

ACC

AC 396/TN.4

10000/148/2499

DEFASCI

SEPT. - DO

10000/148/2499 DEFASCISTIZATION DECREES
SEPT.-NOV. 1944

2221

HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 324
ADMINISTRATIVE SECTION

DE/6a/AS

5 Sep 44

SUBJECT: Refers to - Fortnightly Return.

TO: See Distribution.

1 It has been decided to ask all Ministerial Sub-Commissions to make a return on Referrals on a stereotyped form a draft of which has been submitted to the Asst High Commissioner and approved by him.

2 One form at least should be completed by each Ministerial Sub-Commission (two if it deals with both civil servants and outside bodies) but this will not present a separate return being required for any large organization or group of organizations such as banks which have a particular or separate importance which it may be desirable to watch separately.

3 These returns will be for the information of Sub-Commissions.

4 Sub-Commissions will keep Administrative Section informed of the position by aggregating the returns received by them and submitting to Administrative Section two returns one for Civil Servants the other for other concerns.

5 Ministers will be informed that we require the information in this form and that we ask this with the approval of the Asst High Commissioner.

6 Sub-Commissions can obtain from Chief Clerk, Administrative Section supplies of the form in Italian at the rate of 10 (5 months) for each Ministerial Sub-Commission with which they deal of either or both forms as may be necessary and also forms in English for their aggregated returns to Administrative Section.

7 The first return will be made immediately after the 15 Sep and will consist of two sets of forms. An opening form showing the position as at the 30 Aug and a second form showing the position as at 15 Sep.

8 With regard to the form itself, a comparison of the columns mentioned below shows

Col's
a/b
a/c
a/d
a/e

indication
how far investigation is complete.
the proportion of suspensions.
the progress made with hearings and cases pending.
the proportion of convictions, the attitude of the commission.
how far the decisions are accepted.

2 One form at least should be completed by each Ministerial Sub-Commission (two if it deals with both civil servants and outside bodies) but this will not present a separate return being required for any large organization or group of organizations such as banks which have a particular or separate importance which it may be desirable to watch separately.

3 These returns will be for the information of Sub-Commissions.

4 Sub-Commissions will keep Administrative Section informed of the position by aggregating the returns received by them and submitting to Administrative Section two returns one for Civil Servants the other for other concerns.

5 Ministers will be informed that we require the information in this form and that we ask this with the approval of the Asst High Commissioner.

6 Sub-Commissions can obtain from Chief Clerk, Administrative Section supplies of the form in Italian at the rate of 10 (5 months) for each Ministerial Sub-Commission with which they deal of either or both forms as may be necessary and also forms in English for their aggregated returns to Administrative Section.

7 The first return will be made immediately after the 15 Sep and will consist of two sets of forms. An opening form showing the position as at the 30 Aug and a second form showing the position as at 15 Sep.

8 With regard to the form itself, a comparison of the columns mentioned below shows

Sole
 a/b
 c/a
 a/d
 f/s
 d/f
 h/g
 l/h

Indication

how far investigation is complete.
 the proportion of suspensions.
 the progress made with hearings and cases pending.
 the proportion of convictions, the attitude of the commission.
 how far the decisions are accepted.
 progress of hearing of appeals and appeals outstanding.
 the proportion in which decisions are upset and the attitude of the appeal Tribunal.
 shows the total proportion dismissed.

f Less 1/c

Ext 469
 583/jwc

a/ S.H. WHITE Lt Col. 550
 S.H. WHITE Lt Col. 550
 for VP Admin Section

DISTRIBUTION: Admin Sec
 Econ Sec
 Polit Sec
 Legal SC
 Army SC
 Post Sec
 Finance SC
 Commerce SC
 Agric SC
 Public Works SC
 Communication SC
 Navy SC
 Interior SC
 Transportation SC

REF DE/5.9/CA

1 Nov 44

A

Decree (A.257)

for providing for

The Rapid Expiration of Senior Officials.

The Italian version of this decree is the only authoritative text. The version below is not a literal translation; its object is to inform officers conveniently of the provisions contained in the decree.

Officials are referred to the Italian text for all points of detail or matters of procedure or dispute. The brackets indicate additions to the original text made to clarify the meaning.

The time limit (for the commencement of expiration proceedings) against civil or military employees of the first four grades or against officials of corresponding rank in the employ of the State Railways shall in lieu of that contained in Art 25 of D.L. 159/44 be 30 days from the coming into force of this decree.

The Commission (of first instance) to which an expiration proceeding concerning any such person (has been referred) shall communicate its decision to the High Commissioner and to the "defendant" within 30 days from the day on which the case was referred to it. An appeal under Art 20 of D.L. 159/44 from any such decision shall be lodged by the High Commissioner within 10 days and by the defendant within 3 days of the communication (to them respectively) of such decision. The Central Commission shall give priority of hearing to appeals concerning such persons.

The President of the Council of Ministers (P.M.) may on the application of the President of the Expiration Commission on being satisfied that the exceptional complexity of the investigation (of any particular case) so requires extend the time limit (for hearing) contained in the last preceding paragraph as may be requisite up to (a maximum of) a further 30 days.

Within 60 days from the coming into force of this decree the P.M. having heard the appropriate Minister or on the request of the person concerned may place any civil or military State employee of the first four grades or an official of corresponding rank in the employ of the State Railways in retirement. Such power shall be exercisable even if the official belongs to an "irremovable" class or after expiration proceedings have been commenced.

The military personnel to whom this article applies shall be given the status provided for by the laws in force.

All persons retired under the last preceding article shall, if they are entitled to add a period of ten years and other

The Italian version of this decree is the only authoritative text. The version below 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 text for all points of detail or matters of procedure or dispute. The brackets indicate additions to the original text made to clarify the meaning.

