

**REGULATION No. 33 OF 1961,
LEASE OF BEACHES, ISLANDS AND MIRI SIRF LANDS
ON WHICH PASTURES OR LIQUORICE ARE
NATURALLY GROWN.**

**In the Name of the People
The Sovereignty Council**

In accordance with Article 1 of Law No. 52 of 1961 Amending Law for the Sale and Lease of Government Properties No. 34 of 1956, pursuant to the proposal of the Minister of Finance and with the approval of the Council of Ministers, do hereby order the promulgation of the following Regulation :—

Article 1. —The following expressions shall have the meaning shown against them :—

Law — The Law for the Sale and Lease of Government Properties No. 34 of 1936 and its amendments.

Lands — The Beaches, islands, pastures and places where liquorice is grown if they were Miri Sirf Lands whether their settlement was accomplished or not.

Minister — The Minister of Finance.

Administrative Authority — The Mutasarrif in the Liwa and the Qaimmaqam in the Qadha.

Financial Authority — The Director of Revenues in the Liwa and the Mudir Mal in the Qadha.

Lessee — The person with whom the contract of the lease shall be concluded or any other person who will legally replace him.

Article 2. —The Administrative Authority has to obtain the approval of the Minister for the lease of the lands by public auction with a sufficient time before the coming of the season of cultivation of the Beaches, islands, pastures and digging for liquorice to fulfil the procedures of the auction and the delivery of the land to the lessee and it has to furnish the Minister with the following information :—

- (1) Name of the land.
- (2) No. of the plot and Muqataa if their settlement has been accomplished, otherwise the serial No. of Tapu.
- (3) The complete area of the land and the cultivable area according to the beaches and islands.
- (4) Buildings, trees and palm-trees standing on the land with their kinds and number.
- (5) The suggested period of the contract of the lease.
- (6) The annual rental of the last transaction of the lease that was made to the land.

Article 3. — If the land was for the first time be leased, a reserve rental shall be estimated by a special committee to be set up by an order of the Minister, its members are the Director of Revenues in the Liwa and the Mudir Mal in the Qadha, a member of the Board of the Liwa or the Qadha Administration according to the need and a national expert. The committee, when estimat-

ing the reserve rental should take into consideration the growing ability of the land and its cultivable area if it is a beach or island.

Article 4.—After fixing the following, the Minister shall agree on the lease of the land by public auction :—

- (1) The period of the lease of the land on condition that it shall not exceed 3 years.
- (2) Number of instalments of the annual rental and date of their collection.
- (3) Terms that shall secure the exploitation of the land and the payment of due rental.

Article 5.—(1) After the approval of the Minister on the lease of the lands by public auction, the Administrative Authority shall make a schedule of auction similar to the specimen attached to this Regulation containing the following. This schedule, during the period of the auction shall be submitted to the Board of Administration :—

- (a) Name of the land.
 - (b) No. of plot and Muqataa if their settlement has been accomplished and the serial No. of Tapu if their settlement is not accomplished.
 - (c) Boundaries of the land.
 - (d) Its area and the cultivable and uncultivable area.
 - (e) The sole rights (Al-hiquq al-Mujarrada) to or on it.
 - (f) The period during which it is exploited by the lessee.
 - (g) The previous annual rental or the reserve rental as estimated by the committee concerned.
 - (h) Number of instalments of the annual rental and its due dates.
 - (i) Terms by which the land to be exploited.
 - (j) Time on which the allocations are accepted.
- (2) If the land situated within the boundaries of the Qadha, the auction shall be carried on by order of the Board of Administration, but if the land situated within the boundaries of the Qadha centre of the Liwa or within the boundaries of a Nahiya attached directly to the Liwa, the auction shall be carried on by order of the Board of the Liwa Administration.

Article 6.—The following persons are prohibited from participating in the public auction :

- (1) The Ministers and their relations of grades I, II and III.
- (2) All State officials and employees of any grade, the administrative and Mal officials of the aforesaid grades who are working in the Liwa in which the land is situated.
- (3) Members of the concerned Board of Administration and their relations of the aforesaid grades.
- (4) Those who are in prison at the time of the auction or who are sentenced with one year imprisonment or more.
- (5) Those who are under the age of 18 complete years.
- (6) Those who are indebted to Government and their guarantors when the debt is not postponed.

- (7) Those who are sentenced by bankrupt for their careless and deceive.
- (8) Subjects of foreign States and those who are naturalised by the Iraqi nationality and not passed at least five years on their naturalisation.

Article 7.—A cash deposit not less than 20% of the price offered in the auction for the complete period of the lease shall be taken from the bidder.

