincial council was established by the codified law of 4 February 1915, No. 148 modified by R.D. of 30 December 1923, No. 2839, subject to the terms of special laws in force.

Art. 7.

Apart from special cases provided for in the Codified Law of 4 Feb. 1915, No. 148, cannot be appointed to the office of "sindaco" any president, communal assessor, or provincial deputy who is under any of the conditions mentioned in art. 1 of R.D.L. of 28 December 1943, No. 29/B.

Art. 8.

Art. 6.

It belongs to the provincial deputation to decide on all matters as to which the competence of the provincial council was established by the codified law of 4 February 1915, No. 1443 modified by R.D. of 30 December 1923, No. 2839, subject to the terms of special laws in force.

Art. 7.

Apart from special cases provided for in the Codified Law of 4 Feb. 1915, No. 1443, cannot be appointed to the office of "sindaco" any president, communal assessor, or provincial deputy who is under any of the conditions mentioned in art. 1 of R.D.L. of 28 December 1943, No. 29/B.

Art. 8.

The composition, convocation and functioning of the communal giunta and of the provincial deputation are governed by the provisions of codified law of 4 Feb. 1915, No. 1443, modified by R.D. of 30 Dec. 1923 No. 2839.

Decisions of the "sindaco", of the municipal "giunta" of the President and of the provincial deputation are subject to the supervision and tutelage conferred to the governing organs by provisions in existing laws.

Art. 9.

The Provincial administrative "Giunta" is composed of the Prefect or his deputy, who presides, of the provincial inspector, of the finance superintendent, of two counsellors or "prefettura" appointed at the beginning of every year by the Prefect, of the chief-accountant of prefettura, of four members and two deputy members,

(b)
chosen from among persons expert in judicial, administrative, and technical matters and appointed by decision of the provincial deputation and approved by the prefect. The prefect and the superintendent of finance appoint respectively as deputies one counsellor of "prefettura", one officer of the accounts branch of the Prefecture accountant and one functionary of the Finance "intendenza".

The deputies are not present at the meetings of the "giunta" unless there is a shortage of members in the respective category.

The presence of five members is sufficient to render valid the "giunta" decisions during an administrative sitting. At a parity of votes the President's vote prevails.

Art. 10.

The following cannot be part of the Administrative Provincial Giunta:

- (a) the president, the vice-president and the members of the provincial deputation;
- (b) the "sindaci" and the assessors of communes in the Province;
- (c) the employees receiving wages or salaries, the accountants of the provinces, of the communes, of the public institutions of assistance and charity.
- (d) those persons who do not possess the required qualities to become assessors, under the clauses of the existing Courts of Assises.
- (e) parents up to the second degree of parentage and those up to the first degree of relationship with the provincial tax-collector and tax-receiver, during the process of tax-collecting and tax-receiving.

Art. 11.

In the event of dissolution of the provincial deputation, the electing members of

- (a) the president, the vice-president and the members of the provincial deputation;
- (b) the "sindaci" and the assessors of communes in the Province;
- (c) the employees receiving wages or salaries, the accountants of the provinces, of the communes, of the public institutions of assistance and charity.
- (d) those persons who do not possess the required qualities to become assessors, under the clauses of the existing Courts of Agsises.
- (e) parents up to the second degree of parentage and those up to the first degree of relationship with the provincial tax-collector and tax-receiver, during the process of tax-collecting and tax-receiving.

Art. 11.

In the event of dissolution of the provincial deputation, the electing members of the Provincial administrative "giunta" lose their right to sit, but remain in office until the appointment of the new members.

The elective members who do not take part, without just cause in three consecutive meetings lapse from their office. The lapse is pronounced by the giunta itself on the proposal of the president, and after hearing the parties concerned. The vacancies resulting by these lapses among elective members are filled in by the older deputy elected member.

When there are no deputies left then new ones are appointed by the deputation.

Art. 12.

To the elected members of the Provincial administrative giunta, is issued a medal (medaglia) of presence at each sitting, in the measure determined by decree of the Minister of the Interior.

(5)
The above expenditure is incurred by the Provincial administration.

Art. 13.

The clauses of Codified Law of 3 March 1943, No. 383 and following acts contrary and incompatible with the present decree are abrogated.

The prefects will provide for the appointment of communal assessors and provincial deputies within 60 days of the promulgation of the present decree.

The provincial deputations will provide, within a month of their entering into office, for the appointment of the elective members of the provincial administrative giunta in substitution of the members in office appointed by the ministry.

Art. 14.

The present decree which will be effective as from the day following that of its publication in the Kingdom's Official Gazette, special issue, will be presented to the legislative assemblies for conversion into Law.

The Minister of the Interior proposing this law is authorized to introduce a Bill therefor.

We order, to whomsoever concerned, to observe this present decree and to see that it is observed as a State Law.

Given at Salerno.....

The Minister of the Interior proposing this law is authorized to introduce a Bill therefor.

We order, to whomsoever concerned, to observe this present decree and to see that it is observed as a State Law.

Given at Salerno.....

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

GCH/gmf

ACC/4005/L.

