

LAWS

in the Name of the People, The Presidency of the Republic

According to what have been decided by the National Assembly and in accordance with the provisions of Article (53) of the Constitution, we Issued the following Law:

Law No. (27) of 1995

For the Ports

Article One :

Firstly : The Minister, Minister of Transportation and Communications.

Secondly : The Establishment - The General Establishment of Iraqi Ports.

Thirdly : Director General the DG of the establishment.

Fourthly : The port - The region which is the Navy ships and vessels refuging and coming and going thereto and usually, to ship the goods or their unloading or the ascending or descending of the persons and the carrying out of the official transactions concerning this matter.

Fifthly : The Haven - The Region of the ships and boats anchoring for defined purposes like waiting - shipping, unloading or the reformation. or to carry out other works.

Sixthly : Wharf - It is a part of port or the Haven components specialized for the anchoring of the ships and vessels near it.

Seventhly : Goods - All Kinds of Industrial, agricultural, oil goods and products and the raw materials and Crudes Including the Crude oil, Gas, and animals.

Eighthly : Handing over - The transformation of goods from the wharfs and thereto and inside the warehouses, stores and squares and outside them or their accumulating within the port limits and then their shipping from their place according to the Instructions issued by the Establishment.

Ninthly : Internal waters - The waters which are

defined by virtue of the Iraqi resolutions, and the International treaties and agreements approved thereon by Iraq.

Tenthly : The ship - Is the floating unit prepared or specialized for the sea navigation as usual and the accessories of the ship required thereto as a part thereof.

Eleventhly : The boat - Is the floating unit working as usual or prepared for, the working in the Internal waters like boats and vessels working with a physical effort or automatic effort or the embankments pulled or pushed.

Twelvethly : Guidance - The navigational guidance of the ship to the place of its' anchoring or its discharging from the port or the Haven by a guide.

Thirteenthly : Registering : Is the Record of the Information concerning the ships or the vessels or what come thereon of legal procedures in vessels register specialized for this purpose by virtue of the legislations in force and the Issuance of the certificates concerning this Issue.

Fourteenthly: Detection - The carrying out of the observation on the ships and vessels to confirm their competency and efficacy to work and the Issuance of the certificates concerning this Issue.

Article - 2 -

The provisions of this law shall be valid on all the civil ports and Havens and their nearby regions and the Internal waters.

Article - 3 -

The land and sea Boundaries for each port or a haven or the region attached thereto shall be demarcated by a resolution from Council of Ministers according to a proposal by the Minister and with the coordination of the authorities concerned.

Article - 4 -

The establishment shall undertake the man-

LAWS

signs, the navigative forms, the help and ament and organization of the ports and the issuance of the required resolutions to operate and develop, them and to Improve their conditions with the coordination of the authorities concerned and to carry out thereof which they should do the following:-

Firstly : Putting the rules required to operate the ports and Havens according to the modern systems and styles and putting the Instructions concerning this Issue.

Secondly : Providing the services and requirements concerning the work of ports and Havens.

Thirdly : Building the wharfs and the shipping Docks and their exploitation and maintenance.

Fourthly : Purchasing or renting or borrowing any ship or boat to use it or exploit it for the ports and Havens services and works by virtue of the laws inforce.

Fifthly : The supervising over the entering of the ships and vessels to the ports or havens as well as their departure and the control over their movement.

Article - 5 -

The Director General shall undertake the management of the establishment of the establishment and the implementing of their issues in the limits of the competences authorized to him by virtue of the provisions of this Law or any other legislations and he may issue the required instructions provided that they must be harmonized with the provisions of the valid laws and the marine agreements approved thereupon and the regulations of national and International quarantine and the rules- procedures and practices approved in general and the instructions shall contain as follows:

Firstly : Defining the procedure required to maintain the safety of ports, havens, their utilities, docks, and passages leading thereto.

Secondly : Defining the procedures concerning the water environment care, the prevention of pollution, its reduction and control there-up, on (and especially, emanated from ships

and vessels), and maintaining the cleanliness of ports and havens.

Thirdly - Defining the procedures, arrangements and works concerning the wharfs, ceilings, the goods handing over and the performing of storing jobs for different kinds of goods and the states of their reduction, damage and destruction

Fourthly - Organizing the using of exporters, importers and those working with them to the utilities, equipments and the possessions of ports and havens and allowing them to practice their activity within the Boundaries of ports and havens.