- 1 The time limit (for the commencement of expiration proceedings) against civil or military employees of the first four grades or against officials of corresponding rank in the employ of the State Railways shall in lieu of that contained in Art 25 of RIL 159/44 be 30 days from the coming into force of this decree.
The Commission (of first instance) to which an expiration proceeding concerning any such person (has been referred) shall communicate its decision to the High Commissioner and to the "defendant" within 30 days from the day on which the case was referred to it. An appeal under Art 20 of RIL 159/44 from any such decision shall be lodged by the High Commissioner within 10 days and by the defendant within 5 days of the communication (to them respectively) of such decision. The Central Commission shall give priority of hearing to appeals concerning such persons.
The President of the Council of Ministers (POM) may on the application of the President of the Expiration Commission on being satisfied that the exceptional complexity of the investigation (of any particular case) so requires extend the time limit (for hearing) contained in the last preceding paragraph as may be requisite up to (a maximum of) a further 30 days.
- 2 Within 60 days from the coming into force of this decree the POM having heard the appropriate Minister or on the request of the person concerned may place any civil or military State employee of the first four grades or an official of corresponding rank in the employ of the State Railways in retirement. Such power shall be exercisable even if the official belongs to an "irremovable" class or after expiration proceedings have been commenced.
The military personnel to which this article applies shall be given the status provided for by the law in force.
- 3 All persons retired under the last preceding article shall, if they are "irremovable", be entitled to add a period of ten years and other personnel so retired five years to their service to count for pension. Provided nevertheless that the service to count for pension hereunder shall not exceed forty nor be less than twenty years.
For the purpose of this article, the following personnel shall be considered to be "irremovable": members of the Judiciary; of the Council of State; of the Court of Accounts and professors of Universities. Where the first paragraph of this article is not applicable the provisions of Law 587/40 shall apply.
- 4 The High Commissioner for Defectionism (HDD) shall be notified of every order for retirement made under Art 2 and where by is of opinion

- 2 -

that (a case is grave and that) para 2 of Art 22 of DIL 159/44 may apply he may refer the case to the (appropriate) Epuration Commission for decision as to whether or not the "defendants" pension shall be forfeited. An Epuration Commission may, as an alternative, (so its powers under Art 22) order forfeiture of any increase to which the "defendant" would otherwise be entitled under Art 3 hereof.

An order as to loss of pension or of any increase shall take effect on the first day of the month following the decision of the Central Commission (in the case of an appeal) or (where there is no appeal) the first of the month following the day on which the decision of the Commission of first instance becomes unappealable.

The hearing (of any case referred hereunder) shall be (conducted) in accordance with the provisions contained in DIL 159/44 and Art 4 hereof.

As regards State employees residing in any territory which, at the date on which this decree comes into force, has not been restored to Italian Administration, the time limits contained in para 4 of Art 4 and in Art 2 shall run from the date on which DIL 159/44 and this decree become effective in such territory.

When, following the liberation of any territory not now liberated, any important evidence is discovered against any State employee which could not (previously) have come to the knowledge of the Epuration Commission, the PCM may, provided that the time limits contained in para 4 of this Art are not exceeded, by decree order that Art 4 of this decree shall apply to such case even though the time limits prescribed (in that Art) have expired.

In similar circumstances the HOD may within the time limits of the para 4 of this Art submit for decision cases to which Art 4 hereof applies.

When employees reside outside the National Territory the time limits referred to in para 4 hereof shall run from the cessation of hostilities.

Where there is obvious evidence that employees, within the provisions of paras 4 and 4 of this Art are actively collaborating or have collaborated with the so-called republican fascist government, proceedings for expatriation or for forfeiture of pension under Art 4 may be commenced before the time limits of this Article commence to run and without allowing the time for the preparation of the defence which is allowed by para 4 of Art 19 of DIL 159/44.

Appeals through neither administrative nor judicial channels shall be allowed against decisions under Art 2 hereof or an award of forfeiture of pension under Art 4 hereof except on grounds of incompetence of the (hearing) commission.

Until the operation of the Public Administration has been completed, the HOD shall be notified of all proposals as to promotions and appointments to the first four grades of State employees or to offices of corresponding rank in the State Railway Service.

The HOD may, within ten days of receiving such notification state his reasons for opposing the aforesaid promotion or appointment. When any Minister does not propose to accept the view of the HOD, the Government of Ministers for decision.

As regards State employees residing in any territory which, on the date on which this decree comes into force, has not been restored to Italian Administration, the time limits contained in para 1 of Art 1 and in Art 2 shall run from the date on which D.L. 159/44 and this decree become effective in such territory.

Then, following the liberation of any territory not now liberated, any important evidence is discovered against any State employee which could not (previously) have come to the knowledge of the Italian Commission, the RCM may, provided that the time limits contained in para 1 of this Art are not exceeded, by decree order that Art 1 of this decree shall apply to such case even though the time limits prescribed (in that Art) have expired.

In similar circumstances the RCM may within the time limits of the para 1 of this Art submit for decision cases to which Art 4 hereof applies.

When employees reside outside the National Territory the time limits referred to in para 1 hereof shall run from the cessation of hostilities.

Where there is obvious evidence that employees, within the provisions of para 1 and 4 of this Art are actively collaborating or have collaborated with the so-called republican fascist government, proceedings for operation or for forfeiture of pension under Art 4 may be commenced before the time limits of this Article commence to run and without allowing the time for the preparation of the defence which is allowed by para 1 of Art 19 of D.L. 159/44.

Proposals through neither administrative nor judicial channels shall be allowed against decisions under Art 2 hereof or an award of forfeiture of pension under para 4 hereof except on grounds of incompetence of the (issuing) commission.

Until the expiration of the Public Administration has been completed, the RCM shall be notified of all proposals as to promotions and appointments to the first four grades of State employees or to officers of corresponding rank in the State Railway Service.

The RCM may, within ten days of receiving such notification state his reasons for opposing the aforesaid promotion or appointment.

When any Minister does not propose to accept the view of the RCM, the matter shall be referred to the Council of Ministers for decision.

Except where para 2 of Art 5 applies personnel appointed in accordance with the provisions of this article shall not be subject to further evaluation.

This decree shall come into force on the 1 Nov 44.

1387

Declassified E.O. 12356 Section 3.3/NND No. 785021

28
ALL 25 OF 29 OCT 44

RULES OF PROCEDURE

for

EP RATION

under

Part II of DIL 159

U. Sec

21 Nov 44

1388

Declassified E.O. 12356 Section 3.3/NND No. 785021

for

EXPLANATION

under

Part II of DML 159

21 Nov 44

C4 Sec

534

LIL 235 of 23 Oct 44

RULES OF PROCEDURE

for expatriation proceedings under Part II of LIL 159

The Italian version of this decree is the only authoritative text. The version below 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 text in all points of detail or matters of procedure or dispute. The brackets indicate additions to the original text made to clarify the meaning.

Preparation for trial and trial	Arts. 1- 3, 11, 25
Appeals and execution of sentence	" 5-12, 23, 29
Provincial Proceedings	" 13-17
Professions, Arts and Trades	" 18-24
Miscellaneous	" 25-30

INITIATION AND PREPARATION OF PROCEEDINGS

1 Except as provided in Art 2 hereof proceedings for expatriation under Part II of LIL 159 shall be initiated by the High Commissioner for Defense (HC).

2 The bodies referred to in Art 11 of LIL 159 shall send to the HC a list of their employees within the provisions of Arts 14 and 17 of that decree and such evidence as is in their possession concerning employees to whom the provisions of Arts 12 and 13 of the said decree are considered to apply.

