

**SOMALILAND PORTS AGENCY LAW
LAW NO. 94/2021**

ARRANGEMENTS OF THE ARTICLES

PRESIDENTIAL DECREE dated 12/04/2021

PREAMBLE

PART ONE PRELIMINARY PROVISIONS

Article 1 Name of the Law

Article 2 Interpretation

Article 3 Scope of Application

PART TWO ESTABLISHMENT OF SOMALILAND PORTS AUTHORITY

Article 4 Establishment of Ports Authority

Article 5 The objectives of the Authority

Article 6 Establishment and Membership of the Governing Board

PART THREE FUNCTION, DUTIES AND POWERS OF THE AUTHORITY

Article 7 Functions and duties of the authority

Article 8 Other powers of the authority

Article 9 Ports under jurisdiction of authority

Article 10 Direction by the president

Article 11 Furnishing of information

PART FOUR PROVISIONS RELATING TO STAFF

Article 12 Appointment of General Manager

Article 13 General powers and functions of the General Manager

Article 14 Duties of the Deputy General Manager

Article 15 Duty not to make improper use of information

Article 16 Dismissal of the General Manager and Deputy General Manager

Article 17 Appointment of employees and agents

Article 18 Conduct and integrity of staff

Article 19 Protection from personal liability

PART 5 FINANCIAL PROVISIONS

Article 20 Revenue of the authority

Article 21 Power to borrow money

Article 22 Annual budget

Article 23 Statement of accounts

Article 24 Accounts and Records

Article 25 Audit

Article 26 Auditor General report

Article 27 Annual Reports

PART SIX CHARGES, RATES, FEES AND TARIFF BOOK

Article 28 Fixing charges, rates and fees

Article 29 Power of entry into vessels and lands

Article 30 Recovery of charges

PART SEVEN VESTING OF ASSETS, OBLIGATIONS AND LIABILITIES

Article 31 Authority property, assets and liabilities

PART EIGHT REGULATION OF PORT

Article 32 Port Regulations

PART NINE PORT MASTER

Article 33 Appointment of port master and deputy port master

Article 34 Function of the Harbor Master

Article 35 Owner, agent or master of vessel to report arrival of the ship

Article 36 Port master requested information

Article 37 Clearance of the vessel from the Port

Article 38 Failure to leave after port clearance

Article 39 Power to designate areas of use and to prohibit vessel from entering territorial waters of Somaliland

Article 40 Penalty for disobedience of direction

Article 41 Port master exemptions

PART TEN REMOVAL OF VESSEL AND AIRCRAFT SUNK AND OTHER OBSTRUCTION

Article 42 Raise, removal or destruction of vessel, aircraft or other obstruction

Article 43 Authority's power to raise and remove vessel, aircraft or other obstruction

PART ELEVEN PILOTAGE

Article 44 declaration of pilotage districts

Article 45 Pilotage compulsory in pilotage districts

Article 46 Failure to employ pilot under certain circumstances

Article 47 Penalties as to employment of pilot

Article 48 Employment of pilot

Article 49 Liability of authorized pilot

Article 50 Certification and licensing of pilot

Article 51 Regulations relating to pilotage and conduct of pilot

PART TWELVE LICENSING OF MARINE AND PORT SERVICES AND FACILITIES

Article 52 Agreements in port operations and services

Article 53 Operations existing on the date of this law

PART THIRTEEN DREDGING, HYDROGRAPHIC AND HYDROLOGIC SURVEYS

Article 54 Dredging

Article 55 Hydrographic and hydrologic surveys

Article 56 Exemption of authority land

Article 57 supply of information before the departure of ship for Somaliland

Article 58 prohibition of entry into Somaliland of ships in certain cases

Article 59 Alteration of allocation of ports

Article 60 Releasing information on movement of ship

Article 61 Exclusion of liability of the authority

Article 62 Exemption from tax

Article 62 Exemption from tax

Article 64 Offences

Article 65 Regulations

Article 66 Commencement

SCHEDULES

FIRST SCHEDULE Article 9 (2) - SOMALILAND PORTS

SECOND SCHEDULE - Articles 1 to 7 (Members of the Board)

REPUBLIC OF



SOMALILAND

OFFICE OF THE PRESIDENT

REF: JSL/XM/WM/222-649/042021

DATE: 12/04/2021

PRESIDENTIAL DECREE

**Coming into Force of the Somaliland Ports Agency Law
Law No. 94/2021**

Having Seen: Articles 90 of the Constitution of the Republic of Somaliland;

Having Seen: Articles 11, 75, 76, 77 and 113 f the Constitution of the Republic of Somaliland;

Having Seen: The Resolution of the House of Representatives, No. .GW/KF-45/885/2021 dated 03/04/2021 in which they approved the Somaliland Ports Agency Law, Law No. 94/2021

Ha approved;

Coming into Force of the Somaliland Ports Agency Law, Law No. 94/2021.

