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 19th Year No. 2



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NEGARIT GAZETA *Gazette Extraordinary*

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CIVIL CODE OF THE EMPIRE OF ETHIOPIA
 PROCLAMATION No. 165 OF 1960

*The first edition of this book was published during the 30th year of reign
of His Imperial Majesty Haile Selassie I, Emperor of Ethiopia.*

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PROCLAMATION No. 165 of 1960
THE CIVIL CODE PROCLAMATION OF 1960

CONQUERING LION OF THE TRIBE OF JUDAH
HAILE SELASSIE I
ELECT OF GOD, EMPEROR OF ETHIOPIA

WHEREAS it is essential to the orderly development of the legal system of Our Empire that a codified civil law be enacted; and

WHEREAS a Civil Code has been prepared under Our supervision and has received the approval of Our Senate and Chamber of Deputies;

NOW, THEREFORE, in accordance with Articles 34 and 88 of Our Revised Constitution, We approve the resolutions of Our Senate and Chamber of Deputies and We hereby proclaim as follows:

1. This Proclamation may be cited as the "Civil Code Proclamation, 1960".
2. The Civil Code of 1960, as published in a separate volume appearing as Extraordinary Issue No. 2 of 1960 of the Negarit Gazeta, shall come into force on the 11th day of September, 1960.

Done at Addis Ababa this 5th day of May, 1960.

TSAHAFFE TAEZAZ AKLILU HABTE WOLD
Deputy Prime Minister and Minister of Pen

P R E F A C E

CONQUERING LION OF THE TRIBE OF JUDAH HAILE SELASSIE I ELECT OF GOD, EMPEROR OF ETHIOPIA

The Civil Code has been promulgated by Us at a time when the progress achieved by Ethiopia requires the modernisation of the legal framework of Our Empire's social structure so as to keep pace with the changing circumstances of this world of today. In order to consolidate the progress already achieved and to facilitate yet further growth and development, precise and detailed rules must be laid down regarding those problems which do not only face the individual citizen but the nation as a whole. The rules contained in this Code are in harmony with the well-established legal traditions of Our Empire and the principles enshrined in the Revised Constitution granted by Us on the occasion of the Silver Jubilee of Our Coronation, and have called, as well, upon the best systems of law in the world.

No law which is designed to define the rights and duties of the people and to set out the principles governing their mutual relations can ever be effective if it fails to reach the heart of those to whom it is intended to apply and does not respond to their needs and customs and to natural justice. In preparing the Civil Code, the Codification Commission convened by Us and whose work We have directed has constantly borne in mind the special requirements of Our Empire and of Our beloved subjects and has been inspired in

its labours by the genius of Ethiopian legal traditions and institutions as revealed by the ancient and venerable Fetha Neguest.

It is essential that the law be clear and intelligible to each and every citizen of Our Empire, so that he may without difficulty ascertain what are his rights and duties in the ordinary course of life, and this has been accomplished in the Civil Code. It is equally important that a law which embraces a varied and diverse subject matter, as is the case with the Civil Code, form a consistent and unified whole, and this requirement, too, is fully satisfied by the law which We promulgate today.

The careful preparation of this Code by the Codification Commission and the pains taking review which it has received in Our Parliament assure that this law will achieve the purpose for which it is intended. With the guidance of the Almighty, Fountain of Justice and Source of all wisdom and benefits, this Code will contribute to the progress of Our Empire and the welfare of Our beloved subjects of today and of the future.

Given in the 30th year of Our Reign, this 5th day of May, 1960.

HAILE SELASSIE I
Emperor

BOOK I. PERSONS
TITLE I. PHYSICAL PERSONS

**Chapter 1. Personality and the Rights inherent
to personality**

Section 1. Attribution of Personality

Art. 1. — *Principle.*

The human person is the subject of rights from its birth to its death.

Art. 2. — *Child merely conceived.*

A child merely conceived shall be considered born whenever his interest so demands, provided he is born alive and viable.

Art. 3. — *Date of conception.*

- (1) A child shall be deemed to have been conceived on the three hundredth day which precedes his birth.
- (2) No proof shall be admitted against this presumption.
- (3) Nothing in this Article shall affect the provisions of this Code relating to the date of conception where it need be established who is the father of the child.

Art. 4. — *Viable or not viable child.*

- (1) A child shall be deemed to be viable where he lives for forty-eight hours after his birth, notwithstanding any proof to the contrary.
- (2) A child shall be deemed to be not viable where he dies less than forty-eight hours after his birth.
- (3) The presumption laid down in sub-art. (2) may be rebutted by proving that the death of the child is due to a cause other than a deficiency in his constitution.

Art. 5. — *Proof of life or death of person. — 1. Burden of proof.*

- (1) Whosoever, for the purpose of exercising a right, alleges that a particular person is or was alive on a certain day, or is dead, shall prove the allegation.
- (2) The proof that a person is or was alive shall be made by producing the person himself or by the evidence of three witnesses or any other reliable evidence.
- (3) The proof of death shall be made in accordance with the provisions of Chapter 3 of this Title (art. 47).

Art. 6. — 2. *Persons dead simultaneously.*

Where several persons are dead, and it is not possible to prove that one of such persons survived another, all these persons shall be deemed to have died at the same time.

Art. 7. — *Proof of identity.*

- (1) The identity of a person shall be proved by the documents issued to such person by the administrative authorities.
- (2) Failing such documents, it shall be proved by the production of two witnesses.
- (3) The witnesses shall be liable to third parties for the damage which may be caused through the inaccuracy of their declarations or evidence.

Section 2. Rights of Personality

Art. 8. — *Effect of personality.*

- (1) Every physical person shall enjoy the rights of personality and the liberties guaranteed by the Ethiopian Constitution.
- (2) In this respect, no regard shall be had to the race, colour, religion or sex of persons.

Art. 9. — *Limitations to these effects.*

- (1) The rights of personality and the liberties guaranteed by the Constitution are extra commercium.
- (2) Any voluntary limitation imposed on the exercise of such rights and liberties shall be of no effect unless it is justified by a legitimate interest.

Art. 10. — *Cessation of unlawful molestations.*

Any unlawful molestation to the personality shall give to the person who suffers it the right to demand that it be stopped, without prejudice to the liability of the author of such molestation.

Art. 11. — *Restriction on freedom and searches.*

No person may have his freedom restricted, or be subjected to a search, except in the cases provided by law.

Art. 12. — *Freedom of residence.*

- (1) Every person is free to establish his residence wherever it is suitable for him and to change the place of such residence.
- (2) The undertaking of a person to reside in a particular place shall be of no effect under civil law.

- (3) The undertaking of a person not to reside in or not to go to a particular place shall be of no effect unless it is justified by a legitimate interest.

Art. 13. — *Inviolability of domicile.*

- (1) The domicile of a physical person is inviolable.
- (2) No one may enter the domicile of another against the will of such person, neither may a search be effected therein, except in the cases provided by law.

Art. 14. — *Freedom of thought.*

- (1) Every person is free to think and to express his ideas.
- (2) The only restrictions which this liberty admits of are those which are imposed by the respect for the rights of others, morality and the law.

Art. 15. — *Religion.*

There shall be no interference with the exercise, in accordance with the law, of the rites of any religion or creed by residents of the Empire, provided that such rites be not utilised for political purposes or be not prejudicial to public order or morality.

Art. 16. — *Freedom of action.*

- (1) Every person is free to exercise any activity which he deems proper in that which concerns his calling and his leisure.
- (2) The only restrictions which such freedom admits of are those which are imposed by the respect for the rights of others, morality and the law.
- (3) The act by which a person binds himself to exercise a given activity or binds himself not to exercise such activity shall be of no effect unless it is justified by a legitimate interest.

Art. 17. — *Marriage and divorce.*

- (1) The undertaking of a person not to marry or not to remarry shall be of no effect under civil law.
- (2) This shall apply to the undertaking of a person to divorce or not to divorce.

Art. 18. — *Integrity of human body.*

- (1) The act by which a person disposes of the whole or of a part of his body shall be of no effect under civil law where such act is to be carried out before the death of the person thus disposing, if such act has the effect of causing a serious injury to the integrity of the human body.

- (2) The provisions of sub-art. (1) shall not apply where the act is justified by the rules of medical practice.

Art. 19. — *Revocability of acts relative thereto.*

- (1) A person may at any time revoke the act by which he has disposed of the whole or a part of his body whether such act is to be carried out during the lifetime of the person by whom it was performed or after his death.
- (2) The person to whose advantage such act has been made has the right to be indemnified for the expenses which he has incurred on the faith of such promise.

Art. 20. — *Medical examinations and treatment. — 1. Principle.*

- (1) A person may at any time refuse to submit himself to a medical or surgical examination or treatment.
- (2) Nothing in this Article shall affect the provisions of laws or regulations providing for a physical examination of persons or their compulsory vaccination or other similar measures in the public interest.
- (3) Nothing in this Article shall affect the power of a guardian of a minor or interdicted person to submit the incapacitated person of whom he is in charge to an examination or treatment beneficial to that person's health.

Art. 21. — *2. Restriction.*

Where the examination or treatment to which a person is required to submit himself does not involve any abnormal risk, such person, in case of refusal, forfeits the right to avail himself of the illness or infirmity which the treatment could have prevented, eliminated or lessened.

Art. 22. — *Medical examination.*

Where a person refuses to submit himself to a medical examination not involving any serious danger for the human body, the court may consider as established the facts which the examination had the object of ascertaining.

Art. 23. — *Right to keep silent.*

Any admission or manifestation of the will obtained by methods causing molestation to the personality shall be of no effect.

Art. 24. — *Professional secrecy.*

- (1) A person may not be compelled to reveal facts which have come to his knowledge by reason of his profession, if by revealing such facts

he will betray or risk to betraying the confidence which a third person has placed in him for the very reason of his profession.

- (2) The person who has confided or disclosed such facts may ensure that they be not revealed by him in whom he has placed his confidence.
- (3) Nothing in this Article shall affect the provisions of Arts. 267 and 344 of the Penal Code.

Art. 25. — Funeral. — 1. Will of deceased.

- (1) Every person having the capacity to make a will may prescribe the conditions of his funeral.
- (2) He may appoint one or more persons to ensure that such provisions are carried out.
- (3) The persons so appointed and, failing such, any other person who shows that he has a material or moral interest may apply to the court of the place of the death to enforce those provisions.

Art. 26. — 2. Will not expressed.

- (1) Where the deceased has not expressed his will in the form mentioned in Art. 25, the conditions of his funeral shall be fixed by his surviving spouse or by his nearest relatives.
- (2) In default of the spouse and of relatives present or known at the time of the death, such conditions shall be fixed by the persons who take the initiative therefor.
- (3) In case of contestation, the matter may be laid before the court of the place of death by the most diligent party.

Art. 27. — Image of the person. — 1. Principle.

The photograph or the image of a person may not be exhibited in a public place, nor reproduced, nor offered for sale without the consent of such person.

Art. 28. — 2. Exception.

The consent of the person concerned shall not be required where the reproduction of his image is justified by the notoriety of such person or by the public office which he occupied or by the requirements of justice or of the police or by a scientific, cultural or didactic interest, or where the reproduction of the image is made in connection with facts, events or ceremonies of public interest or which have taken place in public.

Art. 29. — 3. Sanction.

- (1) Where the image of a person is exhibited or offered for sale without the consent of such person, except in the cases referred to in Art. 28,

such person may demand that the exhibition or offer for sale of his image be stopped.

- (2) The court may, if equity so demands, also award damages to such person within the limits of the enrichment derived by the person who made use of the image from its exhibition or offer for sale.
- (3) Damages for moral prejudice may be awarded if the exhibition or offer for sale does not cease immediately, when the cessation thereof is demanded.

Art. 30. — 4. *Rights of the family.*

- (1) Where the person whose image is exhibited or offered for sale is dead or not in a position to manifest his will, the right referred to in Art. 29 shall vest in his relatives if the exhibition or offer for sale is of such a nature as to be prejudicial to the honour or reputation of the deceased person.
- (2) The only persons competent to represent the family for the application of this Article are the spouse, or, in his default, the nearest descendant or, in default of a descendant, the nearest ascendant of the person concerned.
- (3) In case of equal degrees, the eldest descendant or the oldest ascendant is the only person competent to represent the family.

Art. 31. — *Inviolability of correspondence.*

- (1) The addressee of a confidential letter may not divulge its contents without the consent of its author.
- (2) He may, however, produce it in judicial proceedings if he shows that he has a legitimate interest.

Chapter 2. Names

Art. 32. — *Principle.*

- (1) Every individual has a family name, one or more first names and a patronymic.
- (2) He shall be designated in administrative documents by his family name followed by his first names and by his patronymic.

Art. 33. — *Assumption of names.*

- (1) A child shall have the name of his father.
- (2) Where the father of the child is not known, or the child has been disowned, the child shall have the family name of his mother.
- (3) The provisions of sub-art. (2) shall apply where the paternity of the child has been judicially declared.

Art. 34. — *Choice of first names. — 1. Principle.*

- (1) The first name of the child shall be chosen by his father, or, in his default, by the family of his father.
- (2) An additional first name may be chosen for the child by his mother, or, in her default, by the family of his mother.
- (3) The mother, or, in her default, the family of the mother, may give two first names to the child where his father is unknown or the child has no family on the paternal side.

Art. 35. — *2. Representative of the family.*

- (1) The nearest ascendant and, in his default, the nearest relative in the collateral line is competent to represent the family for the purpose of Art. 34.
- (2) In the case of equal degrees, the eldest ascendant or relative in the collateral line shall choose the name of the child.

Art. 36. — *Patronymic.*

- (1) The child shall have the usual first name of his father as his patronymic.
- (2) A person shall have no patronymic where his father is unknown.
- (3) The patronymic shall be omitted in official acts if it is confused with the name.

Art. 37. — *Declaration to the civil status.*

The officer of civil status of the commune where the child is born shall be informed of the first names of the child and of his patronymic within ninety days following his birth, by the person who is bound to declare the birth of the child.

Art. 38. — *Forbidden first names.*

- (1) A child may not receive purely and simply the first name of his father or of his mother or that of one of his brothers or sisters who are alive.
- (2) He shall, in such case, have another first name which distinguishes him from them.

Art. 39. — *Unknown filiation.*

- (1) A child whose father and mother are not known shall have the name and two first names which are given to him by the officer of civil status in his record of birth.
- (2) The name and first names shall be chosen from among names and first names common in the region.

- (3) Any person who shows that he has a material or moral interest may apply to the court, before the child has reached the age of five years, to modify such name and first names.

Art. 40. — *Name of married woman.*

- (1) A married woman shall retain her personal family name.
- (2) She may, while her marriage lasts, be designated or designate herself by the name of her husband.
- (3) Such faculty shall continue, in her favour as well as to her prejudice, after the marriage, unless this has been dissolved by divorce or the woman has remarried.

Art. 41. — *Name and first names of adopted child.*

- (1) The adopted child shall take the name of the adopter.
- (2) He may, by virtue of the contract of adoption, receive a new first name and receive as patronymic the usual first name of the adopter.

Art. 42. — *Change of family name.*

- (1) The change of the family name of a person may be authorised, for good cause, by the court on the application of such person.
- (2) In deciding on the application, the court shall ensure that the interest of third persons is not prejudiced by the change of name.

Art. 43. — *Change of first names.*

The cancellation of one or more first names or the addition of a first name for a person may be authorised by the court on the application of such person.

Art. 44. — *Agreements relating to name.*

- (1) Any agreement relating to the name shall be of no effect under civil law.
- (2) Nothing in this Article shall affect the rules relating to trade names.

Art. 45. — *Abuse of name.*

- (1) The use of his own name by a person in the exercise of an activity connected with his calling may not have the object or the effect of causing prejudice, by means of a harmful confusion, to the credit or to the reputation of a third person.
- (2) The provisions relating to unfair competition and to defamation shall apply in appropriate cases.

Art. 46. — *Usurpation of name.*

- (1) Whosoever bears a name may resist the usurpation of such name by a third person whenever such usurpation causes or is likely to cause a material or moral damage.

- (2) After the death of a person or if a person is not in a position to manifest his will, the same right appertains to each of his descendants and to his spouse, even where they themselves do not bear such name.
- (3) Damages for moral prejudice may be awarded to the person demanding them if the usurpation of the name does not cease immediately, when such cessation has been demanded.

Chapter 3. Proof of Civil Status

Art. 47. — *Modes of proof.*

- (1) Births, deaths and marriages shall be proved, in case of doubt or of contention, by means of the records of civil status.
- (2) They may also be proved, in the cases provided by law, by means of acts of notoriety or of possession of status.

Section 1. Officers of Civil Status

Paragraph 1. — Appointment of officers of civil status

Art. 48. — *Appointment by governor.*

- (1) The governor of the province shall appoint, in each urban or rural commune of his province, a person who shall carry out the duties of officer of civil status.
- (2) He shall also appoint, in each commune, one or more assistants to such person.

Art. 49. — *Quarters or sections of communes.*

- (1) Where an urban commune is divided into several quarters, a different officer of civil status may be appointed for each quarter by the governor.
- (2) Where a section of a rural commune is isolated or is far from the centre of the commune, a different officer of civil status may be appointed for such section of a commune by the governor.
- (3) In such cases one or more assistants to each officer of civil status shall be appointed.

Art. 50. — *Assistants to officer of civil status.*

- (1) The assistant to the officer of civil status shall replace him in case of any impediment on his part.
- (2) If the order in which the assistants are called upon to carry out their duties has not been fixed by the governor of the province or by the officer of civil status, it shall be fixed having regard to their age, the eldest being called in the first place.

- (3) The records drawn up by any one of the assistants shall have the same effect as if they had been drawn up by the officer of civil status himself.

Art. 51. — *Commencement of duties.*

- (1) The duties of officer of civil status shall start when he has accepted such duties and when his signature has been registered in the departmental office or in the registers of civil status.
- (2) The duties of officer of civil status shall also start when the person appointed by the governor has in fact carried out such duties by drawing up a record or by taking part, in the capacity of officer of civil status, in the drawing up of such record.
- (3) The provisions of this Article shall also apply to the duties of assistants.

Art. 52. — *Termination of duties.*

- (1) The duties of an officer of civil status shall terminate on his death or when he is relieved of his duties or dismissed or when his resignation has been accepted by the governor.
- (2) The same shall apply to the duties of the assistants.

Art. 53. — *Death or lasting impediment.*

- (1) The officer of civil status shall without delay inform the governor of the province of the death of his assistants, or of any circumstance which prevents in a lasting manner any one of them from carrying out his duties.
- (2) The assistants of the officer of civil status shall without delay inform the governor of the province of the death of the officer of civil status or of any circumstance which prevents him in a lasting manner from carrying out his duties.

