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ALLIED MILITARY GOVERNMENT

British - United States Zone - Free Territory of Trieste

Order No. 95

PROVISIONS IN FAVOUR OF TUBERCULOSIS PATIENTS ASSISTED UNDER INSURANCE

WHEREAS it is considered advisable to issue provisions in favour of tuberculosis patients assisted under insurance, in that part of the Free Territory of Trieste administered by the British-United States Forces,

NOW, THEREFORE, I, SIR JOHN WINTERTON, KCMG, CB, CBE, Major General, Zone Commander,

O R D E R :

ARTICLE I

Workers compulsorily insured against tuberculosis who are patients in a health-establishment under an insurance of their own, shall be entitled to a daily indemnity of 100 Lire for the whole duration of their stay therein.

ARTICLE II

Section 1 — Any worker compulsorily insured against tuberculosis and assisted, under insurance of his own, through admission into a health-establishment or medical assistance in consulting-rooms, shall be entitled to an indemnity of 150 Lire daily for his/her spouse and for each child as set forth in the following Section.

Section 2 — The following shall be regarded as children: legitimate children, natural recognized children, adoptive children, natural recognized children of the spouse or born as a result of his/her former marriage, affiliated children and legally entrusted exposed children aged not over 18 full year or disabled for work.

Section 3 — The indemnity referred to in Section 1 shall be also due for dependent brothers and sisters living together with the worker at the time of his/her admission, aged not over 18 years or disabled for work, as well as for dependent parents living together with the worker at the time of his/her admission, aged over 55 years in the case of the mother, or over 60 years in the case of the father, or of whatever age if disabled for work.

Section 4 — In case of one dependent person only, the indemnity referred to in Section 1 shall be raised to 200 Lire.

Section 5 — The insured worker's spouse legally separated through his/her own fault shall not be entitled to the indemnity.

ARTICLE III

Section 1 — Children and equalized persons depending on workers assisted against tuberculosis shall be entitled to free admission to sea or mountain establishments („colonie marine o montane“) promoted or however subsidized by Public Administrations.

Section 2 — The sojourn in the establishments shall be subject to possession of the requisites established by the relevant existing provisions and shall be granted for the year in which the anti-tuberculosis assistance to the parent has commenced and for each year in which such assistance is being rendered as well as for the year subsequent to that in which same assistance has ended.

Section 3 — The duration of the sojourn in the health-establishment cannot last less than one month for each year of admission.

ARTICLE IV

Section 1 — Workers compulsorily insured against tuberculosis and their family members assisted under the same insurance (whenever their stay in the health-establishment has lasted not less than two months and their release therefrom has taken place as a result of clinical recovery, of stabilization or in order to continue the cure in consulting-rooms) shall be entitled to an indemnity as post-sanatorium assistance.

Section 2 — The rate and the duration of the post-sanatorium indemnity is hereby established as follows :

- 1) for insured workers, at the rate of 500 Lire daily for the period of one year ;
- 2) for family members, at the rate of 300 Lire daily for the first six months of 200 Lire for the following six months.

Section 3 — Whenever the person concerned has been a patient for a period not exceeding six months, including any possible periods of assistance in consulting-rooms, the duration of the indemnity shall be restricted to nine months.

Section 4 — During the period of enjoyment of the post-sanatorium indemnity the assisted person shall - under the penalty of suspension of same indemnity — subject himself to periodical medical checks and comply with any possible medical prescriptions aiming to maintain and consolidate the state of recovery, according to the modalities that will be established by „Istituto Nazionale della Previdenza Sociale“.

Section 5 — The „Istituto Nazionale della Previdenza Sociale“ may condition the payment of the post-sanatorium indemnity to the attendance at professional requalification courses or at work-establishments („cantieri di lavoro“) set up by the Department of Labor provided, however, that the same are established in the assisted person's place of residence and the person in question is admitted to such attendance. To this purpose the said Institute shall periodically forward to the Department of Labor the nominal rolls of post-sanatorium-indemnity beneficiaries with the indication, for each of them, of the professional qualifications considered compatible with their conditions of health.