7 March 1944.

SUBJECT: Local Government Reorganization.

TO : Interior Subcommittee (Director).

1. Ref ACC/67/Int. dated 2 March 1944.
2. The draft decree of the Minister of the Interior appears comprehensive and covers most of the provisions set forth in Region 1 order.
3. Considering the specific point made by you in regard to the text of Article 1, its meaning cannot lead to any confusion but could be strengthened by adding the words "and until such time as Parliament shall provide new legislation in this respect".
4. Article 9. For all intents and purposes the provisions of Article 1 of the Defascistization Decree of 28 Dec 43 n. 29/B give adequate guaranty against possible fascist appointments.

G. G. HANNAFORD, Major
Officer i/c Italian Section
for Chief Legal Officer.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

GRU/gaf

23 February 1944.

ACC/4005/L

SUBJECT: Local Government Organization and Legal Position thereof.

TO : V.P. Administrative Section, ACC.

Ref attached ACC/23/Int dated 21 Feb 44, the legal position is as follows.

1. With the cessation of occupation all Proclamations and Orders came to an end and the administration of the country returns to the Italians. They can therefore adopt, in theory, any form of administration that they please, which may or may not be along the lines of the administration set up by the Allies. In Region VI they have always been free in this regard.
2. Of course any acts by the Italians in this respect are governed by the various agreements reached with their Government but as pointed out by Col. Spicer, little of a positive nature can be found which effects the problem with which he is confronted.
3. It is obviously desirable that the Italian Government should be asked to consider their policy over internal administration in conjunction with ACC and to formulate a policy acceptable to ACC and one which, as Col. Spicer suggests, should be applicable both to occupied and unoccupied territory.
4. If the Italian Government are to be asked to adopt the organization set up in Region I, it would seem wise in the first place to ask for its views and carefully to consider any alternatives that may be proposed.
5. Whether ultimately the Region I organization should be insisted upon by ACC is a matter of high policy for the Chief Commissioner and his Vice Presidents.

G. R. UPJOHN
Colonel
Chief Legal Officer.

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HEAD HEADQUARTERS
ALLIED GENERAL COMMISSION
INTERIOR SUB COMMISSION
APO 394

ACC/23/Int

21 February 1944

SUBJECT: Local Government Organization and Legal Position Thereof.

TO : Vice President, Administrative Section

1. A matter of considerable importance has arisen in connection with organization of local government in Royal Italy, and the same condition will undoubtedly arise as occupied territory is handed over increasingly to the Royal Italian Government.

2. In the first place, it must be recorded that the position of local government in the AMG period was covered in Sicily by the issue of a Regional Order issued by the then RCAO, Lt Col Poletti. This was accompanied by the Administrative Instructions and has been operating successfully through Region I. The position in Region II has unfortunately not made such progress, and, as far as can be ascertained, a similar order drafted at this Headquarters and approved by an officer of the Legal Sub-Commission, was not signed and issued, nor had, to any serious extent, the Administrative Instructions been carried out in that province.

3. The position in Sardinia is as yet unknown. The fact, however, that the Royal Italian Government has taken over Region I, II, and VI, complicates the issue, and I have little doubt that the matter requires clarifying at high level.

4. The chief of the Legal Sub-Commission, whom I have consulted personally, is of the opinion that a Regional Order such as referred to and which I attach a copy of, is not binding on the Royal Italian Government, and they may or may not accept such Regional Orders as an interim "modus operandi" of local government pending long-term decisions and policies to be adopted by the Italian Government of the future.

5. The question that requires decision, therefore, seems to me to be whether as in the territories now taken over by the Royal Italian Government, or in the territories to be taken over by them in the future, they should be guided on the basis of the local government as set up and operating in Region I, which was instituted and carried through successfully by Lt Col Charles Poletti, and whether indeed the system as now applied and operating in Region I can be continued without the full consent of the Royal Italian Government, and if that consent is not forthcoming, what action, if any, can be taken.

6. This further indicates a question as to whether the appointments made within the sphere of local government, i.e., Consiglieri, Assessori, and particularly in regard to bodies as constituted, such as, Giunta Comunale/Municipale, Deputazione Provinciale, are to be adhered to insofar as the Allied Control Commission is concerned.

7. There is no clause that I can find in any of the documents which has any direct bearing on this matter. It would appear to me that Allied Control Commission's policy in regard to all territories coming under either its administration or executive control should be, insofar as possible, uniform, and it would be ill-advised to institute local government in occupied Italy (as opposed to restored Italy) which differed materially in its organization. Such a policy can only lead to misunderstanding and would certainly not result in smooth working in regard to further hand-overs which, I believe, is the policy of the Allied Control Commission.

8. My recommendation is as follows: that the Minister of Interior should be asked to arrange publication of a decree by the Royal Italian Government corresponding, in the main, to the organization as now set up and operating in Region I.

9. I consider that the Chief Legal Officer should be asked to advise in this regard and I think that with regard to the working of this Sub-Commission, it is the crux.

R. C. B. SPICER
Lt Colonel
Acting Director
Interior Sub-Commission