Art. 54. — *Head of commune.*

- (1) The head of the commune shall be officer of civil status in the territory of his commune, where the person appointed by the governor and his assistants are not in a position to carry out their duties.
- (2) He may, in such case, require to be helped or substituted in his duties of officer of civil status, under his own responsibility, by one or more helpers.
- (3) He shall without delay inform the governor of the situation.

Art. 55. — *Departmental office.*

- (1) The governor of the province shall appoint in each chief town of the departments of his province the personnel of the departmental office of civil status.
- (2) Such personnel shall include, besides a director responsible for the organisation and supervision, officials in sufficient number to ensure the performance of the work incumbent on the office.

Art. 56. — *Records relating to the Imperial Family.*

- (1) The Minister of the Pen shall carry out the duties of officer of civil status as regards the records relating to His Majesty the Emperor of Ethiopia and the members of the Imperial Family.
- (2) For the purpose of this Article, the persons mentioned in Art. 16 of the Constitution shall be deemed to be members of the Imperial Family.

Art. 57. — *Consuls of Ethiopia.*

The consuls of Ethiopia shall, within their territorial limits and as regards Ethiopian subjects, carry out the duties of officers of civil status.

Art. 58. — *Commanding officers of ships.*

The commanding officers of ships flying the Ethiopian flag shall carry out the duties of officers of civil status as regards the births, deaths and marriages which take place on board their ship.

Paragraph 2. — Duties of officers of civil status

Art. 59. — *Principle.*

The officer of civil status shall ensure that the births, deaths and marriages, taking place within his jurisdiction, be entered in the register of civil status.

A. *Urban communes*

Art. 60. — *Keeping and conservation of registers.*

- (1) The officer of civil status shall himself keep the registers of civil status in those communes where such duty has been expressly imposed on him by the governor.
- (2) He shall ensure their custody and conservation and deliver to interested persons extracts from or copies of the records of such registers.

Art. 61. — *Drawing up of records.*

- (1) The records of civil status shall be drawn up by the officer of civil status on his own initiative whenever he has the particulars required for drawing up such records.

- (2) The officer of civil status may, where he thinks fit, summon any interested party, with the object of completing the information which he requires.

Art. 62. — *Periods.*

Records of civil status shall be drawn up within the following periods:

- (a) three months for records of birth;
- (b) one month for records of death;
- (c) one month for records of marriage.

Art. 63. — *Sanctions of prescribed periods.*

- (1) The records of civil status drawn up after the periods laid down in Art. 62 have expired shall only have the probatory value of simple information.
- (2) The provisions of sub-art. (1) shall not apply where such records are entered in the registers by virtue of a judgment.
- (3) In this case, the record shall bear on its back a reference to such judgment.

B. *Rural communes*

Art. 64. — *Declaration.*

- (1) In those communes in which such duty has not been expressly imposed on him by the governor, the officer of civil status shall not be bound to keep the registers himself.
- (2) He shall communicate to the departmental office of civil status such informations as are required for drawing up the records of civil status relating to births, deaths and marriages which have taken place in the commune.
- (3) The records of civil status shall be drawn up immediately, on the basis of such informations, by the officials of the departmental office of civil status.

Art. 65. — *Regulations of application.*

- (1) Regulations made by the governor shall prescribe in regard to each commune, under what conditions such informations shall be gathered.
- (2) They shall prescribe in particular in which place and at what times such informations are to be furnished.

Art. 66. — *Place where informations are to be furnished.*

- (1) Regulations may impose on the officer of civil status the duty to go to the chief town of the department or to another centre less distant from the commune in order to furnish there the informations relating to civil status.

- (2) They may on the other hand provide that such informations shall be gathered by the officials of the departmental office of civil status in the same commune for which the registers are to be drawn up.
- (3) In the case mentioned in sub-art. (2), regulations shall prescribe whether the registers are to be kept in the commune or in the departmental office of civil status.

Art. 67. — *Time within which informations are to be furnished.*

- (1) The informations concerning civil status shall be gathered at least once a year in each commune.
- (2) In the case provided for in sub-art. (1) of Art. 66, the duty to go to the chief town of the department or to another centre may not be imposed on the officer of civil status at intervals of less than three months.

Art. 68. — *Possibility of declarations at intervening times.*

- (1) The officer of civil status may, at any time, even on dates other than those prescribed by the governor, communicate to the departmental office of civil status informations concerning the civil status of persons in his commune.
- (2) Such informations shall be immediately recorded in the registers by the departmental office of civil status when the registers relating to the commune are kept in such office.

Art. 69. — *Drawing up of records by officer of civil status.*

- (1) The instructions may authorise the officer of civil status to draw up the records of civil status himself.
- (2) Each record thus drawn up shall, in such case, be approved by the departmental office of civil status.
- (3) Mention of such approval shall be made on the back of the record.

Art. 70. — *Late declarations.*

- (1) The records drawn up or approved more than two years after the event which has given occasion for them shall only have the probatory value of mere information.
- (2) The provisions of sub-art. (1) shall not apply where the record has been entered in the registers by virtue of a judgment.
- (3) In such case the record shall bear on its back a reference to such judgment.

C. Special Cases

Art. 71. — *Minister of the Pen.*

- (1) The Minister of the Pen shall himself keep the registers of civil status relating to His Majesty the Emperor and to the Imperial Family.

- (2) He shall ensure their custody and conservation and deliver copies of the records in such registers.

Art. 72. — Consuls.

- (1) Consuls of Ethiopia in foreign countries shall draw up records only at the request of interested persons.
- (2) They shall themselves keep the registers of civil status.
- (3) They shall ensure their custody and conservation and deliver to interested persons extracts from, or copies of, the records in such registers.

Art. 73. — Commanding officers of ships.

The commanding officers of Ethiopian ships shall immediately declare, at the first Ethiopian port, or at the first port in which a Consul of Ethiopia resides, the events which give occasion to the drawing up of a record of civil status and which take place on board their ship.

Section 2. Registers of civil status

Art. 74. — Enumeration of registers.

A register of births, a register of deaths and a register of marriages shall be kept for each commune and in each consulate.

Art. 75. — Supply of registers.

- (1) The registers shall be supplied free of charge to the officers of civil status by the governor of the province who receives them from the Ministry of Interior.
- (2) They shall be supplied free of charge to the consulates by the Ministry of Foreign Affairs.
- (3) The persons having the duty to keep the registers shall, six months before the probable date on which a register will be terminated, apply for a new register to be supplied to them.

Art. 76. — Prohibition to remove registers.

The registers may not be removed from the place where they are kept, except in the cases where the law provides for or authorises such removal.

Art. 77. — Compulsory indications. — 1. Registers of communes.

- (1) Each register shall indicate the commune and where appropriate the quarter or section of the commune to which it refers, as well as the province in which such commune is situated.
- (2) It shall bear a reference number,

- (3) Such indications shall appear on the cover and on the edge of the register and be reproduced on each leaf of the register.

Art. 78. — 2. *Other registers.*

- (1) The registers of the Imperial Family shall bear, instead of the indications mentioned in sub-art. (1) of Art. 77, the indication: *Registers of the Imperial Family.*
- (2) The registers kept in the consulates shall bear the indication of the consulate in which they are drawn up.

Art. 79. — *Form of registers.*

- (1) The registers shall commence with several pages on which shall be mentioned the persons authorised to keep the registers with the signature of such persons against such mention.
- (2) The registers shall contain next a series of numbered leaves each one of which shall serve for drawing up a record of civil status.
- (3) They shall end with several pages intended to contain the alphabetical index of the persons to whom the records of the registers refer.

Art. 80. — *Leaves of registers.*

- (1) The leaves of the register of civil status shall be made up of detachable slips, bearing identical particulars attached to a counterfoil.
- (2) The registers of birth and of marriage shall comprise three detachable slips and the registers of death only two detachable slips.
- (3) The back of the leaves shall be reserved for writing thereon the handwritten particulars prescribed by the law.

Art. 81. — *Detachable slip No. 3.*

- (1) The detachable slip farthest from the counterfoil, called detachable slip No. 3, shall be detached from the counterfoil as soon as the record is drawn up
- (2) It shall be sent by the officer of civil status to the guardian of the child in the case of a record of birth and to the husband in the case of a record of marriage.
- (3) The slip No. 3 shall be kept by the interested party.

Art. 82. — *Detachable slip No. 2.*

- (1) When the register finishes, the detachable slips No. 2 shall be detached from the counterfoil and put together in a file which shall be deposited in the registry of the court of the chief town of the province or in such other place as may be prescribed, distinct from that where the detachable slips No. 1 are conserved.

- (2) The detachable slips No. 2 of the register kept by the Minister of the Pen and by the consuls shall be sent to the Ministry of Foreign Affairs of the Empire of Ethiopia to be conserved therein.
- (3) Upon receiving the detachable slips No. 2 the person who is constituted depositary thereof shall bind them.

Art. 83. — *Detachable slip No. 1.*

The detachable slips attached to the counterfoil (slips No. 1) shall be conserved attached to the counterfoil of the register, in the place where the registers have been kept or in another place fixed by regulations.

Art. 84. — *No unutilised leaves.*

- (1) The officer of civil status before drawing up a record shall verify the number of the leaf on which the last record appearing in the register has been entered.
- (2) He shall draw up the record on the leaf whose number immediately follows that of such last record.
- (3) He may in no case leave an unutilised leaf in the register.

Art. 85. — *Leaf unutilised by mistake.*

- (1) If, as a result of a mistake, a leaf has been left unutilised, the officer of civil status, as soon as he notices such mistake, shall annul the leaf in question.
- (2) He shall draw across each detachable slip of the record two diagonal lines forming a cross and write on the back of each such slip of the record the indication "Leaf unutilised by mistake".
- (3) The unutilised leaf may in no case serve for writing thereon a record of civil status.

Art. 86. — *Index.*

- (1) When a register finishes, the officer of civil status shall draw up, in the pages which are at the end of the register, the alphabetical list, according to their family name, of all the persons to whom the records in the register refer.
- (2) He shall form a file of the detachable slips No. 2, and send such file, together with a copy of the index drawn up by him, to the place prescribed by regulations.

Art. 87. — *Destruction of registers.*

- (1) If a register kept in a commune is lost or destroyed it shall immediately be recompiled with the help of the detachable slips No. 2 of such register, on the initiative of the officer of civil status of the commune.

- (2) If the detachable slips No. 2 of a register are lost or destroyed, they shall immediately be reconstituted, with the help of the detachable slips kept in the commune, on the initiative of the depositary of the detachable slips lost or destroyed.
- (3) The provisions of this Article shall apply *mutatis mutandis* in the case of registers kept in a place other than a commune.

Art. 88. — *Destitution of registers still in use.*

- (1) If a register still being used is lost or destroyed before the detachable slips No. 2 have been detached, the officer of civil status shall immediately give notice of such fact to the departmental office of civil status.
- (2) This office shall take the necessary measures for the recompilation of the register.
- (3) The same shall apply where the detachable slips Nos. 1 and 2 of a register are both destroyed or lost for any reason whatsoever.

Art. 89. — *Control of the keeping of registers.*

- (1) The departmental office of civil status shall supervise civil status officers and control the proper keeping of registers of civil status in the commune.
- (2) It shall organise their inspection and take action for the repression of the criminal infringements which it ascertains.
- (3) The Ministry of Foreign Affairs shall carry out the same duties as regards registers kept in consulates.

Section 3. Records of Civil Status

Paragraph 1. — *General provisions*

Art. 90. — *Particulars to be mentioned.*

- (1) The records of civil status shall be drawn up by filling in the blank spaces in the registers.
- (2) The records shall mention in all cases the day, the month and the year when they are received and bear the signature of the officer of civil status who receives them.

Art. 91. — *Particulars which may not be mentioned.*

No mention of particulars other than those required by the law may be made in the registers.

Art. 92. — *Unknown or uncertain information.*

- (1) If one of the blank spaces left in a record of civil status cannot be filled in on account of lack of sufficiently accurate information given to the person who keeps the registers, such person shall fill in the

blank space by inserting the word "unknown".

- (2) If the officer of civil status knows approximately the particular to be entered, he shall enter such particular in the appropriate place adding the word "probably".

Art. 93. — *No abbreviations.*

The particulars required in the record shall be written clearly and without any abbreviation.

Art. 94. — *No erasures or words written over others.*

The records shall contain no erasure or word written over another or addition.

Art. 95. — *Signature.*

If any of the persons whose signature is required on a record cannot or does not know how to sign, such person shall affix on the record his thumb mark instead of his signature.

Art. 96. — *Leaves not utilised.*

- (1) When, on account of erasures, or for any other cause, a record has to be redone, the officer of civil status shall draw across each detachable slip of the record two diagonal lines forming a cross.
- (2) On the back of each detachable slip of the record he shall write the indication "Leaf not utilised".
- (3) The detachable slip number 3 of the leaf shall be destroyed immediately.

Art. 97. — *Probatory force of records.*

- (1) The records of civil status regularly entered in the registers shall, saving evidence to the contrary, be proof of the statements which they contain.
- (2) Evidence to the contrary may not be adduced except where it is authorised by the court.
- (3) It may, in such case, be adduced in any manner.

Art. 98. — *Records not entered in registers.*

- (1) Records which are not entered in the registers shall not have the probatory value inherent to records which are registered.
- (2) They have only the value of mere information.

Paragraph 2. — Records of birth

Art. 99. — *Particulars of record.*

The record of birth shall show:

- (a) the day, month and year of the birth;
- (b) the sex of the child;
- (c) the first names which are given to him;
- (d) the names, first names, dates and places of birth of his father and mother;
- (e) where appropriate, the names, first names, date and place of birth of the person making the declaration.

Art. 100. — *When record required.*

A declaration of birth and the drawing up of a record of birth are required when the child has lived for forty-eight hours, notwithstanding that he dies before the expiration of the time fixed for drawing up the record of birth.

Art. 101. — *Declaration of birth.*

- (1) The birth of a child may be declared to the officer of civil status by any person.
- (2) Such birth shall be declared by the father of the child, or, in his default, by the mother or by the guardian of the child, or, in default, by the person who has taken care of the child.
- (3) The officer of civil status shall draw up the record of his own motion if he is aware of the birth.

Art. 102. — *First names of child.*

- (1) Before drawing up the record of birth the officer of civil status shall require the parents or, in their absence, the guardian of the child, to state the first name or names which the child is to be given.
- (2) If he does not receive any reply or if the first names proposed are not acceptable in terms of the law, the officer of civil status shall himself choose the first name or names of the child.

Art. 103. — *Foundlings.*

- (1) A record of birth shall be drawn up for every new-born child, found in the locality, whose identity is unknown.
- (2) A detailed proces-verbal shall be drawn up stating the day and the place where the child has been found, the apparent age of the child, his sex, the names and the first names which are given to him.
- (3) The record of birth, drawn up for the child, shall contain on its back a reference to such proces-verbal.

Paragraph 3. — Records of death

Art. 104. — *Particulars of records of death.*

The record of death shall show:

- (a) the day, month and year of the death;

- (b) the name, first names, date and place of birth of the deceased;
- (c) the names, first names, dates and places of birth of the father and mother of the deceased;
- (d) the name, first names, date and place of birth of the spouse of the deceased if such spouse is still alive, and the date of the marriage;
- (e) where appropriate, the name, first names, date and place of birth of the person who makes the declaration of the death.

Art. 105. — *When record required.*

A declaration of death and the drawing up of a record of death are required whenever the deceased is a person in respect of whom a record of birth should have been drawn up.

Art. 106. — *Persons bound to declare death.*

- (1) Where a person dies, the persons who live with him shall be bound to declare his death.
- (2) In default of such persons, such obligation shall devolve on his relatives by consanguinity or affinity, if they live in the same commune, and, in their default, on his nearest neighbours.

Art. 107. — *Death in another person's house.*

If the deceased dies outside his home, the person in whose house the death has occurred shall be bound to declare the death.

Art. 108. — *Hospitals, schools, hotels and prisons.*

- (1) If a death occurs in a hospital, a school, a hotel or a prison, the death shall be declared by the person who is in charge of the establishment in question.
- (2) The death of persons executed by virtue of a criminal sentence passed on them shall be declared by the director of the prison where, at the time of his execution, the condemned person was in custody.

Art. 109. — *Soldiers on active service.*

Deaths of soldiers on active service shall be declared by the commanding officer of the unit to which they belong, unless the soldier is living with his family or his death occurs during a period of leave granted to him or in a place where his unit is not stationed.

Art. 110. — *Finding of corpse.*

- (1) If the corpse of a person is found outside a dwelling place, the person who found the corpse shall be bound to declare the death.
- (2) If the identity of the deceased person is unknown, a detailed process-verbal shall be drawn up indicating the day on which and the place

where the corpse has been found, the apparent age and the sex of the dead person, and the probable date of the death.

- (3) The record of death shall contain on its back a reference to such process-verbal.

Art. 111. — Corpse not found. — 1. Judgment declaring death.

- (1) Where a person has disappeared in such circumstances that his death is certain, although his corpse has not been found, any interested person may apply to the court to give a judgment declaring the death of such person.
- (2) The judgment declaring the death shall take the place of a record of death.

Art. 112. — 2. Court having jurisdiction.

- (1) The court having jurisdiction shall be that of the place where the person whose death the person making the application wants to establish had his principal residence at the time of his death.
- (2) The court may waive its jurisdiction in favour of the court of the place where the event which brought about the death has occurred or in favour of the court of another place.
- (3) The delegation of jurisdiction thus made is binding on the court in whose favour it is made.

Art. 113. — Disasters. — 1. Collective judgment.

- (1) If death is due to an event, such as a shipwreck, an air disaster, an earthquake, a land-slide, as a consequence of which there is reason to believe that several persons have perished, the death of such persons may be declared by a collective judgment.
- (2) The court having jurisdiction in such case shall be that of the place where the event occurred.
- (3) However in the case of disappearance of a ship or of an aircraft the court having jurisdiction shall be that of the home port of the ship or aircraft.

Art. 114. — 2. Individual extracts.

- (1) Individual extracts from a collective judgment may be obtained by interested persons.
- (2) They shall take the place of a record of death.

Art. 115. — Date of death.

- (1) When the court delivers a judgment declaring death, it shall fix in the judgment the presumed date of the death or deaths having regard to the presumptions drawn from the circumstances of the case.

- (2) The date thus fixed may not be rectified except in the case where it is proved that it has been fixed as a result of fraud.
- (3) Any application having as its object the rectification of the date shall be dismissed when three years have elapsed from the date of the judgment.

Art. 116. — *Annulment of judgment declaring death.*

If the person whose death has been judicially declared reappears after the judgment declaring death, the judgment shall be annulled, at his request or at the request of the public prosecutor, by the court which gave it.

Paragraph 4. — Records of marriage

Art. 117. — *Particulars of records of marriage.*

The record of marriage shall show:

- (a) the names, first names, dates and places of birth of the husband and of the wife;
- (b) the names, first names, dates and places of birth of the witnesses of the husband and of the wife;
- (c) the date on which the marriage has been celebrated.

