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2. BASIC FISHERIES LEGISLATION

Law N° 48 of 1976 for regulating and exploitation of aquatic life and its protection

CHAPTER ONE - BREEDING AND PROTECTION OF AQUATIC LIFE

Article 1. - The following shall be interdicted categorically:

- (1) The use of mass destruction methods for fishing aquatic life, such as poisons, explosive and chemical materials as well as electrical energy. Aquatic life shall mean the animals and plants living in public waters and of nutritive or commercial or scientific value or can be utilized by aquatics of economic value.
- (2) The use of fishing means and gear which may harm the eggs and frys which shall be specified by a proclamation issued by the State Fisheries Company and published in the Official Gazette.
- (3) To throw factory and laboratory wastes, sewerage, chemicals and petroleum in public waters if such are deteriorous to aquatic life.
- (4) To alter the course of flowing waters for the purpose of fishing.
- (5) To use certain gear which may close up water flow entirely.

Article 2. - (1) The State Fisheries Company shall undertake the following by means of a proclamation to be published in the Official Gazette and local administrations:

- (a) Determine closed seasons.
 - (b) Determine prohibited areas.
 - (c) Determine the type of fishing gears and its measurements.
 - (d) Determine the minimum size of fish to be caught.
 - (e) Determine the location where fish screen or fish ladders should be installed.
 - (f) To force owners of pumps installed on public waters to take necessary measures to prevent fish frys from going through.
- (2) The Company shall be exempted from the provisions of this Article for scientific purposes.
- (3) The Company may exempt certain scientific agencies from the provision of this Article or some of its Paras, in case of necessity according to the scientific research program submitted thereto.

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Article 3. - The owners of factories, laboratories and places of industrialization and dealing with chemical and petrochemical materials, petroleum pipes, sewerage and the like, should not draw off the waste containing poisonous materials to public waters except after removal of poisonous effect in cooperation with the Company.

Article 4. - The Company shall undertake breeding of aquatic life in public waters. Public waters shall mean inland waters including rivers, lakes, Hors, reservoirs, fish farms, temporary and permanent marshes, drains, irrigation canals, ponds, connected bays and streams as well as territorial waters and the Hors, marshesponds and bays branched therefrom.

Article 5. - The Minister of Agriculture and Agrarian Reform may, pursuant to a recommendation of Company, hire or designate any area of public waters to the public sector or cooperative or mixed sector for a limited period for the purpose of pisculture if its product of aquatic life is uneconomical with due regard to the following:

1. The necessity of application of the technical instructions issued by the Company.
2. Priority in the cooperative sector shall be given to the cooperative societies of fishermen which enjoy material and technical efficiency.

Article 6. - (1) The Company may establish farms and ponds for the production and breeding of aquatic life on economical and scientific basis and for commercial and experimental purposes.

(2) Farms and ponds for breeding aquatic life may be established within the limits of the due portion of waters entitled to the lands with due regard to the following:

- (a) Obtaining of a licence from the Company.
- (b) The licensee should apply the technical instructions issued by the Company.

Article 7. - The Company shall have the right of production and importation and breeding improved categories of aquatic life and sale it to the public or cooperative or mixed or special sectors which are licenced for breeding aquatic life, it may import and breed and sale ornamental fish.

Article 8. - (1) The Company should establish certain centres for applied researches and training for breeding and increasing of aquatic life, it may render assistance to the public, cooperative, mixed and special sectors in this regard.

(2) The Company should render guidance services to the parties which are dealing with breeding of aquatic life when necessary free of charge.

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CHAPTER TWO - ORGANIZING OF FISHING

Article 9. - Fishing in the territorial waters of the Arab Gulf shall be governed by a ~~special~~ regulation to be promulgated within one year from the date of ~~promulgation~~ of this Law.

Fishing shall mean catching of aquatic life from the public waters by any means ~~and for~~ any purpose.

Article 10. - The Company shall have the right of fishing in public and international waters.

Article 11. - (1) Every fishing boat should obtain a licence to be given to its owner in which the minimum and maximum number of fishermen shall be fixed, a number of juveniles may work on the boat who should not exceed one third of the fishermen working thereon for the purpose of training them on fishing profession with due regard to the Regulation N° (37) of 1972 for the Employment and Regulating of Juveniles Work.