PRAISE BE TO ALLAH

Muse Bihi Abdi
President of the Republic of Somaliland

THE HOUSE OF REPRESENTATIVES

Having Seen: Article(s) 11, 75, 76, 77, and 113 of the constitution of Somaliland Republic

Having Seen: The Importance of economic, political and social significance of Ports having development and enhancing commerce and trans-shipment of trade by land and sea.

Having Satisfied: The need of having Law which can specify clearly duties and obligations of Somaliland Port Authority, having responsibility of establishment, development and management of Ports and sea transport movement.

Having Seen: Importance of independent State Port Authority which is responsible for the management of Somaliland ports in order to develop and establish ports which can compete international ports in general and regional ports in particular.

**Ratifies (*the*) Somaliland Ports authority
Law No: 94/2021**

PART ONE PRELIMINARY PROVISIONS

Article 1 Name of the Law

This Law shall be cited as the Establishment law of the Somaliland Ports Authority, Law No. 94/2021.

Article 2 Interpretation

In this law unless the context otherwise requires -

"**authorized officer**" means a person authorized by the Authority to exercise the powers and perform the duties in respect of which the expression is used;

"**authorized pilot**" means any person employed or authorized by the Authority to pilot vessels under Article 48

"**Authority**" means the Somaliland Port Authority designated pursuant to Article 4(2);

"**beacon**" means any light, mark or sign used as an aid to navigation, other than a lighthouse or buoy;

"**Port Authority**" means the Somaliland Port Authority created under this law

"**berthing master**" means any person authorized under Article 48 (2) to act as a berthing master;

"**Board**" means the board of directors of the Authority appointed pursuant to Article 6;

"**buoy**" includes any floating light, mark or sign which is moored to the seabed and serves as an aid to navigation or other specific purposes;

"**dangerous cargoes**" means such cargoes, whether packaged, carried in bulk packaging or in bulk, as may be prescribed;

"**Law**" means Somaliland Ports Authority Establishment Law;

"**dues**" includes port dues, goods dues and pilotage dues levied under this Law but does not include rates;

"Equipment" includes any appliance, apparatus, machinery, system or accessory used or intended to be used for the purposes of providing marine or port services and facilities;

"Gazette" means the gazette published periodically by the Government;

"Goods" includes dangerous cargoes, animals, carcasses, baggage, containers and any other movable property of any kind whatsoever and whether in a refrigerated form or otherwise;

"Government" means the government of the Republic of Somaliland;

"infrastructure" means the basic structure of a port, including breakwaters, seawalls, channels, basins, quay walls, jetties, roads, railways and infrastructure used for the provision of water, lights, power, sewerage and similar services;

"lighthouse" means a distinctive structure on or off a coast exhibiting a major light designed to serve as an aid to navigation;

"General Manager " means the General Manager of the Authority appointed pursuant to Article 12 and includes any person lawfully authorized by the Government to act in that capacity;

"marine services and facilities" mean the towage and pilotage of vessels and the supply of water to vessels;

"master" includes every person, except a pilot, having command or charge of any vessel;

"operator" means any person who, or a body corporate which, for the purposes of this Law performs any duty authorized by the Authority as a contractor, agent or a lessee to carry out the functions of port operations;

"owner" in relation to any vessel, includes any part- owner, charterer, operator, consignee or mortgagee in possession of the vessel or any duly authorized agent of any such person;

"pilot" means any person not belonging to a vessel who has the conduct thereof;

"pilotage district" means any area in the port declared under Article 44 to be a pilotage district;

"port dues" means dues levied in respect of a vessel for entering, using, leaving or plying in the port;

"Port Master" means the port master appointed under Article 33 and includes any deputy port master appointed under that section;

"port services" includes stevedoring, cargo handling, terminal operations, storage of cargo within a port, tug services, floating crane services, berthing services, firefighting, security, radio and radar services, waste disposal, vessel repairs and any other services provided within a port which are designated as such by the Authority;

"port" means any of the ports of Berbera, Saylac, Xiis, or any navigable river or channel declared to be a port in accordance with Article 9;

"prescribe" means prescribe by regulation;

"President" means the President of the State;

"public license" means a license granted under Article 52 and "public licensee" shall be construed accordingly,

"rates" means any rates or charges leviable by the Authority under this Law and includes any toll or rent but does not include dues;

"regulations" means regulations made under this Law;

"State" means the Republic of Somaliland;

"Tariff Book" means the tariff book published by the Authority or operator specifying the rates of fees and charges for specified services;

"**vehicle**" means any vehicle other than a ship;

"**vessel**" includes any ship or boat or air-cushioned vehicle or floating rig or platform used in any form of operations at sea or any other description of vessel; and

"**Wharf**" includes a pier, jetty, ramp or loading/off-loading and other landing place.