Art. 118. — *When record required.*

A declaration of marriage and the drawing up of the record of marriage shall be required in all cases, irrespective of the form according to which the marriage is celebrated.

Art. 119. — *Duty to declare marriage.*

- (1) The obligation to declare the marriage shall lie with the authority who has celebrated the marriage.
- (2) It shall also lie with the spouses and with their witnesses.

Art. 120. — *Drawing up "ex officio" of record.*

- (1) The officer of civil status shall draw up the act of marriage of his own motion whenever he is aware of the marriage.
- (2) In such case, he shall summon the interested persons to make them sign the record of marriage.

Section 4. Correction of the records
of civil status

Art. 121. — *Principle.*

The records of civil status may not be corrected except by virtue of an order or judgment given by the court.

Art. 122. — *Application for correction.*

An application for the correction of a record of civil status may be made to the court by the public prosecutor or by the departmental office or any interested person.

Art. 123. — *Adding first name.*

Where the application has as its object the addition of a first name to a person, at the time when such person contracts marriage or during the six months which follow such marriage, the president of the court shall decide on the application by order.

Art. 124. — *Clerical mistakes.*

Where the application has as its object the correction of a clerical mistake committed in the drawing up of a record of civil status, the president of the court shall decide on the application by order.

Art. 125. — *Other cases.*

- (1) In all other cases decision on the application shall be given by a judgment delivered by the court.
- (2) The court, before deciding, shall give the person or persons to whom the record refers and all interested persons the opportunity of making their submissions.

Art. 126. — *Manner in which the record is corrected.*

- (1) The particulars the correction of which is ordered shall be cancelled in the record, provided that they shall remain legible.
- (2) The particulars which replace them or which are added in the record shall be entered on the back of the record, with a reference to the order or judgment which has ordered the correction of the record.
- (3) Such alterations shall, as far as it is possible, be made on all the detachable slips of the record which is corrected.

Art. 127. — *Drawing up of new record.*

- (1) The court may, where it thinks fit, order the annulment of the record which is to be corrected and the drawing up of a new record in its place.
- (2) Every detachable slip of the old record shall in this case be crossed out across the registers by two diagonal lines forming a cross, and reference shall be made, on the back of each detachable slip, to the new record which replaces it.
- (3) On the back of the new record reference shall be made to the judgment which has ordered its drawing up.

Art. 128. — *Authority of judicial decision.*

The judicial decision which orders the correction of a record of civil status may be set up against everybody, in the same conditions as the record corrected by it.

Section 5. Copies and extracts of
records of civil status

Art. 129. — *Record of birth.*

- (1) The depositaries of the registers in the communes or consulates shall issue to any person making an application to this effect copies or extracts from the record of birth showing, without any other particulars, the date when the record has been drawn up, the date and the place of birth, the sex, the first names and the name of the child as they appear from the particulars of the record of birth.
- (2) Copies of the record of birth may only be issued to the heirs of the child or to public administrative bodies or with the authorisation of the court.

Art. 130. — *Record of death.*

The depositaries of the registers in the communes or consulates shall issue a copy of the record of death to any person making an application to this effect.

Art. 131. — *Record of marriage.*

They shall issue a copy of the record of marriage to any person making an application to this effect.

Art. 132. — *Records relating to the Imperial Family.*

The Minister of the Pen shall not issue copies of the records contained in the registers relating to the Imperial Family unless an application to this effect is made to him by the court.

Art. 133. — *Depositaries of detachable slips No. 2.*

The depositaries of detachable slips No. 2 of the registers shall have the same obligations where:

- (a) the corresponding register of the commune has been destroyed or lost;
- (b) in such register, kept in the commune, a record is missing which is recorded in the file of detachable slips No. 2;
- (c) the record entered in the register kept in the commune does not correspond with that recorded in the file of detachable slips No. 2;
- (d) it is a case of records drawn up by a consulate of Ethiopia in a foreign country;
- (e) such obligation is, in a particular case, imposed on them by the court.

Art. 134. — *Corrected records.*

- (1) Where a record has been corrected in accordance with the law, the extract or copy of the record, issued to the interested persons, shall take such correction into account.
- (2) It shall not show that the purport of the extract or of the copy is due to a correction of the record.
- (3) Corresponding copies, reproducing the record as it is, and showing the corrections which may have been made to it, shall be delivered only to the court at its request.

Art. 135. — *Form and cost.*

- (1) The copies or extracts of the records of civil status shall be drawn up on printed forms which the governor of the province shall supply to the officers of civil status.
- (2) Such copies or extracts shall be signed by the officer of civil status who delivers them and bear the seal of the administrative department to which he belongs.
- (3) The prescribed fee shall be charged on their delivery, as well as, where appropriate, the postal expenses for the sending of the copy or of the extract.

Art. 136. — *Probatory force.*

Extracts or copies of the records of civil status, issued by the depositaries of the registers, shall have the same probatory force as the records of the registers themselves.

Art. 137. — *Verification.*

- (1) The court may, where it thinks fit, order that the extracts or copies be collated with the original.
- (2) It may order that a photocopy of the record be supplied to it.

Section 6. Sanction of the rules
relating to civil status

Art. 138. — *Civil liability of officials.*

Any violation, by the officials charged with keeping or with conserving the registers, of the provisions of this Chapter or of the provisions of the regulations made for their application, shall render them liable to all persons who suffer prejudice from such fact.

Art. 139. — *Refusal to draw up record.*

- (1) Where the officer of civil status or the official charged with keeping the registers refuses to draw up a record corresponding with the de-

clarations which are made to him, any interested person may apply to the court against such refusal.

- (2) The provisions of sub-art. (1) shall apply where the officer of civil status fails to supply to the office of civil status the informations relating to an event in respect of which a record of civil status is to be drawn.
- (3) The same shall apply also if a depositary of the register refuses to deliver a copy or an extract of a record of such registers.

Art. 140. — *Liability of witnesses and declarants.*

- (1) The declarants and the witnesses shall be liable for the accuracy of the facts which they attest or corroborate in the records of civil status.
- (2) Where they acted in good faith they may sue the persons who led them into error.

Art. 141. — *Criminal liability.* — 1. *Failure to draw record.*

The punishments prescribed by the Penal Code shall apply to:

- (a) the officer of civil status who, being bound to draw up a record of civil status, fails to draw it up within the period prescribed by the law;
- (b) the officer of civil status who, being bound to declare an event to the departmental office of civil status, fails to declare it within the period prescribed by the law;
- (c) the official of the departmental office of civil status who has not immediately drawn up a record when the informations intended for drawing up such record have been communicated to him.

Art. 142. — 2. *Failure to make declaration.*

The punishments prescribed by the Penal Code shall apply to:

- (a) any person who, being bound to declare an event to the officer of civil status, fails to declare it within the periods prescribed by law, when, as a result of such failure, a record of civil status has not been drawn up;
- (b) any person who, having been required by the officer of civil status to give information for the purpose of the drawing up of a record of civil status concerning them, fails to give such informations.

Art. 143. — 3. *Inaccurate declarations.*

- (1) The punishments prescribed by the Penal Code shall apply to any person who, for the purpose of drawing up a record of civil status, makes a declaration which he knows to be inaccurate to the office of civil status or to the officials of the departmental office of civil status.

- (2) The punishments prescribed by the Penal Code shall apply to the witnesses who support such declarations knowing them to be false.
- (3) The punishments prescribed by the Penal Code shall apply to the officer of civil status or the official of the departmental office of civil status who draws up a record of civil status on declarations which he knows to be inaccurate, or who issues an extract or a copy of a record not corresponding with the original.

Art. 144. — 4. *Destruction or alteration of registers.*

The punishments prescribed by the Penal Code shall apply to any person who destroys or alters a register of civil status.

Art. 145. — 5. *Use of altered record.*

The punishments prescribed by the Penal Code shall apply to any person who knowingly makes use of a record or of a copy of a record or of an extract of a record of civil status fraudulently altered.

Section 7. Acts of Notoriety

Art. 146. — *Principle.*

- (1) Acts of notoriety are drawn up by officers of civil status or by notaries.
- (2) They shall be authorised and approved by the court.

Art. 147. — *Authorisation.*

Proof by means of acts of notoriety may only be authorised by the court where:

- (a) it is proved that the registers of civil status have not been kept regularly or that they contain gaps;
- (b) it is proved that such registers have been lost or torn;
- (c) it is impossible or very difficult to obtain a copy of a record in such registers;
- (d) the person who refers to a record does not know in which place such record has been made, and such ignorance is excusable;
- (e) the law so provides.

Art. 148. — *Who draws up the act.*

- (1) When the court authorises the proof by means of an act of notoriety, it shall specify in which place the act of notoriety shall be drawn up.
- (2) It shall give the officer of civil status or the notary required to draw up the act all the appropriate instructions, for the purpose of provoking opposition and of ensuring the genuineness of the act.

Art. 149. — *Particulars of the act.*

Acts of notoriety shall contain the same particulars as records of civil status the default or irregularity in which they correct.

Art. 150. — *Report annexed thereto.*

- (1) The officer of civil status or the notary who has drawn up an act of notoriety shall annex thereto a report to the court on the circumstances in which he has performed his task.
- (2) He shall mention in particular whether the act of notoriety is in conflict with a record of civil status or with another act of notoriety previously drawn up.

Art. 151. — *Probatory value.* — 1. *Before approval.*

- (1) The court shall determine freely the value attached to acts of notoriety taking into consideration the date and the circumstances in which they have been drawn up.
- (2) It may take such steps as are necessary to verify the particulars therein.

Art. 152. — 2. *After approval.*

An act of notoriety approved by the court, shall have the same effect as a record of civil status.

Art. 153. — *Liability of witnesses.*

- (1) The declarants and the witnesses shall be liable for the accuracy of the facts which they attest or corroborate in an act of notoriety.
- (2) Where they acted in good faith, they may sue the person who led them into error.

Chapter 4. Absence

Section 1. Declaration of absence

Art. 154. — *Application.*

- (1) Where a person has disappeared and has given no news of himself for two years, any interested party may apply to the court to declare his absence.
- (2) The court having jurisdiction shall be the court of the place in which the absentee had his principal residence.

Art. 155. — *Publication of application.*

The application shall be published in the manner prescribed by the court, in the place of the last principal residence of the absentee and in any other place where the court considers such publication to be useful.

Art. 156. — *Inquiry.*

The court may order that an inquiry be made, with the assistance of the public prosecutor, in all places where it considers it useful, and in particular in the place of the last principal residence of the absentee and in the place where his presence has been noticed for the last time.

Art. 157. — *Principle of decision.*

- (1) The court shall declare the absence where the death of the absentee appears to it to be probable.
- (2) In making its decision, it shall have regard to all the circumstances of the case.
- (3) It shall in particular take into consideration the fact whether the person whose absence is invoked has or has not appointed an attorney to administer his property and the causes which may have impeded the receipt of his news.

Art. 158. — *Postponement of judgment.*

The court may postpone its judgment for a year or decide that the judgment declaring the absence will only have effect a year after its delivery.

Art. 159. — *Duty to declare absence.*

The court shall declare the absence a year after the date of the application where the absentee has disappeared for five years prior to the date of such application and he has not been heard from following the publicity prescribed by the court upon the application having been made.

Art. 160. — *Day of last news.*

The court shall establish in its judgment the day when the last news of the absentee was received.

Art. 161. — *Judgment declaring death.*

If the evidence collected by the court establish in a manner which may be considered certain that the absentee is dead, the court to which the application for the declaration of absence was made, may deliver a judgment declaring the death of the absentee.

Art. 162. — *Costs of proceedings.*

- (1) The costs of the proceedings by which the absence is declared shall be chargeable to the absentee.
- (2) They shall be borne by the person making the application, where the application is dismissed.

Section 2. Effects of absence

Art. 163. — *Marriage.*

- (1) The marriage of the absentee shall be dissolved on the day on which the judgment declaring the absence has become final.
- (2) The marriage contracted by the spouse after the day on which the last news of the absentee was received may be impugned only by the *absentee*.
- (3) Notwithstanding the provisions of sub-art. (2), it may also be impugned by the public prosecutor if he proves in an indisputable manner that the absentee is *alive* on the day on which the action is instituted.

Art. 164. — *Succession devolving on absentee.*

- (1) Where, after the date of the last news, a succession opens to which the absentee would have been called if he were alive, such succession shall devolve without taking into account the portion which may eventually be assigned to the absentee.
- (2) The heirs or legatees may be obliged by the court to furnish a guarantee or other security for safeguarding the rights of the absentee.

Art. 165. — *Rights depending on death of absentee.*

- (1) The persons who have rights dependent on the death of the absentee may enforce them after the judgment declaring the absence has become final as though the absentee were dead.
- (2) Such persons may be obliged by the court to give, before commencing to enjoy the rights which appertain to them, a guarantee or other security for the things subject to restitution.

Art. 166. — *Obligations depending on life of absentee.*

- (1) The persons who have obligations depending on the condition that the absentee is alive shall no longer be bound to fulfil such obligations.
- (2) Such persons may be obliged by the court to furnish a guarantee or other security, in case the absentee should still be alive.

Art. 167. — *Property of absentee. — 1. Placing in possession.*

- (1) The will of the absentee, if any, shall be opened at the request of any *interested party*.
- (2) The persons who would have been called to succeed to the property of the absentee in case he had died on the day of the last news may be placed in possession and the property be partitioned.

Art. 168. — 2. Obligations.

- (1) The heir or legatee shall enjoy the property as a good "paterfamilias".
- (2) He may be obliged by the court to give, before commencing his enjoyment, a guarantee or other security for the things subject to restitution.

Art. 169. — 3. Restriction to powers.

- (1) He shall invest the sums received by him within three months from the day on which he received them.
- (2) He may not transfer the property by a gratuitous title, save for establishing the children of the absentee.

Section 3. Termination of absence

Art. 170. — Causes. — 1. Principle.

The declaration of absence shall cease to have effect where:

- (a) the absentee reappears; or
- (b) it is proved that he was alive on a date subsequent to that of the judgment declaring the absence; or
- (c) it is proved that he died on a date different from that established in such judgment as being the date of the last news.

Art. 171. — 2. Return of absentee.

- (1) When the absentee reappears he shall recover his property in the condition in which it is, as well as the proceeds of such part of it as has been transferred and the property acquired through the investment of his capitals.
- (2) The income deriving from the property of the absentee shall remain the property of the heirs or legatees who have received such income.
- (3) The absentee shall retain the right to claim damages from the heirs or legatees and their guarantors, where they failed to comply with their legal obligations or committed a fraud.

Art. 172. — Presumption of death. — 1. Condition.

When ten years have elapsed since the date of the last news, established by the judgment of declaration of absence, the proof that the absentee did not die on the day of the last news may no longer be made except by the absentee himself or by his special attorney appointed after the date of the judgment declaring the absence.

Art. 173. — 2. Effects.

- (1) The persons who have been placed in possession of the property of the absentee may henceforth act as having the right which has justified their being placed in possession.

- (2) The guarantees or securities furnished in case the absentee should return shall be extinguished.

Chapter 5. Residence and Domicile

Section 1. Residence

Art. 174. — *Definition.*

The residence of the person is the place where he normally resides.

Art. 175. — *Mere sojourn in a place.*

- (1) The mere fact that a person is for a time in a certain place shall not be sufficient to constitute for him a residence in such place.
- (2) Notwithstanding the provisions of sub-art. (1), a residence is acquired whenever the sojourn is to last, or has lasted, in fact, more than three months.

Art. 176. — *Persons without proved residence.*

The place where a person is shall be deemed to be his residence, unless it is proved that such person has his residence in another place.

Art. 177. — *Several residences.*

- (1) A person may have several residences.
- (2) One of such residences may have the character of principal residence, and the other residences that of secondary residences.

Art. 178. — *Married women and minors.*

- (1) Married women may have a residence of their own.
- (2) The same shall apply to minors and interdicted persons.

Art. 179. — *Public officials.*

Public officials shall be deemed to have a residence in the place where they exercise their functions.

Art. 180. — *Traders.*

The place where a person carries on trade shall be deemed to be a residence of such person.

Art. 181. — *Residence-stipulated.* — 1. *Principle.*

A person may validly stipulate that, in his relations with another person, or as regards a specific business or activity, a given place shall be deemed to be his residence.

Art. 182. — 2. *Effects.*

- (1) Unless otherwise expressly agreed, the person in whose favour such stipulation is made shall not be bound by it.

- (2) He may, at his option, consider as being the residence of the other contracting party either the actual residence of the latter or the residence which has been stipulated.

Section 2. Domicile

Art. 183. — *Definition.*

The domicile of a person is the place where such person has established the principal seat of his business and of his interests, with the intention of living there permanently.

Art. 184. — *Presumed intention.*

- (1) Where a person has his normal residence in a place, he shall be deemed to have the intention of residing permanently in such place.
- (2) An intention to the contrary expressed by such person shall not be taken into consideration unless it is sufficiently precise, and it is to take effect on the happening of an event which will normally happen according to the ordinary course of things.

Art. 185. — *Professional and family life.*

Where a person performs the work of his calling in a place, and passes his family or social life in another place, he shall in case of doubt be deemed to have his domicile in the latter place.

Art. 186. — *Unity of domicile.*

No person may have his domicile in several places at the same time.

Art. 187. — *Change of domicile.*

A person shall retain his domicile in the locality where it was established, so long as he has not established such domicile in another place.

Art. 188. — *Unknown domicile.*

- (1) Where it cannot be established where a person has or had his last domicile, the place of his normal residence shall be deemed to be the place of his domicile.
- (2) In default of a normal residence, regard shall be had to the secondary residence first established.
- (3) In default of residence, regard shall be had to the place where the interested person is.

Art. 189. — *Married people.*

- (1) A married woman has the domicile of her husband so long as the marriage lasts.

- (2) She may acquire a domicile of her own when the husband is affected by a judicial or legal interdiction.

Art. 190. — *Minor.*

An unemancipated minor shall have the domicile of his guardian.

Art. 191. — *Interdicted person.*

An interdicted person shall retain his domicile at the place where it was established at the time of his interdiction.

TITLE II. CAPACITY OF PERSONS

Chapter I. General Principles

Art. 192. — *Rule of capacity.*

Every physical person is capable of performing all the acts of civil life unless he is declared incapable by the law. •

Art. 193. — *General disabilities.*

General disabilities depend on the age or mental condition of persons or on sentences passed upon them.

Art. 194. — *Special disabilities.*

- (1) Special disabilities may be prescribed by reason of the nationality of persons or of the functions exercised by them.
- (2) They shall be as provided by Chapter 5 of this Title (Arts. 389-393) and by special laws.

Art. 195. — *Voluntary restrictions.*

- (1) No person may renounce, even partially, the enjoyment or the exercise of civil rights.
- (2) Any voluntary restriction imposed on the enjoyment or on the exercise of such rights shall be of no effect unless it is justified by a lawful interest.