When, however, any such body is of opinion that it has sufficient evidence to justify expatriation proceedings against an employee, it may file a charge with the appropriate hearing Commission, which, before entering the case, shall send to the HC a list of the names of the persons accused. The HC may, if he so desire, reserve to himself the initiation of any such proceedings.

The HC shall commence expatriation proceedings before the (appropriate) Commission of first instance against those who, on the evidence received by him from bodies or commissions or obtained in answer to enquiries of his own office, he is of opinion should be dismissed or receive some other punishment authorized by Part II of the said decree.

DISCOVERY

3 Every body shall supply to the HC all information and documents he may demand. Where political or military secrets are involved, prior authorization shall be obtained from the President of the Council of Ministers, (PCM) who may lay down the formalities to be observed during the examination and

original text means to clarify the meaning.

Preparation for trial and trial
appeals and execution of sentence
Provisional Proceedings
Professions Arms and Traces
Miscellaneous

Arms 1- 2-11, 23
" 2-12, 23, 29
" 13-17
" 18-24
" 25-30

INITIATION AND PROMOTION OF PROCEEDINGS

1 Except as provided in Art 2 hereof proceedings for execution under
Pt II of HLL 159 shall be initiated by the High Commissioner for Refasolism (HC).

2 The bodies referred to in Art 11 of HLL 159 shall send to the HC a
list of their employees within the provisions of Arts 14 and 17 of that
decree and such evidence as is in their possession concerning employees to
whom the provisions of Arts 12 and 13 of the said decree are considered to
apply.

When, however, any such body is of opinion that it has sufficient
evidence to justify execution proceedings against an employee, it may file
a charge with the appropriate hearing Commission; which, before entering
the case, shall send to the HC a list of the names of the persons accused.

The HC may, if he so desires, reserve to himself the initiation of any
such proceedings.

The HC shall commence execution proceedings before the (appropriate)
Commission of first instance against those who, on the evidence received
by him from bodies or Commissions or obtained in answer to enquiries of his
own office, he is of opinion should be dismissed or receive some other pun-
ishment authorized by Part II of the said decree.

DISCOVERY

3 Every body shall supply to the HC all information and documents he may
demand.

Where political or military secrets are involved, prior authorization
shall be obtained from the President of the Council of Ministers, (PM) who
may lay down the formalities to be observed during the examination and
transmission of such documents.

DEFENCE

4 The Commission of first instance, on receiving with the relative
documents a request for the commencement of proceedings, shall cause the
person concerned to be informed of the charges against him and invite him
to submit his defence within a stated time limit which in any case shall
not be less than ten days.

During such period the person concerned shall have the right to consult
(relevant) records in the Secretariat of the Commission. 553

5 The defence shall be filed with the Secretariat of the Commission.
An employee living in a commune other than that in which the Commission is located may file his defence through the head of the office in which he works.

The head of the office will without delay forward the same to the Secretariat of the Commission.

FINDING AND SENTENCE

6 The Commission of first instance having made such further enquiries under Art 19 of ILL 159 as it may deem necessary in view of the evidence before it and the defence of the person concerned and shall pronounce its finding supported by short reasons for the same.

7 In cases under Art 14 of ILL 159, where there is no evidence of fascist partisan ship or improper conduct the epuration Commission may instead of dismissal, award such lesser punishment as is allowed by the said article.

8 No penalty shall be imposed when the title mentioned in Art 14 of ILL 159 has been awarded as a mere honour and the person concerned did not participate in the events for which the title was first awarded.

Similarly those who became officers in the LVS as a result of a collective draft into the Militie of units which existed in other Government services shall not be penalised unless the person concerned made a specific request for such transfer.

Nevertheless dismissal or any other penalty authorised by Art 14 of the above-mentioned decree may be ordered in the cases of who have exploited such titles or their position in the militia in order to obtain for themselves any particular advantage which, generally speaking, other persons similarly situated could not obtain.

APPEALS

9 Any appeal by the person concerned or by the EC against a decision of the Commission of first instance shall be filed at the Secretariat of the said Commission and shall be forwarded by the latter, together with the relevant records, to the Central Commission.

An employee living in a commune other than the one in which the Commission of first instance is located may present his appeal to the head of his office who shall without delay forward the same to the Secretariat of the (appropriate) Commission of first instance for further action as follows.

EXECUTION OF SENTENCE

10 The finding of an epuration Commission shall be communicated, by the appropriate Secretariat, to the body employing the person concerned which shall issue such order as may be necessary to carry out the finding.

SUBMISSIONS BEFORE OR DURING PROCEEDINGS

11 Whenever the EC is of opinion that an employee against whom epuration proceedings have been commenced should be suspended, he shall make to the President of the EC a recommendation to that effect supported

7 In cases under Art 14 of ILL 159, where there is no evidence of fascist partisan ship or improper conduct the curation Commission may instead of dismissal, award such lesser punishment as is allowed by the said article.

3 No penalty shall be imposed when a title mentioned in Art 14 of ILL 159 has been awarded as a mere honour and the person concerned did not participate in the events for which the title was first awarded.

Similarly those who became officers in the LWSM as a result of a collective draft into the Militia of units which existed in other Government services shall not be penalised unless the person concerned made a specific request for such transfer.

Nevertheless dismissal or any other penalty authorised by Art 14 of the above-mentioned decree may be ordered in the cases of who have exploited such titles or their position in the militia in order to obtain for themselves any particular advantage which, generally speaking, other persons similarly situated could not obtain.

APPEALS

9 Any appeal by the person concerned or by the EC against a decision of the Commission of first instance shall be filed at the Secretariat of the said Commission and shall be forwarded by the latter, together with the relevant records, to the Central Commission.

An employee living in a commune other than the one in which the Commission of first instance is located may present his appeal to the head of his office who shall without delay forward the same to the Secretariat of the (appropriate) Commission of first instance for further action as above.

EXECUTION OF SENTENCE

10 The finding of an curation Commission shall be communicated, by the appropriate Secretariat, to the body employing the person concerned which shall issue such order as may be necessary to carry out the finding.

SUGGESTIONS BEFORE OR DURING PROCEEDINGS

11 Whenever the EC is of opinion that an employee against whom curation proceedings has been commenced should be suspended, he shall make to the appropriate Minister or Prefect a recommendation to that effect supported by his reasons. The latter shall then take action in accordance with Art 22 of ILL 159.

Any Minister or Prefect who does not desire to accept the EC's recommendation shall at once notify the latter and refer the matter to the President of the Council of Ministers (PC) for decision.