Article 3 Scope of Application

This law shall be applying to the administration, management and development of all ports in the territory of the Republic of Somaliland.

PART TWO ESTABLISHMENT OF SOMALILAND PORTS AUTHORITY

Article 4 Establishment of Ports Authority

- 1) There is hereby established a body, to be known as the Somaliland Ports Authority, which shall have exclusive regulatory jurisdiction over all ports' issues.
- 2) The Authority shall have legal personality and a common seal and shall acquire movable and immovable property and shall be capable in its corporate name of suing and being sued, entering into any contract or transaction, and doing or performing all other things or acts necessary for the proper performance of its functions under this law and other concerned laws of the country.
- 3) The principal office of the Authority shall be located in Berbera, but it may establish port management units and other offices elsewhere in the State as may become necessary for the proper conduct of its business.

Article 5 The objectives of the Authority

The objective of the Authority is to enhance the advantage of geographical position of Somaliland Republic as maritime nations by:

- a) Promoting effective management and operations of sea ports,
- b) Securing the provision of, or to provide services in relation to loading and unloading of cargo and passenger services.
- c) Developing promoting and managing port infrastructure and superstructure.
- d) Maintaining port safety and security and,
- e) entering into contractual obligations with other persons or body of persons in order to secure the provision of port services whether by means of concessions, joint venture, public private partnership or other means and to this end to delegate its own functions of providing port services to one or more port operators.

Article 6 Establishment and Membership of the Governing Board

- 1) The Authority shall be governed by a Board of Directors consist of nine (9) members directors who shall be appointed by the President, including the
 - a) General Manager of the Somaliland Port Authority and
 - b) General Manager of Special Economic Zone.
- 2) No person shall be appointed as a Director unless;
 - a) such person possesses a university degree from a recognized institution,
 - b) And has at least 5 years working experience in matters relating to industry, trade, law, finance, economics, management, entrepreneurship or engineering.
- 3) The Authority shall have Chairperson and Deputy Chairperson elected among the Directors of the Board themselves.
- 4) The President shall designate three (3) of the board members to be representative directors of the Somaliland Port Authority in companies in which the Authority holds

shares.

5) The designated members under clause (4) of the article shall sit on the board meetings of such Companies and shall exercise the functions specified under the concerned Concession and development Agreements.

6) The Board shall have all the powers necessary for the proper performance of the functions of the Authority under this Law and the Board shall have power to-

- a) Advise the President on policy and strategy in order to promote, develop operate and manage Ports Authority;
- b) Control, supervise and administer the assets of the Authority in such manner as best promotes the purpose for which the Authority is established;
- c) Advise the president on an appointment of General Manager and Deputy of the Authority;
- d) Approve the budget and other income of the Authority by absolute majority;
- e) Allowing and approving the structure of the Authority and the regulation policy of the staff;
- f) Overseeing the port Authority's operations and compliance in the areas of work health and safety, port safety, port security, environmental management and heritage;
- g) Ensuring contracts relating port development and advising Authority services;
- h) Perform such other functions consistent with the objectives of this Law.
- i) Ensuring and auditing the property of the Ports Authority.

7) The supplementary provisions set out in the Second Schedule to this Decree shall have effect with respect to the proceedings of the Board and the other matters contained therein.