Art. 196. — *Proof of disability.*

- (1) Capacity is presumed.
- (2) Any person who alleges the disability of a physical person shall prove that such person is under a disability.

Art. 197. — *Bodies corporate and property with a specific destination.*

The capacity of bodies corporate and property with a specific destination shall be regulated, according to their nature, by the provisions applicable to them.

Chapter 2. Minors

Section 1. General provisions

Art. 198. — *Definition.*

A minor is a person of either sex who has not attained the full age of eighteen years.

Art. 199. — *Disability of minors.*

- (1) A minor, as regards the proper care of his person, shall be placed under the authority of a guardian, whom he shall obey.
- (2) In matters concerning his pecuniary interests and the administration of his property, a minor shall be represented by a tutor.
- (3) The minor may not perform juridical acts except in the cases provided by law.

Art. 200. — *Proof of age. — 1. Principle.*

- (1) The age of a person shall be established by his record of birth.
- (2) In the absence of a record of birth, the age may be established by producing an act of notoriety signed by reliable witnesses.

Art. 201. — *2. Proof to the contrary.*

- (1) The court may authorise the proof against the particulars in the record of birth where there are serious indications which put in doubt the accuracy of the particulars in the record.
- (2) An appeal shall lie against a decision of a court, disallowing the proof against the particulars of the record of birth.
- (3) The act of notoriety may be freely challenged by producing reliable witnesses.

Art. 202. — *3. Proof of judicial decision.*

- (1) Where an act of notoriety is challenged or the proof against the particulars in the record of birth is authorised, the court shall for the solution of the controversy which is submitted to it, determine the age of the person.
- (2) For this purpose, it may order that all the measures required for forming its conviction be taken.

Art. 203. — *4. Appeal.*

- (1) An appeal shall lie against a decision of a court of first instance, ordering or refusing to order in this regard a measure to elucidate the case.
- (2) The same shall apply to a decision of a court which determines the age of the person.

Section 2. Organs of protection of a minor

Paragraph 1. — Guardian and tutor

Art. 204. — *Authority of parents.*

The father and the mother are, during their marriage, jointly guardians and tutors of their minor children.

Art. 205. — *Default of one of the parents.*

- (1) In case of death, disability, unworthiness or removal of one of the parents the one who remains shall alone exercise such functions.
- (2) The mother shall exercise such functions where the father of the child is unknown.

Art. 206. — *Divorce of parents.*

- (1) In case of divorce of the father and mother, the tutor and the guardian of the child shall be appointed by the family arbitrators.
- (2) The surviving father or mother shall not as of right require the exercise of such functions where his or her divorced spouse dies.

Art. 207. — *Testamentary guardian or tutor. — 1. Principle.*

- (1) The surviving father or mother of a minor may, by a last will, stipulate who shall be guardian or tutor of the child after his or her death.
- (2) The surviving spouse may restrict the powers of the guardian or tutor or subject the exercise of such powers to specified conditions.
- (3) He may stipulate that one or more specified persons may not be appointed as guardian or tutor of the child.

Art. 208. — *2. Condition for appointment.*

The right referred to in Art. 207 shall appertain to the father or mother of the minor only where he or she exercised during his or her lifetime the functions of guardian of the child, or where he or she had been relieved of such functions at his or her request.

Art. 209. — *3. Application to the court.*

The restrictions or conditions imposed by the father or the mother on the powers of the guardian or tutor may, where the interest of the minor so requires, be revoked or modified by the court.

Art. 210. — *Relatives called to exercise such functions. — 1. Order to be followed.*

Where the child no longer has his father and mother, and in default of a valid appointment made by the survivor, the functions of guardian and tutor of the child shall devolve, by virtue of the law, on the following persons:

- (a) the paternal grandfather and, in his default, the paternal grandmother of the child; or
- (b) in their default, the maternal grandfather and, in his default, the maternal grandmother of the child; or
- (c) in their default, the eldest paternal uncle or paternal aunt of the child; or
- (d) in their default, the eldest maternal uncle or maternal aunt of the child; or
- (e) in their default, the youngest granduncle or grandaunt of the child.

Art. 211. — 2. *Possible modification of such order.*

- (1) Any relative of the child by consanguinity or by affinity may apply that the functions of guardian or tutor of the child be accorded to him and not to the person who should perform such functions by virtue of Art. 210.
- (2) Such application shall be made to the family council, if the interested persons are in agreement, or, in other cases, to the court, within two months from the day on which the legal guardian or tutor has been vested with his functions.
- (3) The application shall be allowed or dismissed having regard solely to the interest of the minor and after the interested parties have been heard and the opinion of the family council has been obtained, where appropriate.

Art. 212. — *When there is no relative enabled in terms of law.*

- (1) Where by applying the preceding Articles, a child remains without a guardian and without a tutor, the relative functions devolve on such person as shall be appointed by the court.
- (2) The court may take cognizance of the matter of its own motion or on the application of any interested party whether he be a relative of the minor or not.
- (3) The authority who has such obligation by virtue of the law shall lay the matter before the court.

Art. 213. — *Appointment by the court.* — 1. *Relative of the minor by consanguinity or affinity.*

The court shall appoint, as far as possible, as guardian and tutor a near relative of the minor, by consanguinity or by affinity, fit to perform such functions and willing to perform them.

Art. 214. — 2. *Institution of assistance.*

- (1) The functions of guardian or of tutor may, where necessary, be entrusted by the court to an institution of assistance.

- (2) The management of the institution shall in such case delegate one of its members to exercise such functions.

Art. 215. — *Assimilated cases.*

- (1) For the purposes of the preceding Articles, a person shall be deemed to be dead where he is not in a position to exercise the functions of guardian and tutor for any legal or material reason.
- (2) The family of origin of a child who has been adopted shall not be taken into consideration.

Art. 216. — *Identity of guardian and of tutor.*

- (1) As a rule, the person to whom the care of the person of the minor has been entrusted shall at the same time be his tutor.
- (2) The appointment of a guardian or of a tutor of the child, made by the surviving father or mother or by the court shall apply to both functions, unless the contrary results from the circumstances of the case.

Art. 217. — *Right given to father and mother.*

The father or the mother may, where they think fit, appoint a tutor to the child, reserving to themselves the functions of guardian.

Art. 218. — *Right given to the court.*

The court may for good cause appoint as tutor a person other than the guardian, where it has the right to make such appointment.

Art. 219. — *Co-tutor.*

- (1) The administration of certain property of the minor may be entrusted to a co-tutor appointed by the court.
- (2) Where property is donated or bequeathed to the minor, the donor or testator may appoint a co-tutor who shall be entrusted with the administration of such property during the minority of the donee or legatee.
- (3) The same right may be exercised by the father or mother or other ascendants of the child in regard to the property which the minor shall receive from their succession.

Art. 220. — *Tutor "ad hoc". — 1. Conflict of interests between tutor and minor.*

- (1) Where there is conflict of interests between the tutor and the minor, a tutor "ad hoc" shall be appointed to the latter by the court.
- (2) The appointment of a tutor "ad hoc" shall be made on the application of the tutor or any member of the family council.

- (3) The assistant tutor, if any, shall be vested by virtue of the law, with the functions of tutor "ad hoc".

Art. 221. — 2. *Conflict of interests of several minors.*

- (1) The provisions of Art. 220 shall apply where there is a conflict between the interests of several minors of whom the tutor is the common representative.
- (2) The conflicting interests shall in such cases be settled between the tutor and the tutor "ad hoc".

Art. 222. — *Commencement of functions.*

- (1) The functions of guardian and of tutor shall commence from the appointment of the guardian or the tutor by virtue of the law or by the court.
- (2) No liability shall be incurred by the guardian or tutor so long as he is not aware of the circumstances under which such functions devolve on him.

Art. 223. — *Compulsory nature of functions.*

The functions of guardian or tutor of the minor are compulsory for the person who is vested with them.

Art. 224. — *Application for exemption.*

- (1) A person may apply to the court to be exempted from such functions if the performance thereof entails for him particular difficulties or inconveniences.
- (2) The guardian and the tutor may on the same conditions apply to be relieved of the functions assumed by them.

Art. 225. — *Legal exemptions.*

The following persons shall be exempt from the functions of guardian or of tutor, upon a mere declaration on their part, except as regards their own children:

- (a) women; and
- (b) any person who has completed his sixty-fifth year; and
- (c) any person who has four minor children; and
- (d) soldiers in active service; and
- (e) public officials who have to live abroad by reason of their office.

Art. 226. — *Obligation to exercise such functions provisionally.*

- (1) The guardian or tutor who puts forward an objection or a case of exemption shall exercise his functions until a new guardian or tutor has been appointed.

- (2) The same shall apply to the guardian or tutor whose appointment is impugned.

Art. 227. — Termination of functions.

- (1) The functions of guardian and of tutor shall cease where the child dies or attains his majority.
- (2) They shall cease where the guardian or the tutor dies or becomes incapable or unworthy or is removed.
- (3) They shall cease where a new guardian or tutor is appointed to the minor.

Art. 228. — Incapacities. — 1. Minor.

A minor is incapable of exercising the functions of guardian or of tutor except as regards his own children.

Art. 229. — 2. Judicially interdicted persons.

- (1) A person is incapable of being guardian or tutor of a minor if he is under a judicial interdiction.
- (2) Where a person during the exercise of such functions is judicially interdicted his tutor shall without delay inform the person who, by virtue of the law, is to replace the interdicted person in those functions.
- (3) In default of such person, he shall apply to the court for another person to be appointed in place of the interdicted person.

Art. 230. — Unworthiness.

- (1) A person may be declared by the court unworthy of exercising the functions of guardian or tutor, where he is sentenced for a criminal offence to a punishment restrictive of personal liberty or to capital punishment.
- (2) The court may, in passing such sentence, declare the unworthiness of the convicted person to the extent which it thinks fit, having regard to the circumstances.

Art. 231. — Removal. — 1. Guardian.

- (1) The guardian of a minor may be removed by the court where the minor does not receive the care which his condition requires, a morally sound education or an instruction which accords with his disposition.
- (2) For this purpose, regard shall be had to the environment in which the guardian lives and all the circumstances of the case.
- (3) The guardian may in particular be removed by the court where the minor has committed a criminal offence and it appears that his be-

haviour is due to bad education or to lack of education on the part of his guardian.

Art. 232. — 2. Tutor.

The tutor may be removed by the court, where it appears that he administers badly the property of the minor, or where he does not comply with the directions validly given to him by the father or the mother of the child or by the family council, or where his insolvency has been judicially established.

Art. 233. — 3. Removal of ascendants.

- (1) The court shall declare only with extreme caution the removal of the mother or of the father or of the other ascendants as guardians or tutors of their children or descendants.
- (2) The court may at any time vary its decision on the application of the person who has been removed.

Art. 234. — 4. Procedure.

- (1) An application for the removal of the guardian or of the tutor may be made by any relative of the minor, by consanguinity or by affinity, or by the public prosecutor.
- (2) Before declaring the removal of the guardian or tutor, the court shall enable the latter to give his reasons whenever this is possible without causing serious danger to the person or property of the minor.
- (3) Whenever the court removes the guardian or the tutor it shall proceed to appoint another in his place.

Art. 235. — Duties and powers of the court.

- (1) Where the court is to appoint or to remove a person as guardian or tutor of a minor it shall before making its decisions consult, insofar as it is possible, the family council of such minor.
- (2) Where it thinks fit, it may hear the minor himself.
- (3) The court shall decide having regard solely to the interest of the minor and without being bound by the information which it has obtained.

Art. 236. — Tutor may be remunerated.

- (1) The functions of guardian or tutor constitute a gratuitous office.
- (2) An annual compensation may be granted to the tutor where the administration of the property of the minor takes a considerable part of his time or he is not related to the minor either by consanguinity or by affinity.

- (3) Such compensation may only be taken from the income of the minor and may not exceed one third of such income.

Art. 237. — *Personal nature of functions.*

- (1) The functions of guardian and tutor constitute a personal office which does not pass to the heirs of the guardian or tutor.
- (2) The latter shall be liable only for the management of the person whom they succeed, within the limits specified in the Title of this Code relating to "Successions".

Art. 238. — *Duties of heirs.*

- (1) The heirs of the guardian or tutor shall without delay inform of his death the person who is by virtue of Art. 210 to replace him in such functions.
- (2) In default of such person they shall apply to the court to appoint a new guardian or tutor.
- (3) Until they have fulfilled their obligation under sub-art. (1) and (2) they shall remain liable to the minor and third parties.

Art. 239. — *Proof of capacity of guardian or tutor.*

- (1) The guardian or tutor may apply to the court to be given a document enabling him to prove his capacity where necessary.
- (2) Such document may be given to the guardian or tutor by a notary, if any.

Art. 240. — *Analogy with the tutor.*

The provisions of this Title relating to tutors shall apply to co-tutors and to tutors "ad hoc".

Paragraph 2. — Family Council and Assistant Tutor

A. *Composition of family council*

Art. 241. — *Principle.*

- (1) The family council of the minor shall consist of the ascendants of the minor and of his brothers and sisters who are of age.
- (2) Where a contract of adoption has been concluded in respect of the minor only the members of his adoptive family shall be members of the family council.

Art. 242. — *Where there are no ascendants.*

Where a minor has no direct ascendant, the oldest uncle or aunt, or in their default the eldest granduncle or grandaunt of the minor shall be members of the family council.

Art. 243. — *Divorce of father and mother.*

Where the father and mother of the minor are divorced, the family council shall comprise, in addition to the persons mentioned in Arts. 241 and 242, the family arbitrators who have declared the divorce.

Art. 244. — *Additional members.*

- (1) The father of the minor may, by a last will, stipulate that one or two specified persons shall be members of the family council of his minor child.
- (2) The mother of the minor shall have the same right.

Art. 245. — *Exclusion of members.*

The father or the mother of a minor may, by a last will, stipulate that one or more of their own children shall not be members of the family council of their brother or sister who is a minor.

Art. 246. — *Appointment of additional members.*

- (1) Where the family council of the minor, composed as provided in the preceding Articles, does not comprise four members, it shall be completed by calling such persons as take an interest in the minor, whether they be his relatives or not.
- (2) Such persons shall be appointed by the members of the family council where these are at least two in number.
- (3) In other cases, or in default of unanimous agreement between the members of the family council, such persons shall be appointed by the head of the commune where the minor resides, without prejudice to an application to the court by any interested party.

B. *Meetings of family council*

Art. 247. — *Meetings by virtue of the law.*

The family council shall meet by virtue of the law forty days after the death of the surviving father or mother of the minor, unless it has met before such date.

Art. 248. — *Convocation of council.*

- (1) The family council shall meet whenever it is convened by the guardian or tutor of the minor or by the court.
- (2) It may also be convened by the assistant tutor.
- (3) Where no assistant tutor has been appointed, any member of the family council may convene it.

Art. 249. — *Time.*

A reasonable time shall be granted to enable the members of the family council to take part in the meeting.

Art. 250. — *Order of the day.*

- (1) The convocation of the family council shall be accompanied by an order of the day, showing the matter or matters on which a decision and a vote of the council are required.
- (2) The first family council which meets after the death of the surviving father or mother of the minor shall examine in a general manner the condition of the minor and take in accordance with the provisions of the following Articles such measures falling within its jurisdiction as it thinks fit.

Art. 251. — *Meeting place.*

- (1) The family council shall meet at the place where the minor had his principal residence at the time of the death of his surviving father or mother.
- (2) The court may on the application of the guardian or tutor of the child authorise for good cause the convocation of the family council in another place.

Art. 252. — *Expenses.*

All expenses arising from the convocation and meeting of the family council shall be borne by the members of such council.

Art. 253. — *Consultation by letter.*

The tutor may, without convening the family council, seek by letter the advice of each of the members of such council on a particular matter whenever he thinks fit.

Art. 254. — *No representation of members.*

- (1) Members of the family council who are prevented from attending the meeting may express their opinions or may vote in writing.
- (2) They may not send a representative to the meeting of the council.

Art. 255. — *Majority required.*

- (1) The decisions of the family council shall be taken by an absolute majority of votes of the members of the council, whether these are present or not at the meeting.
- (2) They shall be recorded in a minute signed by the members of the family council.
- (3) For the validity of a decision it suffices that the minute be signed by the majority who approves it.

Art. 256. — *Position of guardian and tutor.*

- (1) The guardian and the tutor of the minor shall be present at the deliberations of the family council, even if they are not members thereof.
- (2) In the latter case, they may only tender their advice at the deliberations of the council.

Art. 257. — *Position of minor.*

Unless otherwise decided by the family council, the minor shall not attend the deliberations of the family council.

Art. 258. — *Substitution of court for council.* — 1. *Failure to reach majority.*

- (1) Where no majority can be reached in the council, owing to the absence or disagreement of its members, the decision which the council could not take shall be taken by the court.
- (2) The matter may be laid before the court by the guardian or by the tutor of the minor.
- (3) The matter may also be laid before the court by the assistant tutor or, in default of an assistant tutor, by any member of the family council.

Art. 259. — 2. *Urgency.*

The court may, on the application of the same persons, take a decision instead of the family council, where it is difficult to hold a meeting of the latter, and there is urgent need of a decision.

Art. 260. — *Appeal.*

- (1) An appeal shall lie to the court from the decisions of the family council, within one month after they are taken.
- (2) The appeal may be lodged by the guardian, the tutor or the assistant tutor of the child, or by any member of the family council.

C. *Assistant Tutor*

Art. 261. — *Appointments.*

The family council may appoint one of its members, or a third party, to exercise the functions of assistant tutor.

Art. 262. — *Supervision of tutor.*

- (1) The assistant tutor shall receive the accounts of the tutor in place of the family council.
- (2) He shall assist the tutor in the performance of the acts specified by the family council.
- (3) He shall convene the family council whenever he thinks fit.

Art. 263. — *Replacement of, or assistance to, tutor.*

- (1) The assistant tutor shall replace the tutor, at the request of the latter, where the tutor in a particular matter has interests conflicting with those of the minor.
- (2) He shall assist the tutor, at the request of the latter, where there is a conflict between the interests of several minors of whom the tutor is the common representative.

D. Common provisions

Art. 264. — *Nature of office.*

- (1) The office of member of the family council and of assistant tutor are compulsory, under the same reservations as those relating to the office of tutor.
- (2) Such offices are gratuitous.
- (3) The provisions relating to the disability and to the unworthiness of the tutor shall apply to the members of the family council and to the assistant tutor.

Section 3. Powers of the Guardian and
of the Tutor

Paragraph 1. — Care of the person of the minor

Art. 265. — *Residence of minor.*

- (1) The guardian shall fix the place where the minor is to reside.
- (2) The minor may not abandon such place without the authorisation of the guardian.
- (3) If he goes away from such place without authorisation, the guardian may compel him to return thereto.

Art. 266. — *Health of minor.*

- (1) The guardian shall watch over the health of the minor.
- (2) In case of sickness of the latter, the guardian shall take the necessary measures for his recovery.