- 3 -

Should the circumstances, which caused any suspension to be ordered, cease to exist the order of suspension may, with the approval of the EC at any time and even during actual expunction proceedings, be revoked by the authority which made it. If the EC should withhold his consent, the said authority may submit the matter to the FCM for decision.

PROCEDURE ON APPEAL

- 12 The Central Expunction Commission shall have the same powers as were given to a Commission of first instance by Art 19 of ILL 159.
New evidence may be presented to the Central Commission either by the person concerned or by the EC.
The Central Commission even if there is no request by the EC, may award a severepanalty than that given by the Commission of first instance.

EXPUNCTION OF PROVINCIAL NON STATAL BODIES.

- 13 Private public utility undertakings having their offices and operating in one province only will be expunated by a Commission established under Art 18, para 3 of ILL 159.
The Prefect shall issue such orders as may be necessary to carry out the findings in respect of such personnel.

- 14 In the case of any special concerns operating under a public authority or other public body an official of the undertaking concerned or of the managing administrator or other public authority or body may be appointed as second member of the expunction commission.

Except as provided in the preceding para where a single commission deals with more than one undertaking, the competent authority may select the second member from the staff of any of the undertakings concerned.

The provisions set out in the first para of this article shall apply also to undertakings which are of general importance to the local controlling them.

PROVINCIAL COMMISSIONS.

- 15 In derogation from the provision contained in Art 18, para 3 of ILL 159, the Expunction Commissions for Boities referred to in that para or in Art 13 hereof shall be appointed by the EC, after consultation with the competent Minister and with the EC; the provisions of the preceding article as to the composition of Commissions referred to therein shall apply to these Commissions. The President of the Commission shall in every case be a judicial or administrative magistrate, active or retired.

Such a Commission may be given jurisdiction over more than one province.

The Commission for the Commune of Iona and for undertakings operating under it shall be appointed by the Minister for the Interior; the second member shall be selected from among the staff of the Commune or the Ministry.

The Commissions for the expunction of private public utility undertakings and of concerns of national importance shall be appointed by the competent authority, as laid down in ILL 159, and also by the EC.

- 16 Sub-Commissions with jurisdiction over one or more provinces may be appointed in the manner set out in Art 18, para 1, to deal with Government departments which have a large staff in scattered offices.

EPURATION OF PROVINCIAL NON STATE BODIES.

13 Private public utility undertakings having their offices and operating in one province only will be epurated by a Commission established under Art 10, para 3 of DLL 159.

The Prefect shall issue such orders as may be necessary to carry out the findings in respect of such personnel.

14 In the case of any special concerns operating under a public authority or other public body an official of the undertaking concerned or of the managing administrator or other public authority or body may be appointed as second member of the epuration commission.

Except as provided in the preceding para where a single commission deals with more than one undertaking, the competent authority may select the second member from the staff of any of the undertakings concerned.

The provisions set out in the first para of this article shall apply also to undertakings which are of general importance to the social controlling them.

PROVINCIAL COMMISSIONS.

15 In derogation from the provision contained in Art 18, para 3 of DLL 159, the Epuration Commissions for Bodies referred to in that para or in Art 13 hereof shall be appointed by the RC, after consultation with the competent Minister and with the RC; the provisions of the preceding article as to the composition of Commissions referred to therein shall apply to these Commissions. The President of the Commission shall in every case be a judicial or administrative magistrate, active or retired.

Such a Commission may be given jurisdiction over more than one province.

The Commission for the Commune of Rome and for undertakings operating under it shall be appointed by the Minister for the Interior; the second member shall be selected from among the staff of the Commune or the Ministry.

The Commissions for the operation of private public utility undertakings and of concerns of national importance shall be appointed by the competent authority, as laid down in DLL 159, and also by the RC.

16 Sub-Commissions with jurisdiction over one or more provinces may be appointed in the manner set out in Art 18, para 1, to deal with Government departments which have a large staff in scattered offices.

A Commission may establish its seat in any provincial town.

17 In every province the Prefect and the representative of the RC shall jointly be responsible for preparing the cases against employees to be brought before an epuration Commission.

EXPLANATION OF PROFESSIONS ETC. (TRIBUNALS)

- 18 Central Commissions established by Art 23, para 3 of ILL 159, shall be composed of a President, two judicial or administrative magistrates (active or retired); four members selected from persons practising the profession, art or trade by the appropriate Minister, after the consultation with the authority, if any in Rome responsible for keeping the register (of that profession etc) and of two other members designated by the HC.
- In appointing any such Commission the appropriate Minister or a body authorized by him, need not appoint persons to represent an authority responsible for keeping a register if in fact such authority does not exist.

- 19 The Commissions responsible for reviewing the entries on any register referred to in Art 23 of ILL 159 shall apply Arts 12 (1), 13 and 14 of the said decree (to persons on such registers).
- The name of any person whose behaviour has compromised the decorum and dignity of his profession or who has in any way shown himself unworthy to practice his profession, art or trade, shall be struck off the register. In other cases a temporary suspension from practice of the profession, art or trade may be ordered in lieu of removal from the register.
- Persons whose names are included on any (professional etc) register shall be entitled to the benefit of the provisions of Art 16 of the said decree. Where the practice of a profession is permitted under any special Government authorization or license the removal of any name from a register shall be deemed to revoke such government authorization or license.

EXPLANATION OF PROFESSIONS (PROCEDURES).

- 20 The Commission responsible for reviewing any register shall have the powers of an Expiration Commission under Art 19 of ILL 159.
- Proceedings before any such Commissions shall be commenced by a request of the HC. The bodies charged with keeping the registers shall send to the HC the documents in their possession and any denunciations received by them.
- In any case of particular gravity a Commission may, during the proceedings for review suspend the person concerned from his profession, art or trade until the proceeding is concluded.
- 21 Appeals against the decisions of a Commission for the revision of any register shall be filed in the Secretariat of such Commission and shall be sent by that Commission to the Central Commission together with (all relevant) documents.

EXPLANATION OF PROFESSIONS (SENTENCES).

- 22 When the time limit for any appeal has expired without an appeal having been filed the finding of any Commission responsible for reviewing any register (or where there has been an appeal) the finding of the Central Commission shall be communicated by the Secretariat to the body responsible for keeping such register who will put the said finding into

19 The Commission responsible for reviewing the entries on any register referred to in Art 23 of ILL 159 shall apply Arts 12 (1), 13 and 14 of the said decree (to persons on such registers).

The name of any person whose behaviour has compromised the decorum and dignity of his profession or who has in any way shown himself unworthy to practice his profession, art or trade, shall be struck off the register. In other cases a temporary suspension from practice of the profession, art or trade may be ordered in lieu of removal from the register.