PART THREE FUNCTION, DUTIES AND POWERS OF THE AUTHORITY

Article 7 Functions and duties of the authority

1) Subject to the provisions of this Law, the functions and duties of the Authority shall be

- a) To administer land and waters within the limits of the ports;
- b) To promote the use, improvement and development of the ports and their underlying lands;
- c) to administer and regulate:
 - i. sailors entering within the boundaries of the ports;
 - ii. the use of approaches, water areas and land within the perimeters of the ports; and
 - iii. the presence of any person, ship vehicle and goods;
- d) to deal with any public emergency within the limits of the ports and the approaches to the ports;
- e) to provide, manage and operate port facilities or arrange for port facilities to be provided, managed and operated by any other party;
- f) to provide and maintain adequate and efficient lighthouses, beacons, buoys and other aids to navigation in the territorial waters of the State and the approaches thereto in such manner as the Authority thinks fit;
- g) to disseminate navigational information from time to time
- h) to exercise licensing and regulatory functions in respect of marine and port services and facilities;
- i) to provide for (whether by itself or by any other party), adequate and efficient

marine and port services and facilities;

j) to create an economic regulatory framework in respect of the provision of marine and port services and facilities which promotes and safeguards competition and fair and efficient market conduct or, in the absence of a competitive market, which prevents the misuse of monopoly or market power;

k) to form, establish or incorporate subsidiaries or affiliate companies, whether wholly or jointly, with other persons or organizations for the purpose of carrying out any of the functions of the Authority;

l) to enter into any arrangements or agreements with a public licensee in respect of a port for the operation, management and maintenance of such port in accordance with the provisions of this Law and any amendment done in this Law in accordance with State Law.

m) to perform such other functions conferred on the Authority by this Law or any other law

Article 8 Other powers of the authority

1) Subject to this Law, the Authority may carry on such other activities as appear to the Authority to be advantageous, necessary or convenient for it to carry on for or in connection with the discharge of its functions and duties under this Law or any other written law.

2) This section shall not be construed as limiting any power of the Authority conferred by or under any other written law.

Article 9 Ports under jurisdiction of authority

1) All ports in the State fall under the jurisdiction of the Authority.

2) The places specified in the First Schedule to this Law, shall be deemed to be ports, and the limits of those ports shall be in those mentioned earlier acts before this provision is made in accordance with Clause (3) of this Article and they are:

- o) Berbera
- p) Saylac
- q) Xiis
- r) Laasqorey
- s) Maydh
- t) Bulla xaar
- u) Lughaya
- v) Shalcaw
- w) Ceeldaraad
- x) Karin
- y) Conqor
- z) Ruguuda
- aa) Celaayo
- bb) Xarshaw

3) The President may, by order, declare any place in the State and any navigable water leading into such place to be a port and specify the limits of any such place so declared as a port.

Article 10 Direction by the president

1) The President may give to the Authority direction in relation to its discharge of the functions and the exercise of the powers of the Authority when the need arises.

2) Without prejudice to the generality of Article 10 (1), the President may, after having

consulted with the Authority or the relevant public licensee, direct the Authority or the relevant public licensee in writing to perform or not perform a specified act on such terms and conditions as the President thinks fit, if such direction is necessary:

- a) To safeguard or promote the national security of the State or the interests of public security, national defense, Or relations with the government of another country;
 - b) To promote the national, strategic or economic interests of the State; or
 - c) To discharge or facilitate the discharge of an obligation binding on the Government by virtue of its being a member of an international organization or a party to an international agreement.
- 3) The Authority or the relevant public licensee must take all necessary steps to give effect to a direction issued under Article 10 (1).
- 4) The President may, out of monies appropriated by the Government for this purpose, compensate the Authority or the relevant public licensee for all reasonable losses suffered by the Authority or the relevant public licensee as a result of its compliance with a direction issued under Article 10 (1) and (2).

Article 11 Furnishing of information

- 1) The Authority or any person authorized by the Authority may, by notice, require any person to furnish to the Authority or the person so authorized, all documents or information relating matters required by the Authority.
- 2) Within such period as shall be specified in the notice, all such documents or information relating to such matters as may be required by the Authority to furnish them.
- 3) Any person who, on being required by notice under Article 11 (1) to furnish any document or information, fails to comply with any requirement of the notice shall be guilty of an offence and shall be liable on conviction to a fine of \$20,000 or imprisonment for five (5) years, or both, any person who -
 - a) intentionally alters, suppresses or destroys any document which he has been required by any notice under Article 11 (1) to furnish; or
 - b) in furnishing any estimate, return or other information required of him under any notice under Article 11 (1) makes any statement which he knows to be false in any material particular, is guilty of an offence and shall be liable on conviction to a fine of \$20,000 or imprisonment for five (5) years, or both.
- 4) The Authority shall, as soon as practicable after the end of each financial year, submit to the President and House of Representatives committee an annual report on the activities of the Authority during the preceding financial year.
- 5) The Authority shall have the exclusive right to the use of such symbol, design or representation as it may select or devise, subject to the approval of the Board, and thereafter display or exhibit it in connection with its activities or affairs.
- 6) Any person who uses a symbol, design or representation identical or resembling a symbol, design or representation of the Authority so as to deceive or cause confusion or which would likely deceive or cause confusion shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding six (6) months or to both.