Article 8.—(1) The auction shall be carried on in the presence of the administrative and financial authority and two members of the Board of Administration.

- (2) The allocations and the price that is offered to be posted in figures and writing in the schedule of the auction and the bidder should give a guarantee to pay this amount against the exploitation of the land.
- (3) Allocations shall be accepted by cable from persons who are residing outside the town where the auction is carrying on, provided that these allocations should be offered to the place where the owner of the allocation through the financial authority which shall deliver the deposits mentioned in Article 7 and taking into consideration the provisions of Article 6.

Article 9.—(1) The period of the auction should be 20 days, at the end of which, the Board of Administration shall meet to decide the primitive bid (Ihala) if the allocations reach the estimated reserve rental. But if the amount of the allocations do not reach the said amount, then the Board has to extend the period of the auction once in each ten days until the amount of the allocations reach the aforesaid stated amount.

- (2) The administrative authority has to give a notice in at least one local paper and to place a number of copies of such a notice in public places on condition that such a notice should be published within a period not less than eight days prior to the beginning of the auction and to be republished in the same manner above mentioned whenever the Board decides to extend the period of the auction.
- (3) When the primitive bid (Ihala) has been made, a cable should be sent to the Minister requesting his approval and until the receipt of his reply, allocations of 5% of the amount of the allocations shall be accepted.
- (4) In the event that the approval of the Minister for the primitive bid (Ihala) received, the Board of Administration has, in this respect, shall continue to receive the allocations up to the last day of the period of the auction as the final Ihala shall be made in the favour of the person of the higher price for which the approval of the Minister shall be requested by cable and until the receipt of such approval, allocations of 5% of the last price can be accepted, then the Board of Administration shall write down the final Ihala in the name of the person of the last allocations.

Article 10.—The bidder should not draw himself from the auction unless another bidder adds on his price and it is not allowed to the person of the higher price to draw himself unless another person offered himself and wish to exploit the land with the same price of the last bidder. But if any person offered a price less than that of the person of the higher price, then it is not

allowed to the latter to draw himself unless he pays to the Treasury the difference between the two prices.

Article 11.—The Board of Administration shall refer the schedule of the final Ihala of the auction to the Financial Authority for approval and to take the following action :—

- (1) When the lease is a period of one year, the Financial Authority shall levy in advance the full rental and it is allowed, on its suggestion and the approval of the Minister to levy in advance half of the rental and the other half to be levied after six months from the date of the contract.
- (2) If the period of the lease exceeds one year, the Financial Authority, on the approval of the Minister has to levy the rental with no more than four equal instalments, the first one in advance and the last one to be levied at least six months before the end of the period of the lease.
- (3) The financial authority shall make the contract of the lease in which, the signature of the lessee to be approved by the public Notary and to include the whole terms mentioned in the schedule of the auction.
- (4) The lease contract should be made and approved within eight days from the date of the final Ihala and if the lessee refuses to sign the contract within this period, the bid of the contract shall be due for payment and shall be collected from him in accordance with the provisions of the Law for the Collection of Debts Due to Government.

Article 12.—(1) The inheritors of the deceased have the right to use the land during the remaining period of the contract provided that they shall be responsible for the payment of the rental completely.

- (2) The Financial Authority shall take urgent action to pass in the records of the court concerned the inheritors and to prevent to make their shares unless the bid is completely paid. When the inheritors are unable to pay the debt mentioned in the lease contract, the Financial Authority has to agree with them on the payment of the debt according to the due instalments as mentioned in the contract of the lease if they give sufficient guarantee that secure the payment of the debt.
- (3) If there were minors between the inheritors or they were all minors, the Financial Authority shall take the procedures mentioned in the Law of the Collection of Debts Due to Government to collect the rental from the properties of the inheritors. It is also allowed, during the current of the legal procedures, to deprive the land and make contract with another lessee to exploit it for the security of the levy of the debt, but if a guardian has been appointed for the minors, then it is allowed to agree with him in accordance with Para. (2) mentioned above.

Article 13.—If the lessee trespasses on the land situated outside the limits of the land prescribed in the lease contract, an amount double of the Ujur-el-Methil that shall be estimated by the committee mentioned in Article 3, shall be collected therefrom.

Article 14.—The lessee is bound to fulfil the conditions of the contract and the provisions of the laws, regulations and instructions concerned and if he contradicts one of the conditions of the contract or the provisions of the laws, regulations and instructions issued thereto, the Minister shall have the right to cancel the contract and to ask the lessee to pay compensation for the damages incurred by this contradiction. The intimation to the