Section 6 — In case of attendance at professional requalification courses, during the period of actual participation in same, the rate of the post-sanatorium-indemnity shall be reduced to one half. The rate of the post-sanatorium indemnity shall likewise be reduced to one half in

case of attendance at the school-establishments („scuole“, during the period of actual participation in same, whenever the assisted person enjoys also the unemployment indemnity provided for in respect of persons attending such establishments.

ARTICLE V

Section 1 — The indemnities set forth in Article I and II shall not be paid for the period in which the insured worker enjoys his entire earnings.

Section 2 — In case of reduction of wages or salary, the rate of the indemnity shall be reduced by an amount equal to that which, after adding the indemnities due to the reduced earnings, is in excess of the entire earnings.

Section 3 — The post-sanatorium indemnity shall not be paid for those periods in which the assisted person enjoys post-sanatorium assistance in appropriate health-establishments or establishments for re-education to work, and shall not be added to the daily indemnity for tuberculosis mentioned in Article II and to the extraordinary unemployment subsidy.

ARTICLE VI

Section 1 — The post-sanatorium indemnity shall not be due to those who voluntarily quit the health-establishment or who are dismissed therefrom for disciplinary reasons.

Section 2 — Any assisted person refusing to attend the professional requalification courses or work-establishments mentioned in Article IV or refusing, after the lapse of four months from his/her release, an occupation adequate to his/her physical conditions shall forfeit the right to the post-sanatorium indemnity.

ARTICLE VII

Section 1 — The provisions contained in this Order shall apply also to elementary school teachers and principals („insegnanti“).

Section 2 — „Metayer“-farmers („mezzadri-coloni“) and their relative family members shall be entitled to the post-sanatorium indemnity only if, at the moment of their release, no relationship of „mezzadria“ or „colonia“ is any longer existing.

ARTICLE VIII

The higher expenses resulting from the application of the foregoing Articles shall be covered by an adjustment of the quota of the contribution for insurance against tuberculosis provided for by Article XXI of Order N° 134, dated 8 July 1952, such adjustment to be established in terms of the existing provisions of law.

ARTICLE IX

Section 1 — The employment rate concerning those persons discharged from health-establishments as a result of clinical recovery from tubercular diseases, whom the Administrations indicated in Article III, first paragraph, of Order N° 337, dated 25 September 1948, are bound to engage in terms of same Article, is hereby increased up to 15 per cent.

Section 2 — Those who have attained the diploma or, in default of such diploma, the attendance-certificate from the requalification-schools set up in terms of mentioned Order N°337, dated 25 September 1948, shall be entitled to priority in the engagement for work as set forth by the foregoing Section.

Section 3 — Whenever the last part of the cure has taken place in consulting-rooms, the engagement cannot take place before the lapse of 4 months from the date of discharge, as a result of recovery, from the health-establishment or from the date of declaration of recovery.

ARTICLE X

Section 1 — State Administrations, including those having an autonomous organization, Public Bodies and all private employers shall be obliged to keep the employment for those dependent personnel, affected by tuberculosis who are patients in medical institutes or sanatoria („case di cura“) at the charge of the compulsory insurance against tuberculosis or to the burden of the State, of the Provinces or Communes, or at their own expenses.

Section 2 — The keeping of the employment -unless more favourable provisions govern the labour relationship involved - shall not imply recognition of service-seniority and the worker concerned shall be entitled thereto until 18 months from the date of suspension of work as a result of tubercular disease. In case of release from the Sanatorium, owing to declaration of recovery, prior to the lapse of 14 months from the above date, the obligation to keep the employment shall last until 4 months subsequent to same release.