Persons whose names are included on any (professional etc) register shall be entitled to the benefit of the provisions of Art 16 of the said decree. Where the practice of a profession is permitted under any special Government authorization or license the removal of any name from a register shall be deemed to revoke such government authorization or licence.

EXPLANATION OF PROFESSIONS (PROCEEDINGS).

20 The Commission responsible for reviewing any register shall have the powers of an Epuration Commission under Art 19 of ILL 159.

Proceedings before any such Commissions shall be commenced by a request of the RC. The bodies charged with keeping the registers shall send to the RC the documents in their possession and any denunciations received by them.

In any case of particular gravity a Commission may, during the proceedings for review suspend the person concerned from his profession, art or trade until the proceeding is concluded.

21 Appeals against the decisions of a Commission for the revision of any register shall be filed in the Secretariat of such Commission and shall be sent by that Commission to the Central Commission together with (all relevant) documents.

EXPLANATION OF PROFESSIONS (ADMINISTRATIVE).

22 When the time limit for any appeal has expired without an appeal having been filed the finding of any Commission responsible for reviewing any register (or where there has been an appeal) the finding of the Central Commission shall be communicated by the Secretariat to the Body responsible for keeping such register who will put the said finding into effect.

EXPLANATION OF PROFESSIONS (ADMINISTRATIVE)

23 The last para of Art 18 of ILL 159 shall apply to a Commission responsible for reviewing any register.

Where one body is responsible for keeping more than one professional register, the appropriate Minister may, if the large number of entries makes it desirable, form separate Commissions for reviewing the entries in the several registers.

24 Where two or more registers are kept in neighbouring offices and the small number of entries in each register makes it desirable, the appropriate Minister may order that the review of such registers under Art 23 of ILL 159 be undertaken by one Commission.

COMMENCEMENT OF PROCEEDINGS.

25 A proceeding for expatriation shall for the purpose of the time limits contained in Art 25 of ILL 159 be deemed to be commenced on the date on which the charges against a person are communicated to him.
Provided that when an employee has been suspended before such communication the proceedings shall be deemed to have commenced either on the day on which he is suspended or where this was prior to the day on which this decree came into force, the proceedings shall, irrespective of the date on which the charges were communicated, be deemed to have commenced on the (23 Nov).

FOURTH LIBERATION OF TERRITORY (EVIDENCE).

26 When, after the liberation of territories not yet liberated, important evidence, which could not previously have been discovered, is discovered against any person who may be liable to expatriation proceedings, the ILL may by decree order that the time limit, contained in Art 25, para 1 of ILL 159, shall in the case of such persons commence from the date mentioned in the para 3 of that article.

APPEAL PROCEEDINGS.

27 In more serious cases such as those to which para 2 of Art 22 of ILL 159 refers, any person who has been retired after 25 July 43 may be subjected to expatriation proceedings, to determine whether or not any pension right shall be forfeited. Any such proceedings shall be carried out in the manner and within the time limits (which otherwise apply).

REVIEW FOR ERROR.

28 The review of any decision under Art 44, para 2 of ILL 159, shall be originated by an application of the person concerned. Such application shall be lodged with the Secretariat of the competent expatriation Commission or with the Body to which the employee belonged, within 30 days from the date this decree comes into force.
Any such review shall be carried on in accordance with the rules contained in ILL 159.

SUSPENSION AFTER FINDING.

29 Any (unsuspended) employee whose dismissal from office is ordered by a Commission of first instance, shall immediately be suspended under the last para of Art 22 of ILL 159 (pending the decision becoming final).

COMPLEMENT

ARTICLE LIBERATION OF TERRITORY (EVIDENCE).

26 When, after the liberation of territories not yet liberated, important evidence, which could not previously have been discovered, is discovered against any person who may be liable to expatriation proceedings, the P.M. may by decree order that the time limit, contained in Art 25, para 1 of ILL 159, shall in the case of such persons commence from the date mentioned in the para 3 of that article.

RECENT SETTLEMENTS.

27 In more serious cases such as those to which para 2 of Art 22 of ILL 159 refer, any person who has been retired after 25 July 43 may be subjected to expatriation proceedings, to determine whether or not any pension right shall be forfeited. Any such proceeding shall be carried out in the manner and within the time limits (which otherwise apply).

REVIEW FOR ERROR.

28 The review of any decision under Art 44, para 2 of ILL 159, shall be originated by an application of the person concerned. Such application shall be lodged with the Secretariat of the competent Expatriation Commission or with the Body to which the employee belonged, within 90 days from the date this decree comes into force.

Any such review shall be carried on in accordance with the rules contained in ILL 159.

SUSPENSION AFTER FINDING.

29 Any (unemployed) employee whose dismissal from office is ordered by a Commission of first instance, shall immediately be suspended under the last para of Art 22 of ILL 159 (is pending the decision becoming final).

COMMENCEMENT

30 This decree shall come into force on the day of its publication in the Gazette (7 Nov 44).

SCALE OF ISSUES - Sub Commis (2)
Regions (3)
Provinces (2)
SQs (2)

Decree amending Decrees Nos DL 159, 257 & 285

The Italian version of this decree is the only authoritative text. The version herein 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 text for all points of detail or matters of procedure or dispute.

Amendments to DL 159
Amendments to DL 257
Amendments to DL 285
Commencement

Arts 1-3 & 14
" 6-11
" 12-14
" 15

AMENDMENTS TO DL 159

- 1 Art 40 of DL 159 of 27 July 1944 shall be replaced by the following:-
"to provide for the operation of this decree a High Commission for sanctions against fascism is hereby created.
The High Commissioner shall be appointed by resolution of the Council of Ministers; while so employed he shall work as a judicial magistrate of the first grade. He shall be assisted by an Assistant Commissioner and by a Deputy Assistant Commissioner in each of the four branches of his jurisdiction.
Whenever the office of the High Commissioner shall be vacant or he shall be absent or unable to carry out his duties the said functions shall be exercised by a Board consisting of the four Assistant High Commissioners under the presidency of the President of the Council of Ministers.
The Assistant High Commissioner and the Deputy Assistant High Commissioner shall be appointed by the President of the Council of Ministers; while so employed they shall rank respectively as magistrates of the third and fourth grades. Sufficient magistrates and officials as requested by name shall be assigned to the office of the High Commissioner and judicial police including Carabinieri, Public Security, Officers and Finance Guards shall be placed at his disposal. The Secretary shall be under the control of a Secretary General and persons not belonging to the Civil Service may be employed therein.
The High Commissioner and his subordinate officers may call upon the judicial police for assistance and the latter will carry out their orders".