A fishing boat shall mean any floating body with fishing supplies and fishing gear used in public or international waters whatever means used for its motion. It is provided that granting this licence shall be according to the following conditions:

- (a) The owner of the boat should obtain a navigation licence if such be deemed necessary according to the laws in force.
- (b) The fishing boat should be in a suitable condition according to the conditions decided by the Company.

(2) Numbering the boat by a registration number.

(3) The licence should be kept in the fishing boat and should be presented to the competent official when so required.

(4) The above mentioned shall not be considered as exception from the Registration of Vessels Law N° (19) of 1942 in case of fulfilment of its conditions in the same boat.

Article 12. - (1) Every professional fisherman shall be subject to obtain a personal fishing licence, a professional fisherman shall mean any person of full legal age practising fishing.

(2) The Company may limit the number of the licences in any public waters area.

(3) Fishing of amateurs and establishment of fishing clubs shall be according to certain instructions to be issued by the Minister.

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Article 13. - The Company or whom it may authorize shall keep in each fishing harbour as to sea fishing and in the centre of each administrative unit as to inland fishing waters, certain records of fishing boats, fishermen and quantity of catching and its kind according to the forms to be specified by the Company.

CHAPTER THREE - FISHING GEAR

Article 14. - (1) The public sector shall undertake fishing gear industry and all its other implements and their importation provided that it be according to certain specifications to be specified by the Company.

(2) Fishing gear shall not be sold except to persons licenced for fishing.

Article 15. - (1) All fishing gears which contradict the specifications of the Company shall be confiscated, and those who seize same or give information about it shall be remunerated with a financial remuneration of not less than 15 % of its value according to the Company's estimation.

(2) Seized materials shall be deposited at the Company in order to re-export it or damage it or to dispose therewith according to public interest exigencies.

CHAPTER FOUR - MARKETING AND INDUSTRIALIZATION OF AQUATIC LIFE

Article 16. - The Company shall undertake supervision over trading with aquatic life by wholesale or retail and to organize it and for purpose of realization same it may undertake the following measures:

- (1) To organize purchase operations in wholesale and retail markets.
- (2) To grant licence for the sale of aquatic life by wholesale or retail.
- (3) To inspect and supervise aquatic life sale markets in coordination and cooperation with the competent authorities.

Article 17. - The Company shall have the right of trading with aquatic life by wholesale and undertake whatever measures relating therewith such as establishment of markets, cooling stores, ice plants and means of transportation and the like.

Article 18. - (1) Sale of aquatic life shall not be permissible except in the markets and places where health and commercial conditions are fulfilled.

(2) Purchasing of aquatic life shall be regulated on the basis of weight.

(3) Wholesalers of aquatic life should keep certain register showing the quantity of sold aquatic life classified according to its kinds in conformity with form to be proposed by the Company.

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Article 19. - Exportation and importation of aquatic life and its products by the mixed and private sectors shall not be permissible in any way or for any purpose except with the approval of the Minister pursuant to the recommendation of the Company.

Article 20. - The Company shall have the right to establish factories for industrialization of aquatic life and its products.

CHAPTER FIVE - DUES AND LICENCES

Article 21. - The Company or whom it may authorise shall grant the following annual licences and its renewal against payment the dues mentioned thereagainst:

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| 1) Fishing boat without motor | ID. 1/- One Dinar |
| 2) Fishing boat without board motor | ID. 2/- Two Dinars |
| 3) Fishing board in board motor | ID. 10/- Ten Dinars up to 100 h.p.
for each exceeding h.p. |
| 4) Professional fishermen licence | ID. 2/- Two Dinars |
| 5) Amatures fishermen licence | -/ 250 Fils |
| 6) Retailing of aquatic life licence | ID. 5/- Five Dinars |
| 7) Wholesale of aquatic life licence | ID. 20/- Twenty Dinars |
| 8) Establishment of fishing club licence
for amatures | ID. 50/- Fifty Dinars for the first
time and shall be renewed
against payment a due of ID.
20/- Twenty Dinars |
| 9) Establishment of aquatic life ponds
licence | ID. 2/500 Two Dinars and five
hundred Fils for each Donum of
area of water for ponds, it
shall be renewed against
payment of a due of ID. 1/- one
Dinar for each Donum annually. |

Article 22. - (1) Renewal of the licences mentioned in Article 31 of this Law shall be done on the first of January of each year.