Art. 267. — *Education of minor.*

- (1) The guardian shall direct the education of the minor.
- (2) He may inflict light bodily punishment on the minor, for the purpose of ensuring his education.

Art. 268. — *Social contacts and correspondence.*

- (1) The guardian shall supervise the social contacts of the minor.

- (2) He may cause the correspondence of the minor to be delivered to him.
- (3) The guardian may not, except for good cause, prohibit the child from seeing his ascendants or from corresponding with them.

Art. 269. — *General and professional education.*

- (1) The guardian shall ensure that the minor be given general education and as much instruction in a calling as is suitable to his abilities.
- (2) He shall conclude the contracts necessary for such education and authorise the minor to pursue a calling.

Art. 270. — *Income of minors. — 1. General case.*

- (1) The guardian shall receive the income of the minor and use it in the interest of the latter.
- (2) He shall not be bound to render an account of such use.

Art. 271. — *2. Considerable income.*

- (1) Where the income of the minor is considerable and the guardian is neither the father nor the mother of the minor, the provisions of Art. 270 (1) may be set aside by the family council.
- (2) In such case, the family council shall fix a lump sum, which shall be given each year to the guardian out of the income of the minor, for the normal expenses of the maintenance and education of the latter.
- (3) The balance of the income of the minor shall remain in the hands of the tutor to be invested by the latter in the interests of the minor.

Art. 272. — *3. Work of minor.*

- (1) From the age of fifteen years onwards, the minor himself shall receive the income deriving from his work.
- (2) He may freely dispose of such income but shall contribute to his own maintenance.

Art. 273. — *4. Property donated or bequeathed.*

- (1) The person who donates, bequeathes or leaves property to a minor, may order that the income from such property shall not during the minority of the child be received by his guardian.
- (2) The provisions laid down in the contract of donation or in the will concerning the administration and the use of such income shall be complied with.

Art. 274. — *5. Assignment or attachment of income.*

- (1) The income of the minor which is not yet due may not be assigned

by the guardian nor may it form the subject of an obligation undertaken by the latter.

- (2) It may not be attached by the creditors of the latter.

Art. 275. — *Paternity.*

- (1) The personal consent of the minor shall be required for acknowledging an illegitimate child.
- (2) The minor may freely revoke such acknowledgment so long as his disability lasts and during the year following the cessation of such disability, unless it has been authorised by his guardian.
- (3) Such right of revocation is strictly personal to the minor and may not be exercised by his representatives or his heirs.

Art. 276. — *Exercise of authority of father and mother. — 1. Principle.*

- (1) Where the father and the mother of the child are both vested with the functions of guardian, the father alone shall exercise such functions.
- (2) The mother shall exercise them in his stead where the father is not in a position to manifest his will by reason of his being away or for any other cause.

Art. 277. — *2. Disputes.*

- (1) The mother of the child may apply to the family arbitrators, if a dispute regarding the care of the person of the child arises between her and the father of the child.
- (2) No person other than the mother may lay such dispute before the family arbitrators.

Art. 278. — *Appeal to the family council. — 1. Principle.*

- (1) The decision taken by the guardian of the child may be appealed from to the family council by an ascendant of the child.
- (2) In default of ascendants, the appeal may be made by any member of the family council.

Art. 279. — *2. Where the guardian is the father or mother.*

No appeal shall lie against the decision of the guardian where he is the father or the mother of the child unless:

- (a) the father and mother of the child are divorced from each other; or
- (b) the father or the mother who exercises authority on the child is remarried or keeps an irregular union.

Paragraph 2. — Administration of the property of the minor

Art. 280. — *Principle.*

- (1) The tutor shall represent the minor in all civil matters.

- (2) He shall take care of the pecuniary interests of the minor and administer his property as a "bonus paterfamilias".

Art. 281. — *Inventory and valuation of property.* — 1. *After the tutor assumes his functions.*

- (1) Within forty days from assuming his functions, the tutor shall proceed to draw up an inventory of and value the property of the minor in the presence of reliable witnesses chosen, if possible, from among the members of the family council.
- (2) Where the minor owes him anything he shall state it in the inventory under pain of losing his right thereto.

Art. 282. — 2. *Succession devolving on the minor.*

- (1) Where a succession devolves on the minor, the tutor, before accepting such succession on behalf of the minor, shall cause an inventory thereof to be prepared in the presence of reliable witnesses chosen, if possible, from among the members of the family council, which inventory shall specify the value of the succession.
- (2) Where anything is due to him from such succession, he shall state it in the inventory, under pain of losing his right thereto.
- (3) The tutor shall be liable to the minor for any damage arising from the absence of an inventory.

Art. 283. — *Property of tutor merged with that of the minor.*

- (1) The tutor shall ensure that the property of the minor be not mixed with his own property.
- (2) In particular, he may not deposit or cause to be deposited in his personal bank account monies belonging to the minor.

Art. 284. — *Securities and articles of value to be deposited in a safe place.*

Securities, articles of value, important documents and other similar things shall be deposited by the tutor in a safe place, if no inconvenience for the administration of the property of the minor results therefrom.

Art. 285. — *Convening family council.*

- (1) A tutor, who is not the father or the mother, at the beginning of his management, shall convene the family council and explain to it the financial position of the minor.
- (2) Until that time, the tutor shall confine himself to performing such acts of administration as are of an urgent nature.

Art. 286. — *Instructions by the family council.*

- (1) The family council may give to a tutor, who is not the father or mo-

ther, instructions concerning the management of the property of the minor.

- (2) It may prohibit him from performing certain acts or it may subject the performance thereof to some given condition or authorisation.

Art. 287. — *Property donated, bequeathed or devolving on minor.*

- (1) A person who donates or bequeathes property to a minor or a person from whose succession a minor inherits property, may order that, for the administration of such property, the tutor shall conform to certain rules.
- (2) Where it subsequently appears that the observance of such rules is impossible or prejudicial to the minor, the tutor may apply to the court to vary them.

Art. 288. — *Commercial or other enterprises.*

- (1) Where commercial, industrial or other enterprises form part of the estate of the minor, the family council shall instruct a tutor, who is not the father or mother of the child, whether he should liquidate such enterprises or keep them going.
- (2) For this purpose, it shall have regard to the time for which the tutorship is to last and the abilities and potentialities of the tutor as well as the interests of the minor.

Art. 289. — *Alienation of certain property.*

- (1) The tutor may alienate corporeal chattels, stocks and securities belonging to the minor.
- (2) The family council may give to a tutor, who is not the father or mother of the child, instructions concerning such sale or prohibit him from effecting it.

Art. 290. — *Securities to bearer.*

- (1) A tutor, who is not the father or mother of the child, shall alienate securities to bearer, or convert them in registered securities, within a period of three months after they devolve on the minor.
- (2) The family council may exempt him from such duty.

Art. 291. — *Debts and claims.*

- (1) The tutor shall pay the debts which are due by the minor.
- (2) He shall receive the capital and income devolving on the minor and give receipt therefor to the person effecting payment.

Art. 292. — *Investment of capitals. — 1. Duty of the tutor.*

- (1) The tutor shall invest capitals belonging to the minor where such capitals exceed the sum of five hundred Ethiopian dollars.

- (2) The family council may vary the amount specified in sub-art. (1).

Art. 293. — 2. Time.

- (1) Capitals shall be invested within three months from the time when they are at the disposal of the tutor.
- (2) The family council may vary such period.

Art. 294. — Nature of property to be acquired.

The family council may determine beforehand the kind of property which a tutor, who is not the father or mother of the child, may acquire on behalf of the minor.

Art. 295. — 4. Sanction.

- (1) The tutor shall be liable to pay to the minor legal interest on the monies which he has failed to invest.
- (2) He may be condemned to pay damages, where appropriate.

Art. 296. — Income.

- (1) The tutor shall deliver to the guardian of the minor the income of the latter to be used for his maintenance and his education.
- (2) Such delivery shall be made on such conditions and at such times as shall be fixed by the family council.
- (3) In default of such decision, the delivery shall be made every six months at the principal residence of the guardian.

Art. 297. — Leases.

Leases made by the tutor shall be binding on the minor for not more than three years after he attains majority, unless they have been entered into with the authorisation of the family council.

Art. 298. — Successions.

- (1) The tutor shall accept on behalf of the minor the successions devolving on the latter.
- (2) He may not renounce a succession devolving on the minor except with the authorisation of the family council, unless such succession is notoriously insolvent.

Art. 299. — Donation or bequest.

- (1) The tutor may not refuse a donation or bequest of more than five hundred Ethiopian dollars offered to the minor except with the authorisation of the family council.
- (2) He may not make any donation on behalf of the minor, other than small presents which may be required by custom.

Art. 300. — *Contracting suretyship.*

The tutor may in no case stand surety for the debt of another person on behalf of the minor.

Art. 301. — *Compromise.*

A tutor may not enter into a compromise agreement concerning the interests of the minor except with the authorisation of the family council, unless the interest in dispute is less than three hundred Ethiopian dollars.

Art. 302. — *Contracts between tutor and minor.*

- (1) A tutor may not buy or take on lease the property of the minor nor may he conclude any other contract with the minor, except with the authorisation of the family council.
- (2) He may not accept the assignment of any right or claim against the minor except with the authorisation of the family council.

Art. 303. — *Loans.*

The tutor may not contract any loan on behalf of the minor except with the authorisation of the family council.

Art. 304. — *Consultation of minor.*

- (1) Where a minor is capable of discernment and at least fifteen years old, he shall as far as possible be consulted on all the important acts concerning him.
- (2) The consent of the minor shall not relieve the tutor of his liability.

Art. 305. — *Authorisation to act given to the minor. — 1. Principle.*

- (1) The tutor may authorise the minor to conclude alone those contracts which, considering his age and his financial position, are to be regarded as acts of everyday life.
- (2) Such authorisation may be tacit.

Art. 306. — *2. Acts of everyday life.*

- (1) An act may in no case be regarded as an act of everyday life where for its conclusion the law requires the authorisation of the family council.
- (2) Nor may an act be ever regarded as an act of everyday life where it entails on the minor an expense or obligations the value of which exceeds one hundred Ethiopian dollars.

Art. 307. — *3. Effect with regard to the tutor.*

The tutor shall stand surety, in favour of third parties, for the obligations which the minor has assumed with his authorisation.

Art. 308. — *Will.*

- (1) The tutor may not make a will on behalf of the minor.
- (2) A minor may make a will alone when he attains the age of fifteen years.
- (3) The will made before he has attained such age shall be of no effect, notwithstanding that the minor has not revoked it after having attained the age of fifteen years.

Art. 309. — *Marriage contracts.*

- (1) The consent of the minor and of the person mentioned in Art. 562 of this Code shall be required for the marriage of a minor.
- (2) The person mentioned in Art. 562 of this Code may give his consent through a representative.
- (3) No proof of the power of representation shall be required where the representative is himself one of the persons mentioned in Article 562 of this Code.

Art. 310. — *Expenses of management.*

The tutor has the right to the refund of the expenses which he incurs in connection with the management of the interests of the minor.

Art. 311. — *Rendering of accounts of management.*

- (1) In the course of the tutorship, the tutor shall render any account of his management to the family council on such conditions and at such times as shall be fixed by the latter.
- (2) The father and the mother of the minor are exempt from such obligation when they exercise the functions of tutor.
- (3) They may exempt therefrom the tutor appointed by them.

Art. 312. — *Reference.*

The provisions of Art. 277-280 of this Code shall apply to tutorship and to appeals against the decisions of the tutor.

Section 4. Sanction of the Rules for the
Protection of the minor

Paragraph 1. — Acts of the minor

Art. 313. — *Principle.*

Juridical acts performed by the minor in excess of his powers shall be of no effect.

Art. 314. — *Application for nullity.*

- (1) The nullity of such acts may be applied for only by the minor, his representative or his heirs.

- (2) Without prejudice to the provisions of the following Articles, the rules relating to nullity of contracts on the ground that the consent has been given by mistake shall apply to such cases.

Art. 315. — *Good faith of person contracting with minor.*

Contracts entered into by a minor shall be valid where the other contracting party could in good faith believe that the minor had received the authorisation to conclude them and he has not taken advantage of the inexperience of the minor.

Art. 316. — *Payments.*

- (1) Where it is proved that the minor has benefitted thereby, payments made to a minor shall be valid to the extent of the enrichment which remains to his benefit on the day when the action of nullity is instituted.
- (2) In other cases, such payments shall be null but the minor is not bound to make repayment.

Art. 317. — *Extra-contractual liability and unlawful enrichment — 1. Principle.*

The provisions of the Title of this Code relating to extra-contractual liability and unlawful enrichment shall apply to the extra-contractual liability of the minor and to the unlawful enrichment he may have derived (Art. 2027-2178).

Art. 318. — *2. Mere statement of majority.*

- (1) The mere statement made by a minor that he is a major shall not deprive him of the right of availing himself of his minority.
- (2) Such statement shall not amount to a fault entailing his extra-contractual liability.

Paragraph 2. — Acts of the Tutor

Art. 319. — *Acts regularly performed.*

- (1) Acts performed by the tutor, within the limits of his powers, or with the necessary authorisations, may not be impugned by alleging that they have been performed for a minor.
- (2) They shall be binding on the minor as though he had performed them himself, being a major.
- (3) They shall not be binding on the tutor personally, saving an explicit undertaking on his part or in the cases provided by law.

Art. 320. — *Violation of legal provisions.*

- (1) Acts performed by the tutor in violation of legal provisions shall be subject to the provisions of the Title of this Code relating to Agency in the case in which a representative has exceeded his powers.

- (2) The same shall apply to acts which the tutor has performed without the authorisation of the family council, where such authorisation is required by law.
- (3) The same shall apply also to acts performed by the tutor with the authorisation of a family council irregularly composed or which has deliberated irregularly.

Art. 321. — *Violation of instructions not laid down by law.*

- (1) The fact that the tutor has acted contrary to the instructions of the family council may not be set up against third parties unless they have or should have known, in due time, the limitations imposed by the family council on the powers of the tutor.
- (2) The same shall apply to those limitations imposed on the powers of the tutor by a person who has donated, bequeathed or left property to the minor.
- (3) The burden of proof of the bad faith of third parties shall lie with the person involving the nullity of the act.

Art. 322. — *Co-tutor and tutor ad hoc.*

The provisions of the preceding articles shall apply to the co-tutor and to the tutor ad hoc.

Paragraph 3. — Liabilities which may be incurred

Art. 323. — *Tutors.*

- (1) The tutor shall be liable for the damage which may be caused to the minor through his negligence, mismanagement or the fact that he has not obeyed the instructions given to him by the family council or the fact that he has acted in a case where his interests were in conflict with those of the minor.
- (2) Except in the case of fraud, he shall not be liable where he has acted in conformity with the instructions given to him by the family council.
- (3) The provisions of this Article shall apply to the co-tutor and to the tutor ad hoc.

Art. 324. — *Assistant tutor.*

The assistant tutor shall be jointly and severally liable with the tutor, as regards condemnations, unless he can show that he has committed no fault.

Art. 325. — *Tutor of fact.*

- (1) Any person who, without being a tutor, performs the functions of tutor, shall be liable for his management of affairs.
- (2) The tutor shall be jointly and severally liable in respect of the condemnations passed upon such person.

Art. 326. — *Husband of a tutrix.*

The husband of a tutrix shall be jointly and severally liable in respect of the condemnations passed on her, by reason of facts which are connected with the tutorship and which have occurred during the marriage.

Art. 327. — *Members of family council.*

- (1) Members of the family council shall incur no liability by reason of their functions, except in the case of fraud.
- (2) However, by signing the minute of the meeting of the family council, they guarantee that it has been convened and that it has deliberated in conformity with the law.

Section 5. Cessation of the disability
of the Minor

Art. 328. — *Causes.*

The disability of the minor shall cease on his attaining majority or being emancipated.

Paragraph 1. — Emancipation

Art. 329. — *Marriage.*

A minor shall be emancipated as of right by marriage.

Art. 330. — *Explicit emancipation.* — 1. *Conditions.*

- (1) A minor may be emancipated when he has attained the age of fifteen years.
- (2) A decision of the family council shall be required for this purpose.

Art. 331. — 2. *Application.*

The decision of the family council whereby the minor is emancipated may be taken on the application of the minor himself or of one of his ascendants or of his guardian or of his tutor.

Art. 332. — 3. *Inadmissibility of application.*

The family council may not grant the emancipation where the minor has his father and mother, unless at least one of them expressly agrees to the emancipation.

Art. 333. — *Effects.*

An emancipated minor shall be deemed under the law to have attained majority in all that concerns the care of his person and the management of his pecuniary interests.

Art. 334. — Irrevocability.

- (1) Emancipation may not be revoked.
- (2) Emancipation resulting from marriage shall retain its effects notwithstanding that the marriage is dissolved.
- (3) The court may give a decision to the contrary, where it pronounces the dissolution of the marriage on the ground that one of the spouses had not attained the age prescribed by the law for marriage.

Paragraph 2. — Rendering of accounts of tutorship**Art. 335. — Principle.**

- (1) Where his functions terminate, the tutor shall render an account of his administration to his ex-ward or to the heirs of the latter.
- (2) He shall hand over to him the property which belongs to him and prepare for him a statement showing the rights which pertain to him and the debts to which he is bound.

Art. 336. — Where there is no inventory.

- (1) Where the tutor has failed to draw up an inventory when he assumed his functions or when a succession has devolved on the minor, the minor may prove by all means of which property his estate or such succession consists.
- (2) Unless the contrary is proved, property shall be deemed to have pertained to the minor where reliable witnesses make an attestation to this effect.

Art. 337. — Approval of accounts.

- (1) The approval of the accounts of the tutorship given by the ward may be revoked by him within one year after it has taken place, so long as the ward has not attained the age of eighteen years.
- (2) The same shall apply to the exemption from rendering accounts granted by the ward to the tutor.
- (3) The provisions of sub-arts. (1) and (2) may not be invoked by the heirs of the minor who have attained majority when they themselves have approved the accounts of the tutor or exempted the tutor from rendering accounts.

Art. 338. — Limitation.

- (1) Any action of the minor, his representatives or his heirs against the tutor, based on the liability of the latter and relating to acts of the tutorship shall be barred if it is not instituted within five years following the cessation of the functions of the tutor.

- (2) Upon the expiry of the above period, the minor shall retain the right to claim the restitution of his property or to institute an action based on unlawful enrichment.

Chapter 3. Insane Persons and Infirm Persons

Art. 339. — *Definition.*

- (1) An insane person is one who, as a consequence of his being insufficiently developed or as a consequence of a mental disease or of his senility, is not capable to understand the importance of his actions.
- (2) Persons who are feeble-minded, drunkards or habitually intoxicated, and persons who are prodigals shall in appropriate cases be assimilated to insane persons.