PART FOUR PROVISIONS RELATING TO STAFF

Article 12 Appointment of General Manager

1. Somaliland Port Authority shall have;
 - a) General Manager and Deputy General Manager appointed or dismissed by the president of the Republic of Somaliland.
2. General Manager or Deputy General cannot be appointed unless;
 - a) is a graduate of a recognized university; and
 - b) Possesses a minimum of five (5) years' experience in at least one of the fields of management, port operations, law, economics, finance, science or engineering.

Article 13 General powers and functions of the General Manager

- 1) The General Manager shall be responsible to the Board for the proper administration and management of the functions and affairs of the Authority and shall have the following general powers, functions and duties
 - a) to implement, enforce and apply the policies, programs, guidelines, procedures, decisions, rules and regulations promulgated, prescribed, issued or adopted by the provisions of this law and Somaliland constitution;
 - b) to manage the day-to-day affairs of the Authority and ensure the operational efficiency of the ports under the jurisdiction and ownership of the Authority;
 - c) to sign contracts, approve expenditures and payments within the budget provisions, and generally to do any or all acts or things for the proper operations of the Authority;
 - d) to submit an annual budget to the Board for recurrent income and expenditure and estimated capital expenditure for review not later than three (3) months before the commencement of the ensuing fiscal year;
 - e) to prepare development plan, internal regulations, guidelines and directives of work and employees.
 - f) to undertake research, studies, investigations, and other activities and projects, and to submit comprehensive reports and appropriate recommendations to the Board for its information and approval;
 - g) to act as the liaison between the Board and the President and to report to the President on all matters pertaining to the authority.

Article 14 Duties of the Deputy General Manager

1. power and duties of the Deputy General Manager are;
 - a) to perform duties of the General Manager when is on leave, sick or vacant of the post of the General manager before the appointment of replacement,
 - b) assist General Manager different functions of the Authority,
 - c) performance of other duties assigned by the General Manager.

Article 15 Duty not to make improper use of information

1. An officer or a former officer of the Authority must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position to gain, directly or indirectly, an advantage for himself or herself or for any other person or to cause detriment to the Authority.
2. A person who contravenes Article (1) is guilty of a criminal offence and shall be liable on conviction to a fine of \$20,000 or imprisonment for five (5) years, or both.

Article 16 Dismissal of the General Manager and Deputy General Manager

- 1) The president may remove the General Manager and Deputy General manager from office if they commit into:

- a) Improper culture contrary to the Islamic Sharia which can bring dishonor to the Authority and the State of Somaliland.
- b) for failing to perform his or her duties in any material respect despite being given the opportunity to rectify such failure;
- c) if he or she has been convicted, whether in Somaliland or elsewhere, of theft, fraud, forgery, perjury or any other offence involving dishonesty; or
- d) if he or she has a material financial interest in the business of any port.

Article 17 Appointment of employees and agents

- 1) Subject to the approval of the Board, the Authority may, in accordance with the Somaliland Civil Service Law, appoint such officers and other Authority staff as are necessary for the proper discharge of its functions under this Law and the Port Regulations.
- 2) All remuneration and other allowances and expenses payable to officers, staffs including the General Manager and Deputy of the Authority staff shall be consistent with the remuneration and bonuses of international ports, considering hazards and dangers of the work.

Article 18 Conduct and integrity of staff

- 1) The Authority shall make regulations relating to the conditions of service of employees of the Authority, and in particular, but without prejudice to the generality of the foregoing, may make regulations relating to:
 - a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by, the employees;
 - b) appeals by any employee against dismissal or other disciplinary measures;
 - c) the grant of pensions, gratuities and other retiring allowances to the employees and their dependents, and the grant of gratuities to the estates or dependents of deceased employees of the Authority.
- 2) All Ports Authority employees are considered to be civil servant.

Article 19 Protection from personal liability

- 1) No suit or other legal proceedings shall lie personally against any manager, officer or employee of the Authority or other person acting under the direction of the Authority for anything which is done in good faith or intended to be done in good faith in the execution or purported execution of the provisions of this Law or any other written law.
- 2) Under the Clause 1 of this Article cannot exempt the Authority from civil suit contract or damage which is required to be compensated whether personal or property caused by the Authority during its work duties mentioned in this provision or regulations.