Section 3 — In any case the obligation mentioned in this Article shall cease whenever a permanent physical unfitness for the employment held prior to the disease is declared. In case of contestation concerning unfitness, the Director of the „Consorzio Provinciale Antitubercolare“ shall make a final decision thereupon with the assistance, if requested, of physicians indicated by the parties concerned.

ARTICLE XI

Article 68 of R.D.L. 4 October 1935, N° 1827, converted, with amendments, into the Law 6 April 1936, N° 1155 ; article 16 of R.D.L. 14 April 1939, N° 636, converted, with amendments, into the Law 6 July 1939, N° 1272 ; Order N° 104, dated 8 April 1946 ; Order N° 104 B, dated 20 August 1946 ; Order N° 368, dated 8 May 1947 ; Order N° 362, dated 3 November 1948 ; and Order N° 238, dated 20 December 1950, are hereby repealed.

Moreover, any other provision contrary to or inconsistent with this Order is hereby repealed.

ARTICLE XII

This Order shall become effective on the date of its publication in the Official Gazette, and, pursuant to the administrative instructions already issued, shall be operative as from 28 March 1953.

Dated at TRIESTE, this 3rd day of July 1953.

H. R. EMERY

Colonel GS

Chief of Staff

for **T. J. W. WINTERTON**

Major General

Zone Commander

Ref. : LD/A/53/77

Order No. 96

AMENDMENTS TO THE LEGAL STATUS OF PERSONNEL OF RAILWAYS AND TRAMLINES AND OF INTERNAL NAVIGATION LINES

WHEREAS it is considered advisable to amend the provisions concerning the legal status of the personnel of railways and tramlines and of internal navigation lines, in that part of the Free Territory of Trieste administered by the British-United States Forces,

NOW, THEREFORE, I, SIR, JOHN WINTERTON, KCMG, CB, CBE, Major General Zone Commander,

ORDER:

ARTICLE I

Art. 38 of Annex „A“ to R.D. 8 January 1931, No. 148, is hereby amended as follows:

„The Concern shall have a right to obtain reparation of the damages sustained through the fault of its dependent personnel, by deducting a part of their salaries or wages, within the limits allowed by the laws in force, as well as by resorting to such actions as same Concern is entitled to according to common law, after ascertaining who caused the damage and the amount of the latter.

„Such deductions from the salary or wages, if exceeding 5.000 Lire, cannot be made without the consent of the „Ispettorato Compartimentale della Motorizzazione Civile e dei Trasporti in Concessione“, which shall also decide on the amount of the reparation, the parties concerned having been heard.

„Whenever a final sentence recognizing the responsibility of one or more employees exists, the deductions may be effected directly by the Concern. Deductions referring to failed or incomplete collections as well as to differences in accounts may likewise be made directly by the Concern.“

ARTICLE II

As a partial amendment to Article I of Order No. 42, dated 7 March 1952, the first paragraph of art. 54 of Annex „A“ to R.D. 8 January 1931, No. 148, is hereby repealed and substituted by the following:

„The penalties for the trespasses referred to in arts. 43, 44 and 45 shall be inflicted by decision of the Disciplinary Board set up in each Concern and composed as follows:

„1) — of a President appointed by the Director of „Ispettorato Compartimentale della Motorizzazione Civile e dei Trasporti in Concessione“, preferably chosen from amongst Magistrates;

„2) — of two regular representatives of the Concern chosen, from amongst the Director or Officials, by the Organ legally representing the Concern;

„3) of two regular representatives of the personnel nominated upon request of the Department of Labour, by those Trade Unions which are numerically more represented.

„For each of the representatives mentioned in the foregoing paragraph a deputy shall be appointed in the same way.

„The appointment of the Concern's and of the personnel's representatives shall be provided for by the Chief, Department of Labour in concert with the Chief, Department of Transportation and, if personnel of municipalized transportation Concerns is involved, also in concert with the Chief, Department of Interior.“

ARTICLE III

This Order shall become effective on the date of its publication in the Official Gazette.