Art. 340. — *Infirm persons.*

Deaf-mute, blind persons, and other persons who, as a consequence of a permanent infirmity are not capable to take care of themselves or to administer their property may invoke in their favour the provisions of the law which afford protection to those who are insane.

Section 1. Insane persons and infirm persons who are not interdicted

Art. 341. — *Notorious insanity.* — 1. *An insane person who is an inmate of an institution.*

A person shall be deemed by law to be notoriously insane where by reason of his mental condition, he is an inmate of a hospital or of an institution for insane persons or of a nursing home, for the time for which he remains an inmate.

Art. 342. — 2. *Rural communes.*

In communes of less than two thousand inhabitants, the insanity of a person shall be deemed to be notorious, where the family of that person, or those with whom he lives, keep over him a watch required by his mental condition, and where his liberty of moving about is, for that reason, restricted by those who are around him.

Art. 343. — *Juridical acts of notoriously insane person.* — 1. *Principle.*

- (1) Juridical acts performed by a person at the time and in a place in which his state of insanity was notorious, may be impugned by that person, by his representatives or by his heirs.
- (2) The same shall apply to juridical acts performed by a person where the infirmity which renders such person unfit to take care of himself and to administer his property is apparent.

Art. 344. — 2. Practice.

- (1) Unless the contrary is proved, the consent of such person shall be deemed to be affected by a defect which brings about its nullity.
- (2) The provisions of this Code relating to the annulment of contracts on the ground of error shall apply in such case (Art. 1696-1703).

Art. 345. — Liability incurred. — 1. Principle.

An insane person shall be liable for the damage caused to third parties in good faith by the nullity of contracts they have concluded with him.

Art. 346. — 2. Proof.

- (1) The good faith of third persons shall be presumed, saving proof to the contrary.
- (2) In the case provided in Art. 342 of this Code, a third person shall be deemed to be in bad faith, notwithstanding any proof to the contrary, where he lives in the same commune as the insane person or in an adjacent commune.

Art. 347. — Persons whose insanity is not notorious.

- (1) Juridical acts performed by a person may not be impugned on the grounds of his insanity where his condition is not notorious.
- (2) The insane person may not obtain the annulment of such acts unless he can show that, at the time he performed them, he was not in a condition to give a consent free from defects.

Art. 348. — Heirs and creditors. — 1. Principle.

The heirs and the creditors of a person whose insanity is not notorious may not demand an annulment of an act performed by that person by alleging that, on account of his insanity, he could not give to such act a consent free from defects.

Art. 349. — 2. Exceptions.

- (1) The provisions of Art. 348 shall not apply where the mental infirmity of the person who performed the act results from the contents of the act itself.
- (2) They shall not apply where the interdiction of the person who performed the act has been demanded, notwithstanding that the demand is made after the act in question, unless the person who performed the act dies before the application for interdiction is decided on.

Art. 350. — Extra-contractual liability.

- (1) A notoriously insane person shall be extra-contractually liable as though he were of sound mind (Art. 2027-2161).

- (2) An insane person shall be bound as though he were of sound mind, by obligations resulting from any unlawful enrichment derived by him (Art. 2162-2178).

Section 2. Judicial interdiction

Art. 351. — *Judgment of interdiction.*

- (1) The court may pronounce the interdiction of an insane person where his health and his interest so require.
- (2) The interdiction may also be pronounced in the interest of the presumptive heirs of the insane person.
- (3) It may also be pronounced in the case of a person who is unable through permanent disability to govern himself or to administer his estate (Art. 340).

Art. 352. — *Declaration of notoriety of insanity.*

- (1) Where the court pronounces the interdiction of a person, it may declare that the insanity of such person was publicly known since such date as may be fixed in the judgment.
- (2) The decision mentioned in sub-art. (1) may be given after the judgment of interdiction.
- (3) The date fixed in the judgment may not precede that of the application for interdiction by more than two years.

Art. 353. — *Application for interdiction.*

- (1) An application for interdiction may be made by the insane or infirm person himself, or by his spouse, or by any of his relatives by consanguinity or affinity, or by the public prosecutor.
- (2) The judgment of interdiction may be given before the person whose interdiction is applied for attains his majority.
- (3) It may not be given after the death of the person whose interdiction is applied for.

Art. 354. — *Procedure for interdiction.*

- (1) Before pronouncing the interdiction of a person, the court shall be convinced that such measure is necessary.
- (2) It may not pronounce the interdiction without having seen the person whose interdiction is applied for.
- (3) Where the personal appearance of such person is not possible, the court shall proceed to his examination either by delegating one of its members or by appointing an expert.

Art. 355. — *Appeal.*

The insane or infirm person himself, his spouse, any of his relatives by consanguinity or affinity, or the public prosecutor may enter an appeal against a judgment of interdiction.

Art. 356. — *Register of judicially interdicted persons.*

- (1) A special register kept in the registry of each Teklay Guezat Court shall contain the list of every person, whose interdiction has been judicially declared, residing within the jurisdiction of the court.
- (2) The register shall contain only such details as are necessary to identify such persons and to identify the judgment or judgments relating to the interdiction.
- (3) It may be perused by any interested person.

Art. 357. — *Notice of judgment.*

- (1) The guardian of the interdicted person shall ensure that the judgment of interdiction be brought to the notice of the registry of the court of the province or provinces where the interdicted person resides or is called upon to reside.
- (2) The same shall apply to any judgment modifying the effects of the interdiction.

Art. 358. — *Protection of interdicted person.*

Without prejudice to the provisions of the following Articles, a person who has been judicially interdicted shall be subject in respect of his person and of his property to the same rules of protection as a minor.

Art. 359. — *Guardian and tutor.*

- (1) The guardian and tutor of an interdicted person shall in all cases be appointed by the court.
- (2) No person, other than the spouse, the ascendants and descendants of the interdicted person, shall be bound to retain the functions of guardian or tutor of an interdicted person for more than five years.

Art. 360. — *Family council.* — 1. *Constitution.*

- (1) The provisions of this Title relating to the constitution of the council of the family of a minor shall not apply to an interdicted person.
- (2) The council of the family of an interdicted person shall consist of his ascendants, his brothers and sisters who are of age, his spouse and his descendants who have attained majority.
- (3) Where the number of the members of the family council thus composed is less than four, the court shall make up that number by calling

on the persons, whether related to the interdicted person or not, who take interest in his condition.

Art. 361. — 2. Meeting place.

- (1) The family council shall meet in such place as may be fixed by the court.
- (2) In default of such place, it shall meet in the place where the interdicted person had his or her principal residence on the day the interdiction has been pronounced.

Art. 362. — Residence of interdicted person.

- (1) The guardian of the interdicted person shall ensure that the interdicted person live in the place where his disability has been given the publicity required by law.
- (2) Where the interdicted person changes his residence, his guardian shall ensure that the publicity required by law be made in the place of the new residence.

Art. 363. — Income of interdicted person.

- (1) The income of the interdicted person shall not become the property of his guardian.
- (2) It shall be used mainly for the maintenance and care of the interdicted person.
- (3) The guardian shall render an account of its use.

Art. 364. — Appeal against decisions of the guardian.

Any member of the family council may in all cases appeal to such council against the decisions taken by the guardian of the interdicted person.

Art. 365. — Father and mother of interdicted person.

The provisions which place the tutor of a minor in a privileged position when such tutor is the father or the mother of the minor, shall not apply to the tutor of an interdicted person.

Art. 366. — Leases.

Leases granted by a tutor shall not be binding on the interdicted person for more than three years after the termination of his disability, unless they have been entered into with the authorisation of the family council.

Art. 367. — Donations.

- (1) Donations may be made by the tutor of an interdicted person on behalf of the latter, to the descendants of the interdicted person.
- (2) Such donations shall be of no effect unless they have been authorised by the family council.

Art. 368. — *Will.*

- (1) An interdicted person may not make a will after his interdiction has been declared.
- (2) Any will made by him prior to being interdicted shall be valid.
- (3) The court may invalidate in whole or in part the will made by an interdicted person prior to being interdicted where it is of opinion that the provisions contained in such will are contrary to equity or have been affected by the state of health of the testator.

Art. 369. — *Marriage.*

- (1) A person who has been judicially interdicted may not contract marriage unless he is authorised for that purpose by the court.
- (2) An application to this effect may be made by the interdicted person himself or by his guardian.
- (3) Any interested party may apply to the court to declare the nullity of a marriage which an interdicted person has contracted without having obtained the authorisation of the court.

Art. 370. — *Divorce and disowning.*

- (1) The personal consent of the interdicted person as well as that of his guardian shall be required for requesting a divorce or putting an end to an irregular union.
- (2) The child of an interdicted person may be disowned on the conditions laid down in the Book of this Code relating to Family Relationship (Art. 782-795).

Art. 371. — *Limitation of effects of interdiction. — 1. Principle.*

- (1) The court may, in pronouncing the interdiction or after such decision, limit the effects of the interdiction.
- (2) It may authorise the interdicted person to do certain acts himself.
- (3) It may also decide that the tutor of the interdicted person may not perform certain acts without the concurrence of the interdicted person.

Art. 372. — *2. Effect.*

- (1) The limitations imposed by the court to the powers of the tutor of the interdicted person in accordance with Art. 371 may not be set up against third parties in good faith who have had dealings with the tutor.
- (2) Saving proof to the contrary, the good faith of third parties shall be presumed.

Art. 373. — Nullity of the acts of an interdicted person.

- (1) Acts performed by an interdicted person in excess of his powers may be impugned in the same circumstances as if they had been performed by a minor.
- (2) The court may not uphold the effect of such acts on the ground that they could have been performed by the insane person during a lucid interval.

Art. 374. — Liability of guardian of interdicted person. — 1. Principle.

Where the interdicted person enters into a contract with a third party who, in good faith, is not aware of his disability, the guardian of the interdicted person shall be liable to such third party for the prejudice which the nullity of the act causes to the latter.

Art. 375. — 2. Good faith.

A person shall never be deemed to be in good faith where he has contracted with the interdicted person within a province where his interdiction has been given publicity in terms of the law.

Art. 376. — Liability of Registrar.

- (1) The registrar of the court shall be liable in lieu of the guardian of the interdicted person where the registrar having received notice of the judgment of interdiction, has failed to enter the name of the interdicted person in the special register kept for this purpose.
- (2) The same shall apply where he has refused to make the registrar register accessible to a third person who has had dealings with the interdicted person.

Art. 377. — Withdrawal of interdiction. — 1. Application.

- (1) The disability of the interdicted person shall cease where the withdrawal of the interdiction is pronounced.
- (2) The withdrawal of the interdiction may at any time be applied for to the court by the persons who may apply for the pronouncement of the interdiction, with the exception of the interdicted person himself.
- (3) It may also be applied for by the guardian or tutor of the interdicted person.

Art. 378. — 2. Pronouncement.

The withdrawal of the interdiction shall be pronounced by the court, where it appears that the causes of the interdiction have ceased and that the interdicted person is in a position to conduct himself and to administer his property by himself.

Art. 379. — 3. Effects.

The withdrawal of the interdiction shall have the same effects as the emancipation of a minor.

Chapter 4. Persons interdicted by law**Art. 380. — Definition.**

- (1) A person interdicted by law is one from whom the law withdraws the administration of his property, as a consequence of a criminal sentence passed on him.
- (2) The cases in which a person is to be considered as interdicted by law are determined by penal laws.

Art. 381. — Rules governing interdiction by law.

Without prejudice to the provisions of the following Articles the rules governing the interdiction by law shall be the same as those of judicial interdiction.

Art. 382. — No guardian.

A person interdicted by law has no guardian.

Art. 383. — Tutor. — 1. Appointment.

- (1) The administration of the property of a person interdicted by law shall be entrusted to a tutor appointed by the court.
- (2) The tutor appointed by the court may be replaced at his own request or at the request of the spouse or a relative of the interdicted person or at the request of the public prosecutor.

Art. 384. — 1. Voluntary nature of office.

- (1) The acceptance of the office of tutor of a person interdicted by law is optional.
- (2) A person who has accepted such office may not request to be replaced except for a just reason to the satisfaction of the court.
- (3) His request shall be allowed where he has held such office for five years or more.

Art. 385. — Family council.

The powers conferred on the family council in the case of judicial interdiction shall, in the case of interdiction by law, be exercised by the court.

Art. 386. — Acts performed in the exercise of family rights.

- (1) The person interdicted by law may contract marriage or acknowledge an illegitimate child.
- (2) He may also ask for a divorce or disown a child.
- (3) His tutor may not perform such acts in his name.

Art. 387. — Nullity of acts of interdicted person.

- (1) Juridical acts performed by a person interdicted by law in excess of his powers shall be of no effect.
- (2) The nullity thereof may be required by the interdicted person, the person with whom he has contracted or the public prosecutor, as though the subject matter of the act performed were illicit.

Art. 388. — Termination of interdiction.

The interdiction by law shall come to an end when the person interdicted by law has undergone the punishment for the duration of which the disability was to last.

Chapter 5. Foreigners

Art. 389. — Assimilation to Ethiopians.

- (1) Foreigners shall be fully assimilated to Ethiopian subjects as regards the enjoyment and exercise of civil rights.
- (2) All rights the exercise of which does not imply any participation in the government or administration of the country shall be considered to be civil rights.
- (3) Nothing in this Article shall affect such special conditions as may be prescribed regarding the granting to a foreigner of a permit to work in Ethiopia.

Art. 390. — Restriction regarding ownership of immovable property. —

1. Principle.

No foreigner may own immovable property situate in Ethiopia except in accordance with an Imperial Order.

Art. 391. — 2. Duty to sell.

Any foreigner who is found to own immovable property in good faith but does not hold such immovable property in accordance with an Imperial Order issued under Art. 390 shall be required by the competent authority to dispose of such immovable property to an Ethiopian within a period of six months.

Art. 392. — 3. Penalties.

- (1) Where a foreigner has failed to dispose of such immovable property to an Ethiopian within the period provided in Art. 391, the immovable property shall be seized and sold by the competent authority.
- (2) The proceeds of the sale shall be paid to the foreigner less twenty per cent which shall be deducted as a penalty and with a view to covering the expenses of sale.

- (3) Ten per cent only shall be deducted where the foreigner acquired the immovable property by succession.

Art. 393. — *Rights assimilated to rights in ownership.*

The provisions of Art. 390-392 shall apply where a foreigner acquires rights or usage for a period exceeding fifty years or a like interest terminable on death.

TITLE III. BODIES CORPORATE AND PROPERTY WITH A SPECIFIC DESTINATION Chapter 1. Administrative bodies and the Church

Art. 394. — *The State.*

- (1) The State is regarded by law as a person.
- (2) As such it can have and exercise, through its organs, all the rights which are consistent with its nature.

Art. 395. — *Territorial subdivisions of the State.*

- (1) Teklay Guezats, Awradja Guezats, Woreda and Mektl-Woreda Guezats and urban and rural communes shall also be the subjects of rights.
- (2) As such they can have and exercise, through their organs, all the rights which are vested in them by the administrative laws.

Art. 396. — *Ministries.*

- (1) The ministries of the Imperial Ethiopian Government are the subjects of rights.
- (2) As such they can have and exercise, through their organs, all the rights which are vested in them by the administrative laws.

Art. 397. — *Public administrative authorities and establishments.*

All public administrative authorities, offices or establishments to which personality has been expressly given by the administrative laws are likewise the subjects of rights.

Art. 398. — *Ethiopian Orthodox Church.*

- (1) The Ethiopian Orthodox Church is regarded by law as a person.
- (2) As such it can have and exercise, through its organs, all the rights which are vested in it by the administrative laws.

Art. 399. — *Dioceses, parishes and monasteries.*

Dioceses, parishes and monasteries which form part of the Ethiopian Or-

thodox Church are likewise the subjects of rights under the conditions and within the limits fixed by the administrative laws.

Art. 400. — *Powers and organs.*

- (1) The powers of the bodies referred to in the preceding articles as well as the organs which are authorized to represent such bodies shall be prescribed by administrative laws.
- (2) They may impose on such organs the observance of specified conditions or formalities for the exercise of certain rights.

Art. 401. — *Failure to comply with legal requirements.*

- (1) Acts performed by the bodies referred to in this Chapter in excess of the powers given to them by law or without the observance of the conditions or formalities required by law shall be of no effect.
- (2) The provisions of sub-art. (1) shall apply notwithstanding that nullity is not expressly provided by law in such circumstances.

Art. 402. — *Nullity.*

- (1) The nullity provided for in Art. 401 may be invoked by any interested party.
- (2) It may no longer be invoked after ten years have elapsed from the date when the act was performed.

Art. 403. — *Extra-contractual liability.*

- (1) The bodies referred to in this Chapter shall be liable for any damage arising from the fault or act of their organs or servants in accordance with the provisions of the Title of this Code relating to "Extra-Contractual Liability and Unlawful Enrichment" (Art. 2027-2161).
- (2) They shall in accordance with the provisions of the same Title pay back any unlawful enrichment they have derived (Art. 2162-2178).

Chapter 2. Associations

Art. 404. — *Definition.*

An association is a grouping formed between two or more persons with a view to obtaining a result other than the securing or sharing of profits.

Art. 405. — *Partnerships.*

- (1) Groupings formed with a view to securing or sharing profits shall be subject to the provisions of the Commercial Code relating to partnerships.
- (2) The same shall apply to cooperative and other groupings which tend to satisfy the financial interests of their members by placing them in a position to save money.

Art. 406. — Trade Unions.

- (1) Groupings formed with a view to a defending the financial interests of their members or to representing a particular calling shall be subject to the special laws concerning trade unions.
- (2) In the absence of special laws, they shall be subject to the provisions of this Chapter.

Art. 407. — Groupings of a religious character.

- (1) Churches, religions, associations other than the Ethiopian Orthodox Church shall be subject to the special laws concerning them.
 - (2) Failing such special laws, these groupings shall be deemed to be associations falling under the provisions of this Chapter.
- Section 1. Memorandum of Association and Statutes

Art. 408. — Memorandum of association.

- (1) Associations shall be governed by a memorandum of association agreed to by their founders.
- (2) The provisions of such memorandum shall be supplemented or superseded by those of this Chapter, whenever the memorandum is silent or any of its provisions is contrary to the law.

Art. 409. — Obligation to draw up statutes.

- (1) Notwithstanding any agreement to the contrary, associations shall be provided with statutes whenever any of the associates so requires.
- (2) The request that the association be provided with statutes may also be made by the office of associations of the province where the association carries out its activity.
- (3) An association may be dissolved by the office of associations where it is not provided with statutes within three months after a request to this effect has been made.

Art. 410. — Purpose of statutes.

- (1) The memorandum of association shall lapse when the association is provided with statutes.
- (2) The association shall thereupon be governed by its statutes.
- (3) The provisions of the statutes shall be supplemented or superseded by those of this Chapter, whenever the statutes are silent or any of these provisions is contrary to the law.

Art. 411. — Contents and form of statutes.