PART 5 FINANCIAL PROVISIONS

Article 20 Revenue of the authority

- 1) The revenue of the Authority shall consist of
 - a) Allocation of Authority budget in the National Budget
 - b) concession fees collected or received by the Authority from public licensees;
 - c) sums collected or received by the Authority in respect of dues and charges levied and payable in pursuance of this Law and any regulations;
 - d) such sums as the Authority may borrow with the approval of the Board for meeting any of its obligations or discharging its functions; and

- e) all other sums that may become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.
- 2) All sums referred to in Clause (1) under this article shall be paid to the national treasury in the Somaliland central bank and shall be added to the ~~for~~ National Budget.

Article 21 Power to borrow money

- 1) The Authority may, with the approval of the Board, raise loans from banks and other financial institutions within the State by way of overdraft or otherwise, with or without security, as the Authority may require for meeting its obligations and discharging its functions under the provisions of this Law.
- 2) The power of the Authority to borrow under Article 21 (1) shall not be exercised unless the Authority submits a written proposal to the Board President showing
 - a) the amount and particulars of the proposed loan;
 - b) the source or sources from which the loan is to be obtained;
 - c) the purposes for which the money proposed to be borrowed is to be applied;
 - d) the manner in which the loan is to be repaid; and
 - e) any and all such additional information which may be required by the President.
- 3) The Minister of Finance may guarantee the repayment of the principal of any loan that the Authority may require for meeting its obligations and discharging its functions under the provisions of this Law.
- 4) The Minister of Finance may, give subsidy, grant or recast a loan to the Authority if this subsidy, grant, or loan is necessary for furtherance of the functions of the Authority.

Article 22 Annual budget

- 1) The Authority shall have annual budget which is part of National Budget approved by (House of Representatives) as part of the appropriation of the government budget. All such sums of money required to defray the expenditure incurred by the Authority in the exercise, discharge and performance of its objectives, functions and duties under this Law.
- 2) The Authority shall submit an annual Budget in accordance with Public Finance Law No: 75/2016.
- 3) The annual Budget of the Authority shall contain:
 - a) a detail presentation of the Commitment and Expenditure of the Authority in accordance with such methodology in consistent national budget management law No: 75/2016.
 - b) a detail overview and structure of staff and officials of the Authority;
 - c) brief assessment of other contingent liabilities and their potential impact on the Budget;
 - d) any other information that public finance management law; law No: 75/2016.

Article 23 Statement of accounts

- 1) The financial year of the Authority shall begin on 1st January of each year and end on 31st December of the same year.
- 2) The Authority shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its money are correctly made and properly authorized and that adequate control is maintained over the assets of, or in the custody of, the Authority and over the expenditure incurred by the Authority.

- 3) All financial statements must comply with international financial reporting standards.
- 4) The financial statements in respect of each financial year shall present a true picture and fair view of the financial position of the Authority and of the results, for the financial year to which it relates, of the operations of the Authority.

Article 24 Accounts and Records

- 1) The Authority shall keep proper books of account and other records relating thereto in respect of all its activities and property of the Authority.
- 2) Authority shall give to the office of Accounts General all financial statement and other information no later than 31th march.
- 3) Accountant General shall submit to the Auditor General when he is submitting Accounts General.
- 4) The Authority shall, furnish the office of the accounts general, and other information as may require with respect to the activities of the Authority.

Article 25 Audit

- 1) The Authority shall as soon as practicable after the close of each financial year, prepare and submit its financial statements in respect of that year to auditor general who shall audit and report on the financial statements.
- 2) The Auditor General can verify accounts after the Accountant General submits.
- 3) The officers and employees of the Authority shall grant access to the auditors to all books, deeds, contracts, accounts, vouchers, or other documents which the auditor may think necessary in connection with the audit of the financial statements of the Authority, and the auditor may require any person holding or accountable for any such document to appear before him and make a signed statement in relation thereto and may require from such person such information as may be deemed necessary.

Article 26 Auditor General report

- 1) The auditor General shall in its report shall state:
 - a) whether the financial statements have been prepared in accordance with international financial reporting standards and show fairly the financial transactions and the state of affairs of the Authority;
 - b) whether proper accounting and other records have been kept including records of all assets of the Authority whether purchased, donated or otherwise;
 - c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Authority during the year have been in accordance with the provisions of this Law; and
 - d) Such other matters arising from the audit as the auditor determines should be reported.
- 2) A copy of the audited financial statements and any report made by the auditor shall be forwarded to the President and Minister of Finance at the same time that they are submitted to the Authority.