Dated at TRIESTE, this 7th day of July 1953.

H. R. EMERY
Colonel GS
Chief of Staff
for **T. J. W. WINTERTON**
Major General
Zone Commander

Ref.: LD/A/53/81

Administrative Order No. 48

APPOINTMENT OF A DIRECTOR FOR THE TRIESTE BRANCH OF THE „ENTE NAZIONALE PER LA PREVENZIONE DEGLI INFORTUNI“ („E.N.P.I.“)

WHEREAS it is deemed necessary to provide for the appointment of a Director for the Trieste Branch of the „Ente Nazionale per la Prevenzione degli Infortuni“ („E.N.P.I.“),

NOW, THEREFORE, I, SIR JOHN WINTERTON, KCMG, CB, CBE, Major General, Zone Commander,

O R D E R :

1. — Dott. Ing. Luciano Cesari is hereby appointed Director of the Trieste Branch of the „Ente Nazionale per la Prevenzione degli Infortuni“ („E.N.P.I.“).

2. — This Order shall become effective on the date it is signed by me.

Dated at TRIESTE, this 30th day of June 1953.

H. R. EMERY
Colonel GS
Chief of Staff
for **T. J. W. WINTERTON**
Major General
Zone Commander

Ref.: LD/B/53/44

Administrative Order No. 49

AUTHORITY GRANTED TO „SEMINARIO VESCOVILE DI TRIESTE E CAPODISTRIA“ TO ACCEPT A DONATION

WHEREAS the „Seminario Vescovile di Trieste e Capodistria“ has made an application to the Allied Military Government for authority to accept a donation made to it by Mr. Raza Pietro of the late Antonio, according to Notary Dott. Mario Froglia's deed dated 23 July 1952, Rep. N. 16162; and

WHEREAS the above application has been duly approved by the Zone President of Trieste and there is no objection thereto,

NOW, THEREFORE, I, SIR JOHN WINTERTON, KCMG, CB, CBE, Major General, Zone Commander,

O R D E R :

1. — Authority is hereby granted to „Seminario Vescovile di Trieste e Capodistria“ to accept the donation made to it by Mr. Raza Pietro of the late Antonio of the immovable property situated in the locality of Piè di Cleva of the Commune of Forni Avoltri (Udine), as provided for in Notary Dott. Mario Froglià's deed dated 23 July 1952, Rep. N. 16162.

2. — This Order shall become effective on the date it is signed by me.

Dated at TRIESTE, this 3rd day of July 1953.

H. R. EMERY
Colonel GS
Chief of Staff
for **T.J.W. WINTERTON**
Major General
Zone Commander

Ref. : LD/B/53/46

Administrative Order No. 50

APPOINTMENT OF A MEMBER OF THE BOARD OF „ENTE PER IL TURISMO“ OF TRIESTE

WHEREAS Dott. Sebastiano Miceli, by Administrative Order No. 9 dated 12 February 1951, was appointed member of the Board of „Ente per il Turismo“ of Trieste and, by Administrative Order No. 24, 31/3/53, he has been appointed Zone President, and

WHEREAS it is therefore necessary to appoint a new member of said Board as representative of the Zone President,

NOW, THEREFORE, I, SIR JOHN WINTERTON, KCMG, CB, CBE, Major General, Zone Commander,

O R D E R :

1. — Avvocato Persoglia Luciano, Zone Vice-President, is hereby appointed member of the Board of „Ente per il Turismo“ of Trieste as representative of the Zone President in substitution for Dott. Miceli Sebastiano.

2. — This Order shall become effective on the date it is signed by me.

Dated at TRIESTE, this 3rd day of July 1953.

H. R. EMERY
Colonel GS
Chief of Staff
for **T.J.W. WINTERTON**
Major General
Zone Commander

Ref. : LD/B/53/47

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