- (1) The statutes of the association shall be of no effect unless they mention the name of the association, its object, the place where the association has its head office and the date when they are made.

- (2) They shall be signed by not less than five associates, who shall be known as the founders of the association.

Art. 412. — *Adoption of model statutes.*

- (1) Statutes which conform to a standard model approved by the Ministry of Interior need not be signed.
- (2) In such cases it shall be sufficient that a special act be prepared, making reference to such statutes and signed by not less than two associates.
- (3) Such act shall be of no effect unless it mentions the name of the association, its object, the place where the association has its head office, and the date when it is made.

Art. 413. — *Deposit of statutes.*

The statutes of the association, or the special act making reference to those statutes, shall be deposited within one month with the office of associations of the province where the association has its head office.

Art. 414. — *Communication of statutes.*

- (1) The statutes of the association shall be served without delay on any interested party upon a request addressed to the president of the association.
- (2) The date on which the statutes are served shall be entered on the copy served.
- (3) The prescribed fee may be charged by the association, in addition to the postal expenses arising from service of the statutes, where appropriate.

Section 2. Associates

Art. 415. — *Associates.*

The association consists of its founders and of the members who have joined the association.

Art. 416. — *New members.*

Without prejudice to any provision to the contrary, the association may receive new members.

Art. 417. — *Promise to join an association.*

A promise to join an association shall be of no effect.

Art. 418. — *Equality of associates.*

Without prejudice to any provision to the contrary in the memorandum of association or in the statutes, all associates shall have equal rights.

Art. 419. — *Personal character of the capacity of associate.*

- (1) The capacity of associate is inalienable.
- (2) It shall not pass to the heirs of the associate.
- (3) The provisions of this Article shall apply notwithstanding any provision to the contrary in the memorandum of association or the statutes.

Art. 420. — *Exercise of the rights of an associate. — 1. Representation.*

Without prejudice to any provision to the contrary in the memorandum of association or in the statutes, an associate may not exercise his rights as an associate through a third person.

Art. 421. — *2. Payment of subscriptions.*

An associate may not exercise his rights as an associate unless he has previously paid the subscriptions fallen due which he owes to the association.

Art. 422. — *Subscriptions.*

- (1) Without prejudice to any provision to the contrary, the membership subscription shall be paid during the first quarter of each year.
- (2) An action may only be brought against an associate for the payment of his subscription for the current year and preceding year.

Art. 423. — *Right to withdraw from the association.*

- (1) An associate may at any time withdraw from the association, notwithstanding that it has been constituted for a definite period of time and notwithstanding any provision to the contrary.
- (2) An associate who withdraws from the association shall pay the subscriptions which have fallen due and the subscriptions of the current year.

Art. 424. — *Expulsion of an associate.*

- (1) An associate may be expelled from the association in the cases and in the manner provided for in the memorandum of association or in the statutes.
- (2) In addition to those cases, he may also be expelled from the association for good cause by the general meeting.
- (3) The associate who has been expelled may, within three months after he has been informed of his expulsion, appeal to the court against such decision on the ground that the expulsion is not justified.

Art. 425. — *The association does not represent the associates.*

The associates shall not be liable to third parties as a consequence of the activities of the association.

Section 3. Management

Art. 426. — *Appointment of directors.*

- (1) The association shall be managed by one or more directors, appointed in conformity with the memorandum of association or the statutes.
- (2) Unless otherwise provided, they shall be appointed by the general meeting.

Art. 427. — *Directors must be members.*

Without prejudice to any provision to the contrary, the directors shall be appointed from among the members of the association.

Art. 428. — *Board of management.*

- (1) When there are several directors, they shall form a board of management.
- (2) Without prejudice to any provision to the contrary, the decisions concerning the association shall be taken by the board which shall decide by a majority of its members present or represented.
- (3) Those who do not agree with the decision taken by the majority may require that their dissenting opinion be recorded in a minute.

Art. 429. — *Powers of directors.* — 1. *Law.*

- (1) The directors of an association shall perform all the acts necessary for the management of the association.
- (2) They shall represent the association in judicial and extra-judicial matters.

Art. 430. — 2. *Statutes.*

- (1) The statutes may limit the powers of the directors or regulate the manner in which such powers are to be exercised.
- (2) Their provisions may not be set up against third parties unless the statutes have been deposited in the office of associations or it is proved that the third parties were actually aware of such provisions.

Art. 431. — 3. *Memorandum of association or general meeting.*

- (1) The provisions whereby the memorandum of association or the general meeting of the association, limit the powers of the directors, or regulate the manner in which such powers are to be exercised, may not be set up against third parties unless it is proved that such third persons were actually aware of those provisions.
- (2) They have as their only sanction the responsibility, in relation to the association, of the director or directors who have contravened them.

Art. 432. — *Provisional director.*

If the persons authorised to act on behalf of the association are not available or are impeded, a provisional director shall be appointed by the court on the application of any interested party.

Art. 433. — *Proof of capacity.*

- (1) The persons authorised to act on behalf of the association may require that a document showing their capacity and powers be delivered to them by the office of associations.
- (2) Such document shall specify, where appropriate, the period for which the powers have been given.

Art. 434. — *Liability of directors.*

The directors of an association shall be liable to the association in accordance with the rules relating to agency (Art. 2179-2233).

Art. 435. — *Exclusion from right to vote.*

Notwithstanding any agreement to the contrary, directors may not vote in a general meeting called to approve their accounts or to decide on liabilities incurred by them.

Section 4. General Meeting

Art. 436. — *Character of supreme organ.*

- (1) The general meeting of the associates is the supreme organ of the association.
- (2) It shall decide on all matters concerning the association which do not fall within the jurisdiction of another organ.

Art. 437. — *Appointment and control of directors.*

- (1) Unless otherwise provided, the general meeting shall appoint the directors, control their activity and approve their accounts.
- (2) It may give directions regarding the management of the association.

Art. 438. — *Dismissal of directors.*

- (1) The general meeting may at any time dismiss the directors without prejudice to their right to the remuneration which has been agreed upon.
- (2) This right of dismissal may neither be restricted nor excluded where the directors are dismissed for good cause, in particular where they have committed a serious breach of duties or are unable to manage properly the affairs of the association.

Art. 439. — *Admission and expulsion of members.*

- (1) The general meeting shall decide on the admission of new members, or on the expulsion of members of the association.
- (2) The power to admit or to expel members may not be entrusted to the organs of management except under reservation of ratification by the general meeting.

Art. 440. — *Amendment of statutes. — 1. Principle.*

- (1) Without prejudice to any other provision to the contrary, the general meeting may amend the memorandum of association or the statutes of the association.
- (2) The power to amend the memorandum of association or the statutes may not be conferred on any other person or organ.

Art. 441. — *2. Restriction.*

- (1) The unanimous consent of the associates shall be required where the decision to be taken aims at modifying the object of the association or at giving unequal rights to the associates.
- (2) Privileged rights may not be withdrawn from associates except with the consent of such associates.

Art. 442. — *Convocation. — 1. Principle.*

A general meeting shall be convened by the directors in the cases provided for in the memorandum of association or in the statutes and, in cases of urgency, whenever it is in the interest of the association to do so.

Art. 443. — *2. Right of associates.*

- (1) A general meeting shall be convened whenever such number of associates as is fixed by the statutes asks for its convocation.
- (2) If the statutes are silent in this regard, a general meeting shall be convened if one-fifth of the associates so require in writing and specify the purpose of the meeting.

Art. 444. — *3. Convocation by the court.*

- (1) Where the board of management fails to convene the general meeting whenever it is bound to do so, the general meeting shall be convened by the court on the application of one or more associates.
- (2) In such a case, the court shall make the necessary provisions for the chairmanship of the meeting.

Art. 445. — *4. Procedure and time.*

- (1) The procedure and time of the convocation of a general meeting shall be as provided by the memorandum of association or the statutes.

- (2) Unless otherwise provided, they shall be fixed by the directors in a reasonable manner.

Art. 446. — *Voting at meetings.*

- (1) Decisions of the general meeting shall be taken by a majority of members who are present or represented.
- (2) A decision relating to a point not mentioned in the order of the day shall be of no effect.

Art. 447. — *Equivalence.*

A proposal which has been agreed to in writing by all the associates shall be deemed to amount to a decision of a general meeting.

Art. 448. — *Nullity of decisions of a general meeting. — 1. Action.*

- (1) Notwithstanding any agreement to the contrary, every associate may appeal to the court against decisions of a general meeting to which he has not adhered and which are contrary to the law or the memorandum of association or the statutes.
- (2) The right to appeal to the court shall be barred if not exercised within one month from the day on which the associate knew of the decision.
- (3) An associate shall be deemed to know the decisions taken by a general meeting, where it has been convened without fraud and in accordance with the provisions of the memorandum of association, the statutes or the law.

Art. 449. — *2. Authority of the judgment.*

A judgment which declares the nullity of a decision of a general meeting shall have effect with respect to all persons.

Art. 450. — *Suspension of decisions.*

The court may, on the application of one of the directors of the association or of the office of associations, stay the execution of a decision the annulment of which is demanded.

Section 5. Rights and obligations of the Association

Art. 451. — *Principle.*

- (1) An association is an entity distinct from the persons of whom it is composed.
- (2) The rights and obligations of the association are not rights and obligations of its members.

- (3) The rights and obligations of the members of the association are not rights and obligations of the association.

Art. 452. — Name.

- (1) The name of an association is protected in the same manner as that of a physical person (Art. 45 and 46).
- (2) Such protection shall not be granted by the law unless the statutes of the association have been deposited in the office of associations or the person who has violated the rights of the association has done so knowing what he was doing and in bad faith.

Art. 453. — Residence.

- (1) The association shall have its principal residence at the place where its head office is situate, in accordance with the memorandum of association or the statutes.
- (2) It has secondary residences in any place where it has or occupies premises permanently.

Art. 454. — Capacity. — 1. Principle.

- (1) An association may perform all civil acts which are consistent with its nature.
- (2) It shall perform such acts through its organs of management.

Art. 455. — 2. Law suits.

- (1) An association may sue or be sued.
- (2) For this purpose, it shall be represented by such person or persons as are so authorised by the memorandum of association or the statutes.
- (3) Correspondence may be addressed to and notices may be served on the association or its president without it being necessary to specify the organs qualified for receiving such correspondence or notices.

Art. 456. — Donations and legacies.

- (1) The office of associations may demand to be informed of any donation or legacy made to an association where such donation or legacy exceeds a certain amount.
- (2) In such a case, the association shall inform the office of associations within six months from the day on which it received the donation or legacy.

Art. 457. — Extra-contractual liability of the association.

- (1) An association shall be liable for the acts and omissions of its directors and servants, whenever such acts and omissions have taken place in the execution of the functions which it is their duty to perform and which entail liability.

- (2) An association shall be liable whenever it enriches itself unlawfully.
- (3) The provisions of the Title of this Code relating to "Extra-contractual liability and unlawful enrichment" shall apply in this regard (Art. 2027-2178).

Art. 458. — *Surety for the debts of the association.*

A director who has acted on behalf of an association shall stand joint and several surety for the association, by virtue of the law, whenever the association does not function in conformity with the statutes deposited in the office of associations.

Section 6. Dissolution and liquidation
of an association

Art. 459. — *Dissolution. — 1. Statutes.*

An association shall be dissolved in such cases as are provided for in the memorandum of association or the statutes.

Art. 460. — *2. General meeting.*

Notwithstanding any agreement to the contrary, the general meeting may at any time decide to dissolve the association.

Art. 461. — *3. Court.*

An association shall be dissolved by the court on the application of its board of management, or of one-fifth of the associates, or of the office of associations where :

- (a) as a result of the reduction of the number of associates or for any other cause, it is no longer possible to appoint the members of the board of management or to make the association function in conformity with the memorandum of association or the statutes;
- (b) the object of the association has been attained or it has become impossible to attain it, or a long inactivity shows that the association has ceased to pursue that object;
- (c) the association pursues an object which is different to that which is determined by the memorandum of association or the statutes;
- (d) the association has become insolvent.

Art. 462. — *4. Administrative decision.*

- (1) An association shall be dissolved by the office of associations where its object or activities are unlawful or contrary to morality.
- (2) An appeal from such decision may be made to the Ministry of Interior by any of the directors of the association within one month after it has been made known to the association.

- (3) The court may, pending the decision on the appeal, stay the execution of the decision dissolving the association.

Art. 463. — *State of liquidation.*

- (1) An association shall be in a state of liquidation where it is dissolved in conformity with the law.
- (2) It continues to be deemed to have a personality until the end and for the requirements of such liquidation.

Art. 464. — *Liquidators. — 1. Appointment.*

- (1) Unless otherwise provided by the memorandum of association or the statutes or ordered by the court, an association shall be liquidated by such persons as have been entrusted with its management.
- (2) In default of such persons, the association shall be liquidated by one or more liquidators, appointed by the court.

Art. 465. — *2. Powers.*

- (1) The liquidator has the powers which appertain to the board of management.
- (2) He may not exercise his powers except for the requirements of the liquidation.
- (3) He may not undertake any new transaction.

Art. 466. — *3. Liability.*

- (1) The liquidator shall be liable to the association and to the creditors of the association, for the damage which he causes to them through any mistake which he may make in the exercise of his functions.
- (2) The question of his liability to the association may be raised by any of the associates who has exercised the functions of director of the association during the five years preceding the institution of the action.

Art. 467. — *Devolution of property.*

- (1) The estate of an association which has been dissolved may in no case be partitioned among the associates.
- (2) In default of a provision in the memorandum of association or in the statutes, and unless the general meeting validly destined it for another purpose, such estate shall become the property of the State.
- (3) The general meeting may not decide on the destination of the property if the association is dissolved by the office of associations.

Section 7. Control of associations

Art. 468. — *Office of associations.*

- (1) An office of associations shall be established in the capital of each province in connection with the governorate of such province.

- (2) The office shall exercise supervision over all associations acting within the province.

Art. 469. — *Deposit of statutes.*

The office of associations shall call upon the founders or the persons managing associations, where appropriate, to draw up and to deposit statutes for the association.

Art. 470. — *Register of declared associations.*

- (1) The office of associations shall keep in alphabetical order a register of the associations established in the province and which have been declared to it.
- (2) The directors of an association may appeal to the court against a refusal of registration which is made to them by the office of associations.

Art. 471. — *Progressive number.*

- (1) Every association entered in the register shall be given a progressive number which refers to the file which the office opens for the association.
- (2) Such progressive number shall appear on the statutes and on all the documents making up the correspondence of the association with third parties.

Art. 472. — *File of the association.*

The file of each association entered in the register shall contain:

- (a) the name of the association together with its progressive number; and
- (b) the statutes of the association, and the amendments made to such statutes, together with the date of such statutes or amendments; and
- (c) the name of the directors of the association, or of the persons empowered to represent it; and
- (d) an indication of the secondary residences which the association may have; and
- (e) the decision taken to dissolve the association and the names of the liquidators, where appropriate.

Art. 473. — *General meetings.* — 1. *Convocation.*

- (1) The office of associations shall be informed in due time whenever a general meeting of an association is held.
- (2) It may be represented by an observer at such general meeting.
- (3) It may prescribe any measure it thinks fit to ensure the good functioning of the general meeting as regards in particular the manner and times of convocation, the order of the day and the holding of the meeting.

Art. 474. — 2. Decisions.

The office of associations shall be informed within the month following the holding of the general meeting of all the decisions taken by such meeting which are to be entered in the file of the association kept by the office.

Art. 475. — 3. Annulment of decisions.

- (1) The office of associations may impugn before the court such decisions of the general meeting as are contrary to the law or to the statutes.
- (2) The right to institute such action shall be barred where the action is not instituted within a month from the day when the office of associations has been informed of the decision taken.

Art. 476. — Amendments of statutes.

- (1) Where statutes have been amended, a copy of the amended statutes shall be deposited with the office of associations, within the month following the approval of the amendment by the general meeting.
- (2) Such copy shall bear on the cover the words "Text as amended on ".
- (3) Amendments of the statutes may not be set up against third parties, so long as they have not been declared to the office of associations unless it is proved that the third parties were aware of them.

Art. 477. — Directors of the association.

- (1) The name of the members of the board of management and of the persons empowered to represent the association shall be communicated to the office of associations within the month which follows the appointment of such persons.
- (2) Every modification made to such list shall be communicated within the same period.

Art. 478. — Balance sheet.

- (1) The association shall communicate every year to the office of associations its balance sheet approved by the general meeting.
- (2) The Ministry of Interior may prescribe such rules as it thinks fit with a view to ensuring a good presentation and the truthfulness of such balance sheet.

Art. 479. — Ministry of Interior.

- (1) The Ministry of Interior may prescribe, within the framework of the existing laws, any other measure it thinks fit with a view to placing the offices of associations in a position to exercise an efficient control on the associations.
- (2) Such measures may differ according to the object, the importance and the duration of the association.

- (3) Particular measures may also be prescribed for the associations which have their head office in a foreign country, or which carry on an activity in a foreign country or the majority of whose members are foreigners, or which have a board of management in which one or more members are foreigners.

Art. 480. — *Criminal sanctions. — 1. Declarations to the office.*

The punishments laid down in the Penal Code shall apply where:

- (a) the founders of an association have not deposited the statutes thereof at the office of associations within the period provided by the law; or
- (b) the directors of an association have contravened the provisions of this Chapter relating to the declarations to be made to or documents to be deposited in the office of associations.

Art. 481. — *Infringements of various provisions of the law.*

The punishments laid down in the Penal Code shall apply where:

- (a) the progressive number of an association has not appeared on the statutes or on a document of correspondence with third persons;
- (b) the statutes of an association have not been communicated according to the law to an interested person on a request of the latter.

Art. 482. — *3. Association declared illegal.*

- (1) The directors of an association dissolved by the office of associations who continue to carry on an activity in their said capacity shall be liable to the punishments laid down in the Penal Code.
- (2) The members of an association who have continued to take part in its activities being aware of its illegal character shall be liable to the punishments laid down in the Penal Code.

Chapter 3. Property with a specific destination

Section 1. Endowments

Art. 483. — *Definition.*

An act of endowment is an act whereby a person destines certain property irrevocably and perpetually to a specific object of general interest other than the securing of profits.

Art. 484. — *Forms.*

- (1) An endowment may be constituted either by a donation or by a will.
- (2) Its constitution shall be subject, as regards its form and its substance, to the rules relating to donations or wills.

Art. 485. — *Administrative approval necessary.*

- (1) An endowment shall not be definitively constituted unless it has been approved by the Ministry of Interior.
- (2) Before making its decision, the Ministry of Interior may take where appropriate the advice of other ministries which have an interest in the endowment.

Art. 486. — *Application for approval. — 1. During lifetime of founder.*

The approval of the act of endowment may not be sought during the lifetime of the founder, except by the founder himself or his representative.