- 2 The first para of Art 8 of DL 159 of 27 Jul 44 shall be replaced by the following:-
"Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts of particular gravity which, while not constituting offences, are contrary to the rules of moral rectitude or of political probity, shall be subject to the loss of suffrage rights, active or passive, for a period not exceeding 10 years, or temporarily disqualification from holding public office or to loss of political rights for a period of not more than 10 years.
Any person who has held a leading position in the fascist party shall be subject to loss of suffrage rights. The leading positions to which this shall apply will be notified by Decree of the President of the Council of Ministers".
- 3 Magistrates directed to preside over the Provincial Commissions referred to in Art 8 of DL 159 of 27 July 1944 shall be appointed by the President of the Council of Ministers after consultation with the Minister of Pardon and Justice and the High Commissioner for sanctions against Fascism.

- 1 Art 40 of DLL 159 of 27 July 1944 shall be replaced by the following:-
"To provide for the operation of this decree a High Commission for sanctions against fascism is hereby created.
The High Commissioner shall be appointed by resolution of the Council of Ministers; while so employed shall rank as a judicial magistrate of the first grade. He shall be assisted by an Assistant Commissioner and by a Deputy Assistant Commissioner in each of the four branches of his jurisdiction.
Whenever the office of the High Commissioner shall be vacant or he shall be absent or unable to carry out his duties the said functions shall be exercised by a Board consisting of the four Assistant High Commissioners under the presidency of the President of the Council of Ministers.
The Assistant High Commissioner and the Deputy Assistant High Commissioner shall be appointed by the President of the Council of Ministers; while so employed they shall rank respectively as magistrates of the third and fourth grades.
Sufficient magistrates and officials as requested by name shall be assigned to the office of the High Commissioner and judicial police including Carabinieri, Public Security, Officers and Finance Guards shall be placed at his disposal. The Secretariat shall be under the control of a Secretary General and persons not belonging to the Civil Service may be employed therein.
The High Commissioner and his subordinate officers may call upon the judicial police for assistance and the latter will carry out their orders".
- 2 The first para of Art 8 of DLL 159 of 27 Jul 44 shall be replaced by the following:-
"Any person who for fascist reasons or, by taking advantage of the political situation created by fascism has committed acts of particular gravity which, while not constituting offences, are contrary to the rules of moral rectitude or of political probity, shall be subject to the loss of suffrage rights, active or passive, for a period not exceeding 10 years, or temporarily disqualification from holding public office or to loss of political rights for a period of not more than 10 years.
Any person who has held a leading position in the fascist party shall be subject to loss of suffrage rights. The leading positions to which this shall apply will be notified by decree of the President of the Council of Ministers".
- 3 Magistrates directed to preside over the Provincial Commissions referred to in Art 8 of DLL 159 of 27 July 1944 shall be appointed by the President of the Council of Ministers after consultation with the Minister of Pardon and Justice and the High Commissioner for Sanctions against Fascism.
- 4 The following paragraph shall be added to Art 14 of DLL 159 of 27 Jul 44:-
"Lesser disciplinary penalties may also be awarded to fascist apologists under Art 12 (1) when the offence has not been sufficiently serious to render the guilty person unworthy of serving the State".
- 5 The Central Commission referred to in Art 20 of DLL 159 of 27 Jul 44 shall consist of four divisions, each of which shall consist of a Divisional President, two retired or serving judicial or administrative magistrates, two officials of the Central Administration and two members designated by the High Commissioner for Sanctions against Fascism.
The President of the Central Commission shall provide for the allocation of work among the various divisions and may preside over the meetings of any of them.

AMENDMENTS TO DL 257

- 6 Without prejudice to the continued application of the first paragraph of Art 1 of DIL 257 of 11 Oct 44, the time limit contained in the first paragraph of Art 23 of DIL 159 of 27 July 1944 shall be extended by three months for the territories restored to Italian Administration prior to the date of this decree. But in the case of officials of the State Central Administration the extension shall be for one month only.
- 7 The time limit laid down by the last part of Art 1 of DIL 257 of 11 Oct 44 for announcing decisions of the Evacuation Commission may be extended to 60 days.
- 8 The time limit laid down by the 2nd part of Art 2 of DIL 257 of 11 Oct 44 is extended to 90 days.
- 9 The personnel referred to by the last part of Art 3 of DIL 257 of 11 Oct 44 may in lieu of the increase of pensionable service under the 1st part of Art 3, request the application of the law of 25 May 1940 No 567, according to the last part of the said article.
- 10 Any such request must be made within 15 days from the communication of the decree of retirement.
- 11 The advantages of an irrevocable at the expiry of Art 3 of DIL 257 of 11 Oct 44 and by Art 9 of the present decree shall be applied also to retired State attorneys in accordance with the afore-mentioned decree No 257.
- 12 Where a case was referred to any Evacuation Commission prior to DIL 257 coming into effect the time limit for the announcing of the finding under the 2nd part of Art 4 of DIL 257 of 11 Oct 44, shall run from the date the decree came into force.
- AMENDMENTS TO DL 285
- 12 Art 17 of DIL 285 of 27 Oct 44 shall be modified to read as follows:-
"In every province the Prefect, together with three delegates of the High Commissioner for sanctions against Fascism, shall be responsible for preparing for trial the cases against employees which are to be referred to an Evacuation Commission".
- 13 The following para shall be added to the 2nd part of Art 20 of DIL 285 of 27 Oct 44:-
"Whenever any agency charged with keeping any register considers that it has sufficient evidence to justify evacuation proceedings against any person on the register it shall immediately denounce them to the appropriate Commission which shall, before commencing any proceedings, notify the High Commissioner thereof. The High Commissioner may, if he so wishes, initiate such proceedings himself".
- 14 The notification of its finding by the Evacuation Commission of first instance to the High Commissioner for Sanctions against Fascism, in accordance with Art 20 of DIL 159 of 27 July 1944, shall be accompanied by all the papers and documents of the trial to which the decision refers.

COMMENTARY

- 15 The present decree shall become effective on the day of its publication in the Official Gazette of the Kingdom.
The provision of Art 7 shall be operative as from 30 December 1944.