Article 27 Annual Reports

- 1) The Authority shall, not later than three (3) months after the end of each financial year, submit to the President and the Minister of Finance an annual report on the activities of the Authority during the preceding financial year.
- 2) The report required under Clause (1) of this Article shall include -

- a) a general survey of developments in respect of matters relating to its functions;
 - b) an assessment of the extent to which main objectives and priorities for the year as set out in the annual plan have been achieved;
 - c) a summary of significant activities carried out by the Authority during the year;
 - d) a summary of how the Authority has allocated its resources to its various activities during the year; and
 - e) an assessment of its performance and practices in relation to its functions in accordance with applicable performance indicators.
- 3) The Authority shall publish and make available for public inspection the report set forth in this Article 27, clause (1) Section as soon as reasonably practicable.

PART SIX CHARGES, RATES, FEES AND TARIFF BOOK

Article 28 Fixing charges, rates and fees

- 1) In accordance with the provisions of this articles and affiliated articles the Authority shall levy following different charges;
 - a) All collected charges of the services of the authority
 - b) Charges collected by agent licensee of the authority
 - c) Collected money from different investment contractors
 - d) Money collected from rents
 - e) Donations
 - f) Fines
 - g) Compensation money
- 2) The Authority shall publish a Tariff Book containing all rates, charges and fees
- 3) The owner, agent or captain of a ship or boat shall pay to the Authority all charges and dues demanded by the Port Authority
- 4) The Authority shall not directly levy any charges or dues for services for which a public licensee has been authorized by the Authority to collect unless it revokes its earlier permit
- 5) The rates, charges, dues and fees applied by Port Authority immediately before the date of this Law shall continue to be valid as though determined by the Authority under this section until rescinded, varied or otherwise determined by the Authority.

Article 29 Power of entry into vessels and lands

- 1) Any duly authorized officer of the Authority may enter into any vessel within the limits of the port or the approaches to the port in order to ascertain the amount of the rates, charges, dues and fees payable in respect of the vessel or in respect of any goods carried therein and to obtain any other information required for, or in connection with, the assessment and collection of the rates, charges, dues and fees.
- 2) A master of a vessel who fails to comply with a reasonable request made by an authorized officer who has entered the vessel pursuant to this Article 29 (1) for information or for the production of a document shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which the master of a vessel continues to fail to comply with the request.
- 3) Any duly authorized officer of the Authority may, for the purposes of this Law, enter at all reasonable hours into and upon any building or land for the purpose of making any survey or inspection and for the purpose of executing any work authorized by this Law without being liable to any legal proceedings or claims whatsoever on account of

such entry or of anything done in any part of such building or land in connection with this Law.

Article 30 Recovery of charges

- 1) It is the responsibility of the agent of a ship, boat etc. to pay all dues and charges payable after the conclusion of the Authority services in order to receive port clearance.
- 2) No port clearance letter unless paid all dues and charges payable
- 3) If it stays in the dock beyond permitted time in its will that vessel's charges carry's on
- 4) It is considered a vessel that is denied clearance due to unpayable charges to the port Authority .
- 5) Deprived clearance mentioned (in) clause 4 shall be solved in appropriate court
- 6) All dues and charges of the importing and exporting goods shall be paid by the owner or his agent.

PART SEVEN VESTING OF ASSETS, OBLIGATIONS AND LIABILITIES

Article 31 Authority property, assets and liabilities

- 1) Upon the effective date of this Law
 - a) all lands within the boundaries of the ports in this Law including the bed and shores vested immediately before the date of this Law in the name of the Berbera Port Authority;
 - b) all lights, buoys, beacons, warehouses, buildings, boats, machinery, plant, tools and other property within the boundaries of the ports which immediately before the date of this Law were the property of the Berbera Port Authority; and
 - c) all rights, privileges and advantages and all the obligations to which, immediately before the date of this Law, the Berbera Port Authority was entitled to or subject to, as the case may be; are acknowledged to remain vested in and for the benefit of the Authority.
- 2) A reference in any deed, contract, bond or security or other document subsisting immediately before the date of this Law against or in favor of the Port Authority shall have full force and effect against or in favor of the Authority and be enforceable as fully and effectually as if, instead of the Port Authority or any person acting on behalf thereof, the Authority had been named therein and had been a party thereto.