Fifthly - Defining the times, appointments, styles, conditions and procedunes permitted thereby for the ships, vessels of different kinds to enter the ports and havens and the other anchorage places or their departure, or the transforming therein or crossing or overcoming the water passages subject to the works drilling or expanding or the crossing of navigational outlets of bridges and systems.

Sixthly - Organizing the operations of guidance and the guide tasks by virtue of rules, procedures and practices accepted generally.

Sevently : Organizing the ways of communicating the ships, vessels and getting therefrom or their agent about information and date concerning them required to fix the dates of their movements and facilitating their entry to ports and havens, the anchoring therein and their departure, incident, and the judicature shall undertake on necessity the investigatin in the reasons and the conditions of these marine incidents.

Eighthly : Defining procedures that must be followed at the leaning or sinking or clashing of ships and vessels or breaking of fire therein or any other marine incident and the judicature shall undertake on necessity the investigation in the reasons and conditions of these marine incidents

Ninthly : Organizing the using of lights, guides,

and ebb the fog signs, marks signs and lights of observing and controlling the movement of ships and vessels passing and the signs of allowing the entry to the ports and havens and the opening and closing of bridges and systems by virtue of International rules.

Tenthly : Defining the technical conditions and details concerning the using of vessels and boats for the horns, bells, whistles, loud speakers, the compounded audial systems, and the telecommunications equipments according to the International rules.

Eleventhly : Registering the vessels and boats by virtue of the Law of Ships Registration No. (19) of 1992 or any other law replaces and the issuance of the concerned certificates and documents.

Twelvethly : Putting the required procedures to inspect the vessels coming into the Iraqi ports and havens to be sure of their meeting the Soundness and safety conditions and auditing their documents and certificates of their workers, and the inspection of boats for the same purpose.

Thirteenthly : Putting the procedures of testing inspection and the detection on vessels and boats and issuing the certificates in this respect.

Fourteenthly : Defining the conditions of practising the profession for the crews of boats, hunters, divers and others who wish to work in the sea whom their affairs didnt regulate by other laws concerning them.

Fifteenthly : Carrying out the processes of extricating and floating the drowned and ruins and the searching for the fallenthings in water.

Article - 6 -

Firstly : Each harbour shall be managed by a director connected with the director general and be responsible toward him and shall be authorized the competences required to manage the harbour. (Port).

Secondly : The director of each harbour may communicate with the authorities concerned of the harbour work to take their opinion concerning the solving of the problems facing the harbour works and within the limits of its competences with due regard of the provisions of valid laws.

Article - 7 -

The provisions of Transport Law No. (80) of 1983 shall be valid on the operations of shipment and unloading of the goods in the harbours and havens.

Article - 8 -

Firstly - The director general and within the limits of harbour or haven may impose a fine on those contravening the provisions of this Law and the instructions issued by its virtue not exceeding 5000 Dinars to be collected from the foreign ships by the convertible currency, and from the Iraqi vessels with the Iraqi currency, and shall be registered as a revenue for the establishment and in case of repetition the contravention, a fine not exceeding 10000 Dinars shall be imposed and collected by the same way.

Secondly : The resolution of imposing the fine shall not violate the right of the contravener to object it before the judicature nor with the right of the establishment of claiming the compensation caused by the contravention.

Article - 9 -

The wages, returns and the substitutes of the harbour and havens services shall be defined under the consent of the Minister according to the proposal of the director general

Article - 10 -

The Minister may issue the instructions to facilitate the execution of the provisions of this Law.

Article - 11 -

The announcement of Al-Basrah port of 1919 and the Announcement of the ships sailing in the internal waters of 1919 shall be abrogated.

Article - 12 -

This law shall come into force after elapsing 180 days from the date of its publication in the Official Gazette.

Made at Baghdad this the thirteenth day of Jumada Al- Akhirah of 1416 Hijra corresponding the sixth day of November 1995 A.D.

Saddam Hussain

President of the Republic

(Published in the Alwaqaf Aliraqiya (Ar. Edit.,) No. (3590) of 20-11-1995).