- 9 The personnel referred to by the last para. of Art 5 of DIL 257 of 11 Oct 44 may in lieu of the increase of pay and other benefits under the 1st para. of Art 3, request the application of the law of 23 May 1940 No 587, according to the last part of the said article.
Any such request must be made within 15 days from the communication of the decree of retirement.
 - 10 The advantages of an irremovable at his death by Art 3 of DIL 257 of 11 Oct 44 and by Art 9 of the present decree shall be applied also to retired State Attorneys in accordance with the aforementioned decree No 257.
 - 11 Where a case was referred to any Epuration Commission prior to DIL 257 coming into effect the time limit for the announcing of the finding under the 2nd para. of Art 4 of DIL 257 of 11 Oct 44, shall run from the date the decree came into force.
- ARTICLE 10 DIL 285
- 12 Art 17 of DIL 235 of 27 Oct 44 shall be modified to read as follows:-
"In every province the Prefect, together with three delegates of the High Commissioner for actions against Fascism, shall be responsible for preparing for trial the cases against employees which are to be referred to an Epuration Commission".
 - 13 The following para shall be added to the 2nd para. of Art 20 of DIL 285 of 27 Oct 44:-
"Wherever any agency charged with keeping any register considers that it has sufficient evidence to justify opening proceedings against any person on the register it shall immediately denounce them to the appropriate Commission which shall, before commencing any proceeding, notify the High Commissioner thereof. The High Commissioner may, if he so wishes, initiate such proceedings himself".
 - 14 The notification of its finding by the Epuration Commission of first instance to the High Commissioner for Actions against Fascism, in accordance with Art 20 of DIL 459 of 27 July 1944, shall be accompanied by all the papers and documents of the trial to which the decision refers.

COMPLIANCE

- 15 The present decree shall become effective on the day of its publication in the Official Gazette of the Kingdom.
The provision of art 7 shall be effective as from 30 December 1944.

26 Jan 45

543

1403
Declassified E.O. 12356 Section 3.3/NND No. 785021

DIL NO 2 21 4 JAN 45

PLACING BEHINDS

MS DIL 159, 257 & 285

1404

Declassified E.O. 12356 Section 3.3/NND No. 785021

26 Jan 45

CL Sec

PILL 420 of 19 Oct 14

APPOINTMENT OF RECEIVERS OF BUSINESSES OF PUBLIC IMPORTANCE

The Italian version of this Decree is the only authoritative text. This version is not a literal translation; its object is to inform officers conventionally of the provisions contained in the Decree.

Officers are referred to the Italian text for all points of detail or matters of procedure or details.

Appointment of Receivers	Arts	1-3
Powers and Duties of Receivers	"	4-5
Appointment and Powers of Controllers	"	6
Application to other Receivers	"	7
Termination of Receivership	"	8-9
Concern of State Interest and Finance Houses	"	10-12
Commencement	"	13

APPOINTMENT OF RECEIVERS

- 1 The government shall have the power to appoint a Commissioner (herein after called the Receiver) as Receiver and Manager of privately owned public utility undertaking or of concerns recognized as of national importance in any of the following events:
 - a) Should their continued operation be rendered impossible by the flight of their managers or owners.
 - b) Should they for whatever reason cease to do work of national importance.
 - c) Where, because of the fascist antecedents of the majority of their owners (including shareholders) or managers; or, because of past illegal and corrupt exploitation of the political situation, it is considered that the management cannot be trusted to operate in a reliable and competent manner.The Receiver shall be selected from those whose suitability for the functions they will have to exercise may reasonably be inferred from their political and professional antecedents, and by their qualifications and experience. The government if it thinks fit may appoint Joint Receivers or Assistant Receivers.

- 2 The aforesaid Receiver shall be appointed by decree of the President of the Council of Ministers, after consultation with the appropriate Minister; the period for which the receivership shall last shall be stated in the said decree but shall in no case extend for more than six months after the cessation of the state of war. The said decree shall be published in the Official Gazette and a copy thereof shall be deposited in the Chancery of the Tribunal in whose area the Head office of the business is located. Where an unincorporated business owns real property, the Receiver shall cause the decree to be recorded in the appropriate land registry.

- 3 No Receiver shall be appointed to a business to which para (b) of Art 1 refers, unless the business concerned has first been served with a notice requiring it to resume its activities within a specified time and has not complied with the same.

Concerns of state, interest and finance houses
 " 8-9
 " 10-12
 " 13

APPOINTMENT OF RECEIVERS

- 1 The Government shall have the power to appoint a Commissioner (herein after called the Receiver) as Receiver and Manager of privately owned public utility undertakings or of concerns recognised as of national importance in any of the following events:
 - a) Should their continued operation be rendered impossible by the flight of their managers or owners.
 - b) Should they for whatever reason cease to do work of national importance.
 - c) Where, because of the fascist antecedents of the majority of their owners (including shareholders) or managers; or, because of past illegal and corrupt exploitation of the political situation, it is considered that the management cannot be trusted to operate in a reliable and competent manner.
- The Receiver shall be selected from those whose suitability for the functions they will have to exercise may reasonably be inferred from their political and professional antecedents, and by their qualifications and experience.
- The Government if it thinks fit may appoint Joint Receivers or Assistant Receivers.

- 2 The aforesaid Receiver shall be appointed by decree of the President of the Council of Ministers, after consultation with the appropriate Minister; the period for which the receivership shall last shall be stated in the said decree but shall in no case extend for more than six months after the cessation of the state of war. The said decree shall be published in the Official Gazette and a copy thereof shall be deposited in the Chancery of the Tribunal in whose area the head office of the business is located. Where an unincorporated business owns real property, the Receiver shall cause the decree to be recorded in the appropriate land registry.

- 3 No Receiver shall be appointed to a business to which para (b) of Art 1 refers, unless the business concerned has first been served with a notice requiring it to resume its activities within a specified time and has not complied with the same.

POWERS AND DUTIES OF RECEIVERS

- 4 A Receiver shall have full power to act for and manage the business and in the case of commercial undertakings shall have power to exercise all normal administrative functions. The provisions of Article 2656 et seq. of the Civil Code shall apply to the Receivership. The acts of the Receiver shall be subject to the supervision of the Minister specified in the decree appointing him. Their salaries shall continue to exercise their functions during the Receivership. The Minister charged with supervision of the Receivership may replace the whole or any part of such staff as he sees fit.

The Receiver shall not, except with the consent of the Minister concerned on his being satisfied as to the necessity therefore, do any act outside the normal scope of management.

All members of the management and staff of businesses to which this decree applies shall be liable to censure. When such proceedings are to be taken, the provision of Part II of DL 159 of 1944, for sanctions against fascists, shall be applied by analogy.

5 The Receiver shall take possession of the assets of the business and an inventory thereof shall be made in the presence of the owner of the business or of his representative.

If the owner of the business or his representative shall not attend for that purpose, the inventory shall be made by a notary in the presence of two witnesses.

Should the owner and the Receiver not agree as to the property constituting the assets of the business, the matter shall be referred to the responsible Minister who shall decide the points in dispute; but, such decision shall, if the owner shall commence legal proceedings in a competent court, be subject to the decision of that court.

Before giving any such decision the Minister shall obtain the opinion of a Commission of the Presidency or the Council of Ministers composed of two Counsellors of State, of whom one, who shall preside, shall be a magistrate of not less than 5th grade and of two members, who shall be appointed respectively by the Minister of Public Works, and by the Minister of Industry, Commerce and Labour.