Art. 487. — *2. After his death.*

- (1) After the death of the founder, it shall be sought by the person to whom the founder has entrusted such task and who has accepted it.
- (2) In default of such person, it shall be sought by those persons who have drawn up the act of endowment or who have been witnesses to it or who hold that act in deposit.
- (3) Where the persons who are bound to seek the approval of the act fail to do so, the approval of the act of endowment may be sought, three months after the death of its author, by the public prosecutor or by any interested party.

Art. 488. — *Revocation of act of endowment.*

- (1) The author of an act of endowment may revoke it freely so long as he has not obtained the approval of such act by the Ministry of Interior.
- (2) The heirs of the founder may only exercise such right of revocation where the endowment has not been approved by the Ministry of Interior within two years from an application having been made to such Ministry with a view to obtaining its approval.

Art. 489. — *Retroactivity of approval.*

- (1) The administrative decision approving the endowment shall have retroactive effect from the day of the application for the approval if such application has been made by the founder.
- (2) It shall have retroactive effect from the day of the death of the founder if the approval has been sought after the death of the founder.
- (3) Such retroactivity may not, however, be prejudicial to those persons who, in good faith, have acquired rights on the property of the endowment before such endowment has been approved.

Art. 490. — *Protection and control of endowment.*

- (1) The act by which the endowment is approved shall determine the organism which is to be responsible for the protection and control of the endowment.
- (2) If no organism is designated for this purpose in that act, the protection and control of the endowment shall be ensured by the office of associations of the province where the endowment has its seat.

Art. 491. — *Statutes of endowment.* — 1. *Role.*

An endowment shall be governed by statutes, in conformity with which it shall be organized and administered.

Art. 492. — 2. *Contents.*

The statutes shall mention in particular the name of the endowment, its object and the place where it has its seat.

Art. 493. — 3. *Drawing up.*

- (1) The statutes of an endowment may be drawn up by the founder.
- (2) Failing such, they shall be drawn up by the Ministry of Interior, or by the organism for protection and control given to the endowment by such Ministry.
- (3) Any interested party may within three years apply to the court to amend the statutes, if these are contrary to the act of endowment.

Art. 494. — *Management.*

- (1) The endowment shall be managed in conformity with its statutes by one or more directors.
- (2) The provisions of this Title relating to the directors of associations (Art. 428-435) shall apply to the directors of endowments.

Art. 495. — *Committee of management.*

- (1) A committee of management constituted in terms of the statutes of the endowment is the supreme organ of the endowment.
- (2) The organism for the protection and control of the endowment shall be represented on such committee of management.

Art. 496. — *Functions of committee of management.*

- (1) The committee of management shall decide on all the affairs of the endowment which do not fall within the sphere of another organ.
- (2) In particular, it shall appoint and dismiss the directors, control their activity and approve their accounts.

Art. 497. — *Amendments of statutes.* — 1. *Principle.*

Amendments of the statutes of the endowment, decided upon by the com-

mittee of management, shall be of no effect until they have been approved by the organism for the protection and control of the endowment.

Art. 498. — 2. *Prohibition by founder.*

- (1) The author of the act of endowment may, by an explicit provision, prohibit certain amendments of the statutes of the endowment.
- (2) The person appointed by him or the heirs of the founder may apply to the court to declare that the endowment has lapsed, if the statutes are amended against the will of the founder thus expressed.
- (3) The right provided in sub-art. (2) may no longer be exercised if three years have elapsed since the date of the amendments of the statutes or thirty years since the death of the founder.

Art. 499. — *Meetings of committee.*

- (1) The committee of management shall meet on such dates as are fixed by the statutes.
- (2) It is convened by the directors in urgent cases whenever the interest of the endowment requires it.

Art. 500. — *Decisions of committee.*

- (1) The decisions of the committee of management shall be taken by an absolute majority.
- (2) The organism for the protection and control of the endowment may apply to the court to declare the annulment of such decisions or to stay their execution.

Art. 501. — *Rights and obligations of endowment.*

- (1) The provisions of this Title relating to the name, residence and capacity of associations shall apply to endowments (Art. 452-457).
- (2) An endowment may accept donations or legacies with the authorisation of the organism for its protection and control.

Art. 502. — *Rights of beneficiaries of endowment.*

- (1) The persons in whose favour the endowment is constituted may take legal action to enforce their rights against the endowment.
- (2) If the persons interested are not sufficiently determined by the statutes, the directors of the endowment shall determine them according to their equitable discretion.

Art. 503. — *Termination of endowment.* — 1. *Statutes.*

The endowment shall terminate in such cases as are determined by the statutes.

Art. 504. — 2. *Other cases.*

The endowment is declared terminated by the court on the application of the organism for its protection and control or the public prosecutor where:

- (a) its object has been attained or it has become impossible to be attained;
- (b) such object has become illicit or contrary to morality;
- (c) the endowment pursues an object which is different to that determined by the statutes;
- (d) the endowment has become insolvent.

Art. 505. — *Amalgamation of several endowments.*

- (1) The court may on the application of the Ministry of Interior authorise the amalgamation of two or more endowments with a view to co-ordinating their activities, if such amalgamation is desirable in the general interest.
- (2) The application to this effect may be made to the court by the organism for the protection and control, if such organism is common to the interested endowments.
- (3) New statutes shall be given to the new endowment which is thus formed.

Art. 506. — *Liquidation and control.*

- (1) The provisions of this Title relating to the liquidation of associations shall apply to the liquidation of endowments (Art. 463-467).
- (2) The provisions of this Title relating to the control of associations shall apply to the control of endowments (Art. 468-482).
- (3) The functions exercised by the office of associations shall be exercised by the organism for the protection and control of the endowment where such an organism has been established.

Section 2. Committees

Art. 507. — *Need of authorisation.*

- (1) Committees having the object of collecting money or other property in aid of public collections, fairs or activities of the same nature, in favour of a specific philanthropic work or work of general interest, may not exercise their activity unless they have been authorised in that behalf by the Ministry of Interior, where such activity is to be carried out on a national scale, or by the governor of the province concerned, where such activity is to be carried out on a provincial or local scale.

- (2) Whosoever organizes public collections or solicits donations or funds from the public without having received such authorisation, shall be liable to the punishments laid down in the Penal Code.

Art. 508. — *Organization of committee.*

- (1) The decision granting the authorisation shall specify the persons who constitute the committee.
- (2) It shall specify the purpose and the seat of the committee and the time within which it has to achieve its purpose.
- (3) It shall determine where appropriate the manner in which the action of the committee may be exercised and prescribe such measures as are necessary to control the amount and the use of the monies collected by the committee.

Art. 509. — *Donations and subscriptions.*

- (1) The committee may receive donations and subscriptions.
- (2) The president of the committee may take action against subscribers for the purpose of attaining the fulfilment of their promises.

Art. 510. — *Liability of members.*

- (1) The members of a committee shall be personally and jointly and severally liable for its activities and its management.
- (2) Any donor or subscriber or the public prosecutor may raise the question of their liability.

Art. 511. — *Termination of committee.*

A committee shall cease to exist upon the expiry of the prescribed time or when it has achieved its purpose or when it has itself decided to dissolve.

Art. 512. — *Dissolution of committee.*

A committee may be dissolved by the authority which authorised it to carry out its activities where:

- (a) it deviates from its purpose;
- (b) the achievement of its purpose has become impossible or it has become clear in any manner that it has been abandoned.

Art. 513. — *Liquidation.* — 1. *Insufficient property.*

- (1) Where the property collected by the committee is insufficient to attain the object which the committee proposed to achieve, or where that object comes to appear impossible, such property shall have the destination prescribed by the decision which has authorised the committee.

- (2) In default of a provision to that effect, the property shall be placed at the disposal of the administration which shall destine it for some work of charity.
- (3) The persons who have given property to the committee may not take it back unless they have expressly reserved the right to do so.

Art. 514. — 2. *Balance.*

- (1) Where the property collected by the committee amounts to more than is necessary for the attainment of the proposed purpose, the balance shall have the destination prescribed by the decision authorising the committee.
- (2) In default of a provision to that effect, it shall be placed at the disposal of the administration which shall destine it for some work of charity.
- (3) The persons who have given property to the committee may not take it back.

Art. 515. — *Change into an endowment.*

- (1) Where under the statutes the property collected by the committee is to be destined to a specific lasting object, an endowment shall be constituted for the attainment of such object.
- (2) The rules relating to endowments shall apply in such case (Art. 483-506).

Section 3. Trusts

Art. 516. -- *Definition.*

A trust is an institution by virtue of which specific property is constituted in an autonomous entity to be administered by a person, the trustee, in accordance with the instructions given by the person constituting the trust.

Art. 517. — *Form.*

- (1) A trust may be constituted by a donation 'inter vivos' or by a will.
- (2) Its constitution shall be subject, as regards the form and substance, to the rules relating to donations or wills.
- (3) An express provision in the donation or will is necessary for the constitution of the trust.

Art. 518. — *Beneficiary of trust.*

A trust may be constituted for the benefit of any person, action or idea, provided it does not offend public order or morals.

Art. 519. — *Number of trustees.*

- (1) The trust may be administered by one or more trustees, but the number of trustees may not exceed four.
- (2) Where more than four trustees have been appointed, the first four alone shall exercise such functions.
- (3) The other persons designated as trustees shall replace in the order in which they are designated the trustees, where they refuse to exercise their functions, die, or are incapacitated.

Art. 520. — *Appointment of trustee.*

- (1) The trustee may be appointed by the person constituting the trust, or by the person designated by him, or, in default of such person, by the court.
- (2) Where the trustee so appointed refuses his office, dies or is incapacitated, a new trustee shall be appointed by the person on whom such power has been conferred by the person constituting the trust, or in default of any such person, by the court.

Art. 521. — *Resignation of trustee.*

- (1) A trustee may resign his office if he has a good reason to do so, or if he has exercised his functions for ten years.
- (2) He shall remain liable for the administration of the trust until such liability passes to another trustee appointed either before or after his resignation.

Art. 522. — *Dismissal of trustee.*

The court may, on the application of the person constituting the trust or of a person designated by him, or of one of the trustees or of a beneficiary of the trust, revoke the appointment of a trustee, if there is a just reason for so doing, and replace such trustee by a new trustee whom it shall appoint.

Art. 523. — *Proof of trusteeship.*

- (1) A trustee may obtain from the court a document showing his capacity and his powers.
- (2) Such document shall specify where appropriate the period for which the powers have been granted to him.

Art. 524. — *Several trustees.*

- (1) Where there are several trustees, the decisions relating to the administration of the trust shall be taken, without prejudice to any provision to the contrary, by agreement between them.
- (2) In case of disagreement, the opinion of the majority shall prevail.

- (3) Those who are not in favour of a decision taken by the majority may require that their dissenting opinion be recorded in a minute.

Art. 525. — Administration of trust.

- (1) The trustee shall administer the trust like a prudent and cautious businessman.
- (2) He shall avoid mixing the property forming the object of the trust with his own property.
- (3) He shall take all necessary measures appropriate to this purpose.

Art. 526. — Judicial representation of trust.

- (1) The trustee shall represent the trust in judicial proceedings.
- (2) He is sued in his capacity as trustee by those persons who claim to have an interest on the property constituted in trust.

Art. 527. — Powers of trustee.

- (1) The powers of the trustee on the property which form the object of the trust are those of an owner.
- (2) He may not, however, alienate immovable property except with the authorisation of the court, without prejudice to any provision to the contrary in the act of constitution of the trust.
- (3) In no case may the trustee alienate the property by a gratuitous title.

Art. 528. — Directions of person constituting the trust. — 1. Principle.

- (1) The trustee shall conform with the express instructions which he has received from the person constituting the trust.
- (2) Where the interest of the beneficiary of the trust so requires, the trustee may and shall obtain an authorisation from the court to depart from such instructions.

Art. 529. — 2. Sanction.

- (1) The provisions whereby the act of constitution of a trust limits the powers of the trustee, or regulates the manner in which such powers must be exercised, may not be set up against third parties unless it is proved that such third parties were or should have been aware of such provisions.
- (2) They have as their only sanction the liability of the trustee who has infringed them.
- (3) The court may relieve in whole or in part the trustee from such liability where it is of opinion that the trustee has in good faith acted or believed to act in the interest of the trust and that such belief was reasonable.

Art. 530. — *Replacement of property.*

The property acquired by the trustee in substitution for property alienated by him or with the income of the property which forms the object of the trust shall replace or form an addition to the latter property.

Art. 531. — *No personal benefit.*

The trustee may not draw any personal benefit from the trust, apart from the advantages which are expressly granted to him by the act of constitution of the trust.

Art. 532. — *Indemnity.*

The trustee is entitled to be indemnified for all the expenses and obligations arising out of the administration of the trust.

Art. 533. — *Liability of trustee.*

The trustee shall be liable for the good management of the trust, in accordance with the provisions relating to agency, to the beneficiaries of the trust and to the persons who are to receive the property at the termination of the trust.

Art. 534. — *Rendering of accounts.* — 1. *To whom it is made.*

- (1) The trustee shall render an account of his administration and of the actual state of the property forming the object of the trust, to the person appointed in the act of constitution of the trust.
- (2) In default of such person, he shall render an account to any person who has an interest therein in accordance with the act of constitution of the trust or to the person who replaces him in the office of trustee.

Art. 535. — 2. *When.*

- (1) Unless otherwise prescribed by the act of constitution of the trust, such rendering of accounts shall take place every year during the month determined by the trustee at the beginning of his management.
- (2) The court may for good cause authorise an interested party to ask for the accounts at an intermediate time, or authorise the trustee to retard or modify the date fixed for the rendering of the accounts.

Art. 536. — *Creditors of trustee.*

The creditors of the trustee have no right whatsoever on the property forming the object of the trust.

Art. 537. — *Creditors of the trust.*

- (1) Those persons with whom the trustee has entered into an agreement

relating to the property constituted in trust may enforce their right on all the property forming the object of the trust.

- (2) The trustee shall not be liable to them unless he has expressly bound himself or in accordance with the provisions of the Title relating to "Representation" of this Code (Art. 2179-2198).

Art. 538. — Rights of beneficiary. — 1. In relation to the trustee.

- (1) The beneficiary may claim from the trustee the making over of the profits which, according to the act of constitution of the trust, are to accrue in his favour.
- (2) Where his rights are jeopardised, he may apply to the court to dismiss the trustee or to compel him to give appropriate guarantees.

Art. 539. — 2. On the property of the trust.

- (1) The beneficiary of the trust has no right to dispose of or to administer the property forming the object of the trust.
- (2) In relation to such property, he may only do those acts which preserve his rights, such as the interruption of a prescription.
- (3) He may also make publications with a view to informing third parties or certain third parties of the fact that certain property form the object of the trust.

Art. 540. — Creditors of beneficiary. — 1. Principle.

- (1) The person constituting a trust may declare that the income of the trust shall not be attached in the hands of the trustee by the creditors of the beneficiary of the trust.
- (2) Where the income has been declared not liable to attachment it may not even be validly transferred or subjected to obligations by the beneficiary of the trust.

Art. 541. — 2. Power of the court.

The court may, however, on the application of the beneficiary of the trust or of one of his creditors, authorise the attachment or the assignment of the income in the cases provided in Article 540, if such is the interest of the beneficiary of the trust or if the claim which is brought forward is in relation to a criminal offence or to a fraud for which the beneficiary of the trust is responsible.

Art. 542. — Termination of the trust. — 1. Normal case.

A trust shall terminate on the expiry of the period fixed by the person constituting the trust.

Art. 543. — 2. Power of the court.

- (1) The court may at any time on the application of the beneficiary of the trust, declare the termination of the trust where it thinks fit in the circumstances of the case.
- (2) The trustee shall be heard during the proceedings.
- (3) The person constituting the trust may, by an express provision, prohibit that this power be made use of.

Art. 544. — Liquidation of the trust.

At the termination of the trust, the property which formed its object, together with the documents which are required to prove the ownership of such property and to justify the administration of the trustee, shall be handed over by the trustee to the persons who are entitled to it in terms of the act of constitution of the trust.

Chapter 4. Foreign bodies corporate and property with a specific destination

Art. 545. — Bodies corporate.

- (1) Bodies corporate whose head office is situate in a foreign country and which wish to carry out activities in Ethiopia shall apply for an authorisation to the office of associations in Addis Ababa. A copy of the articles of association shall be attached to the application.
- (2) The office of associations may refuse to grant the authorisation applied for where the proposed activities are contrary to the law or morals. The office of associations may, before making its decision, consult the Ministry concerned with the proposed activities.
- (3) No foreign body corporate may carry out activities nor recruit members in Ethiopia for so long as the authorisation has not been granted by the office of associations.

Art. 546. — Property with a specific destination.

- (1) Endowments, trusts and committees constituted in a foreign country may not carry out any activity in Ethiopia for so long as they have not been granted the necessary approval by the Ministry of Interior.
- (2) The Ministry of Interior may refuse its approval where the proposed activity is contrary to the law or morals. The Ministry of Interior may, before making its decision, consult the Ministry concerned with the proposed activity.

Art. 547. — Effect of authorisation or approval.

- (1) Bodies corporates which have been granted the authorisation specified

in Art. 545 and endowments, trusts or committees approved under Art. 546 shall be fully assimilated as regards the enjoyment and exercise of civil rights, to bodies corporate, endowments, trusts or committees established in Ethiopia.

- (2) They shall be deemed to enjoy such nationality as is recognized to them in the State where their head office is situate.

Art. 548. — *Restriction.*

- (1) The carrying out of regular activities in Ethiopia by foreign bodies corporate, endowments, trusts or committees or certain classes of the same may be prohibited or regulated by the Ministry of Interior.
- (2) The restrictions imposed upon foreign physical persons with regard to ownership of immovable property in Ethiopia shall apply to foreign bodies corporate, endowments, trusts and committees.

Art. 549. — *Revocation of authorisation or approval.*

- (1) Any authorisation granted under Art. 545 and any approval given under Art. 546 may at any time be revoked for good cause by the office of associations or the Ministry of Interior, as the case may be.
- (2) An application to set aside such decision may be made to the court by any of the directors of the body corporate, endowment or committee concerned or any of the trustees within one month from the day on which he was informed of the revocation.
- (3) The court may stay the execution of the order of revocation until the application is decided on.

BOOK II. FAMILY AND SUCCESSIONS
TITLE IV. BONDS OF RELATIONSHIP
BY CONSANGUINITY AND BY AFFINITY
Chapter 1. Relationship by consanguinity and by
affinity in general

Art. 550. — *Natural relationship.*

- (1) Bonds of natural relationship derive from community of blood.
- (2) A bond of relationship by consanguinity exists, in the direct line, between ascendants and descendants.
- (3) In the collateral line, it exists between persons who descend from one or more common ascendants.

Art. 551. — *Degree of relationship by consanguinity.*

- (1) The degree of relationship by consanguinity in the collateral line shall be calculated by counting seven generations in each line from the common ancestor,