(2) The licences granted according to this Law shall be considered as personal, relinquishment or sale or disposal with the licence shall not be permissible.

Article 23. - The Company may refrain from renewal of the licence mentioned in this Law, it may withdraw it or abolish it temporarily or permanently in case its owner shall breach against the duties stipulated in this Law and the Regulations, Instructions and Notifications issued accordingly, the decision issued in this respect may be objected at the Minister within 15 days from the date of notification therewith, the decision of the Minister in this regard shall be final.

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Article 24. - In case the licence shall be lost or destructed, then its owner should submit an application to the Company or whom it may authorize to obtain its substitute after payment of 50 % of its original value.

Article 25. - (1) The amounts collected for granting and renewal of the licences in accordance with this Law shall be registered as final revenue for the Company as well as the amounts resulting from confiscation of aquatic life, fishing gear and boats.

(2) Cooperative societies of fishermen and collective farms and its members shall be exempted from the dues of granting or renewal of the licence stipulated in this Law.

Article 26. - The licences stipulated in this Law shall be regulated according to certain instructions to be proposed by the Company.

Article 27. - When the Company shall undertake regulating operations of aquatic life sale by wholesale, it may collect service fees of 5 % of purchase value to be born by the seller when the Company shall not be a party in sale operation, the said percentage shall be reduced to half for cooperative societies and collective farms.

CHAPTER SIX - PENALTIES

Article 28. - (1) Whoever contravenes the provisions of this Law shall be punished with a fine not exceeding ID. 200/- or with imprisonment for a term not exceeding 9 months or with both and with confiscation of the catch.

(2) Nothing in this Law which may prevent pursuit in accordance with other Law if the crime requisites severer punishment.

(3) Fishing gear or its boat or aquatic life prepared for exportation or importation may be confiscated in case of recontravention the provisions of this Law, these materials may be disposed with it or with its prices according to the Law.

Article 29. - The court may consider the report submitted by an official entrusted to execute the orders issued according to this Law, as an evidence of conviction if it shall be supported by his testimony and after an oath, and if no prove shall be otherwise established.

Article 30. - The aquatic life seized because of contravention of the provisions of this Law, by the Company or whom it may authorize, shall be sold by a public auction a report should be prepared showing its quantity, kind and its sale price and stating the contravention. Its price shall be deposited in trust until the court shall issue its judgement in this regard and aquisition of this judgement its final stage.

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Article 31. - The competent officials of the Company and administrative authorities and police forces shall be authorized to arrest any person contravening the provisions of this Law and present him to the nearest police station for taking legal actions against him.

Article 32. - The competent officials of the Company or whom it may authorize, shall be authorized to enter the places, except dwelling houses, in the areas where there is no judge, for inspection, if they think, for justified reasons, that there are fishing gears contrary to the provisions of this Law provided that he should be accompanied by a policeman and write down an inspection report.

Article 33. - The Minister of Justice, pursuant to the proposal of the Ministers of Interior and Agriculture and Agrarian Reform, may authorize Mudir Al-Nahiya in the Nahiyas (Subdivisions) where there is no Magistrate Court, second class magisterial powers to issue the decisions of judgement for application of this Law.

CHAPTER SEVEN - GENERAL PROVISIONS

Article 34. - Regulations may be issued to facilitate the execution of the provisions of this Law.

Article 35. - (1) Law N° 32 of 1965 for Fishing of Aquatic Life and its amendments shall be repealed, the regulations, notifications and instructions issued accordingly which are not contravening this Law shall remain in force until the issuance of its substitute.

(2) The Provisions of any text which contradict the provisions of this Law shall not be valid.

Article 36. - This Law shall be published in the Official Gazette and the Competent Ministers shall undertake the execution of its provisions.