APPOINTMENT AND POWERS OF CONTROLLERS

6 Where it is considered desirable to control the resumption of the activities of a business on which a notice has been served under Art 3 hereof and in less serious cases under para (c) of Art 4 a Controller (instead of a Receiver) may be appointed in which case he shall be appointed in like manner to (a Receiver under

Art 2. A Controller shall be entitled to exercise the usual powers of management, to inspect the books, records and correspondence, and to undertake any investigation he may wish.

The Controller shall be subject to the supervision of the Minister specified in the decree appointing him.

The said decree shall be published in the Official Gazette and a copy thereof shall be deposited in the Chancery of the Tribunal in whose area the Head Office of the business is located.

The first paragraph of Art 2 shall apply to the duration of the controllership.

APPLICATION TO OTHER RECEIVERS

7 The provisions as to the powers of a Receiver and of his supervision which are contained in this decree shall apply to a Receiver appointed before this decree came into force if the business managed by him is of a class to which Art 1 would apply.

The President of the Council of Ministers shall by decree appoint the Minister under whose supervision, in accordance with the preceding articles, the Receiver shall be placed.

TERMINATION OF RECEIVERSHIP

8 In the case of all companies whose responsibilities are limited whether by law or otherwise, which are within the provisions of para 3 of Art 1 the members

Should the Receiver not agree as to the propriety of the Receiver's decision, the matter shall be referred to the responsible Minister who shall decide the point in dispute; but, such decision shall, if the owner shall demand legal proceedings in a competent court, be subject to the decision of that court.

Before giving any such decision the Minister shall obtain the opinion of a Commission of the Presidency or the Council of Ministers composed of two Counsellors of State, of whom two, who shall preside, shall be a magistrate of not less than 5th grade and of two members, who shall be appointed respectively by the Minister of Public Works, and by the Minister of Industry, Commerce and Labour.

APPOINTMENT AND POWERS OF CONTROLLERS

Where it is considered desirable to control the resumption of the activities of a business on which a notice has been served under Art 3 hereof and in loss serious cases under para (c) of Art 1 a Controller (instead of a Receiver) may be appointed in which case he shall be appointed in like manner to (a Receiver under Art 2).

A Controller shall be entitled to exercise the usual powers of management, to inspect the books, records and correspondence, and to undertake any investigation he may wish.

The Controller shall be subject to the supervision of the Minister specified in the decree appointing him.

The said decree shall be published in the Official Gazette and a copy thereof shall be deposited in the Chancery of the Tribunal in whose area the Head Office of the business is located.

The first paragraph of Art 2 shall apply to the duration of the controllership.

APPLICATION TO OTHER RECEIVERS

The provisions as to the powers of a Receiver and of his supervision which are contained in this decree shall apply to a Receiver appointed before this decree came into force if the business managed by him is of a class to which Art 1 would apply.

The President of the Council of Ministers shall by decree appoint the Minister under whose supervision, in accordance with the preceding articles, the Receiver shall be placed.

TERMINATION OF RECEIVERSHIP

In the case of all companies whose responsibilities are limited whether by shares or otherwise which are within the provisions of para 3 of Art 1 the members may ask the Receiver to call a meeting to appoint new managers under the provisions of Art 2367 of the Civil Code.

Managers whose appointments have been terminated hereunder shall not be entitled to any indemnity under Art 2383 of the Civil Code.

The new managers shall not take up their appointments until after the appointment of the Receiver has been revoked as provided in the following article.

Where the Government is of opinion that the conditions which justified the appointment of a Receiver or Controller no longer exist, the said appointments shall be terminated even though the term fixed for the duration of the appointments under Art 2 or 6 has not expired.

The revocation shall be made as a matter of course, or may be made on the application of the owner or manager of the business concerned.

CONCERN OF STATE INTEREST AND FINANCE HOUSES

10. Receiver may be appointed to companies or undertakings in which the State is a shareholder or has a capital interest; or to which the State has made substantial advances or has guaranteed the performance of their obligations whether to third parties or to the shareholders; or which hold concessions of state property; when any of the conditions mentioned in Art 4 are fulfilled or when the interests of the State are in jeopardy.
In any such cases, the Receiver shall be appointed jointly by the Minister charged with the care of the particular State interest or who has authorized the loan, given the guarantee, or granted the concession; and the Minister responsible for the care of the public interests in connection with the type of activity with which the company is concerned.
With the exception of the provisions of the preceding paragraph, the provisions herein previously contained as to the appointment and removal of Receivers, as to their managerial powers and as to the calling of shareholders meetings to appoint new managers shall apply.

11. Receivers of credit institutions or of institutes subject to control under Art 375 of 1936 or amendments thereof who have been appointed under Art 222 of 1944 shall be subject to the provisions herein contained as to management by a Receiver.
The provisions of Arts 8 and 9 hereof shall also apply to the businesses and institutes mentioned in the first paragraph hereof.

12. In the cases referred to in Arts 10 and 11, Controllers with the powers and functions conferred by Art 6 may be appointed (instead of Receivers).
The appointment of such Controllers shall be made by the Minister empowered to appoint a Receiver.

COMPLETION

13. This Decree shall come into force on the day of its publication in the Official Gazette (19 Jan 45).
All concerned are hereby ordered to respect the same and to see that it is obeyed in accordance with State law.

544

- 3 -

which the company is concerned.

With the adoption of the provisions of the preceding paragraph, the provisions herein previously contained as to the appointment and removal of Receivers, as to their managerial powers and as to the calling of shareholders meetings to appoint new managers shall apply.

- 11 Receivers of credit institution or of institutions subject to control under PL 375 of 1936 or amendments thereof who have been appointed under DL 222 of 1944 shall be subject to the provisions herein contained as to management by a Receiver.

The provisions of Arts 8 and 9 hereof shall also apply to the businesses and institutions mentioned in the first paragraph hereof.

- 12 In the cases referred to in Arts 13 and 14, Controllers with the powers and functions conferred by Art 6 may be appointed (instead of Receivers). The appointment of such Controllers shall be made by the Minister empowered to appoint a Receiver.

COMMENCEMENT

- 13 This decree shall come into force on the day of its publication in the Official Gazette (18 Jan 45).

All concerned are hereby ordered to respect the same and to see that it be obeyed as a State law.

DEL 420 OF 19 OCT 42

REPORT OF RECEIPTS
OF
BUSINESSES
OF
PUBLIC IMPORTANCE

DEPARTMENT OF REVENUES
OF
BUSINESSES
OF
PUBLIC INTEREST

27 Jan 45

Cl. Soc

1413