PART EIGHT REGULATION OF PORT

Article 32 Port Regulations

- 1) The Authority may, with the approval of the President, (and shall if directed by the President), make regulations for the control and management of ports and the approaches thereto and for the maintenance of safety, security and good order therein, in particular regarding
 - a) supervising, regulating and controlling all activities carried on in the waters of the port and its approaches and providing for the licensing thereof;
 - b) the licensing of activities carried out in the ports and at off- shore cargo-handling facilities;
 - c) the landing, shipping, trans-shipping, unshipping, warehousing, stowing, depositing, removal or keeping of dangerous goods and of such other substances as the Authority may specify as being dangerous goods for the purposes of the regulations;

- d) the landing, shipping, trans-shipping, unshipping, warehousing, stowing, depositing, removal or keeping of goods other than those substances referred to in Section 32(1)(c);
 - e) the maintenance of security within ports;
 - f) orderly vessel traffic, including the prevention and removal of any obstruction or impediment to navigation within the port limits and the approaches thereto;
 - g) the use of navigational aids, lights and signals to be used in ports and steps to be taken to avoid collision by vessels navigating in the ports;
 - h) fitness standards for the safe use of the infrastructure and equipment in the provision of any port facility or port service;
 - i) the conduct of inquiries into any case where damage has been caused to or by a vessel;
 - j) the information which has to be supplied by the masters, owners, agents and other persons in respect of vessels arriving and departing and the time and manner in which this information is to be supplied;
 - k) the liability of persons for any charges imposed or expenses incurred by the Authority in the exercise of its powers under regulations made under this item;
 - l) the manner in which the proceeds of goods sold by the Authority under its powers made under this item may be applied;
 - m) the manner in which control of a port must be exercised and the grounds on which access to a port may be refused;
 - n) the declaration and definition of wharves on which cargo will be landed and from which cargo will be shipped in vessels;
 - o) the protection of the environment within ports, the cleaning of land and waters of the ports and the prevention of oil, filth, rubbish or any other matter from being thrown into the sea, including the discharge of ballast water;
 - p) all matters relating to the protection of life and property and safe navigation in a port;
 - q) the prohibition of embarkation and disembarkation of persons at places other than those determined by the Authority for this purpose;
 - r) permitting, regulating and controlling the landing of military equipment and personnel belonging to an armed service of any foreign country and the movement of such personnel or equipment in the port;
 - s) the limits within which, and the levels to which, dredging may be carried out in ports and approaches thereto;
 - t) the information which has to be furnished to the Authority by port users in relation to their activities within ports;
 - u) the establishment, construction, maintenance and operation of off-shore cargo handling facilities;
 - v) a framework for economic participation in port operations and services by public entities, private entities and public-private partnerships; and
 - w) Any other matter for which it is necessary or expedient to make rules so that the Authority is able to perform its functions effectively and efficiently.
- 2) The Authority may prescribe rules in respect of each port, setting out the hours of the port's operation and the relationship between the Authority and certain third-party service providers or licensees.
- 3) In making the regulations and rules contemplated in this section, the Authority may provide that any contravention of or failure to comply with any regulation shall be an offence and may prescribe, as a penalty, a fine not exceeding \$20,000 or imprisonment

for a period not exceeding six (6) months or both, and in the case of a continuing offence, a further fine not exceeding \$2,000 for every day or part thereof during which such offence continues after conviction.

4) The Authority shall keep at its office in each port, a copy of any regulations or rules made under this section which are for the time being in force and shall allow any person to inspect it at all reasonable times without the payment of a fee.

PART NINE PORT MASTER

Article 33 Appointment of port master and deputy port master

1) The General Manager of the Port Authority shall appoint a person who is competent and suitably qualified as the Port Master and may appoint such number of Deputy Port Masters as it may think fit for the purposes of carrying out all or any of the functions and duties vested in the Authority by or under this Law or any other written law.

2) Subject to this Article (1), the Deputy Port Master may perform the functions of the Port Master if the Port Master is absent from the port or on leave,

Article 34 Function of the Harbor Master

- 1) The principal functions of a Harbor Master are;
 - a) in charge overall duties such as movement of transport and other harbor services like;
 - b) anchoring and mooring of vessels in the port;
 - c) aware in every condition they are in:
 - I) goods they are carrying
 - II) goods they are unloading
 - III) goods they are loading
 - IV) services they need
 - V) their safety and security
 - d) guarding, investigating crimes against sea vessels and other damages they incur and complaints
 - e) to ensure all conditions of navigating equipment such as; beacons, buoy and anchoring sites of the vessels
 - f) to ensure the goods on board of the vessel particularly endangered material and spoiling substance for the sea and land of the territory of the ports
- 2) Harbor master are the principal general of:
 - a) Vessels transport Authority
 - b) Pilots of the Authority
 - c) Moors of the Authority
- 3) Implements and protects sea and transport regulations in accordance with international rules:
 - a) Implements all new changes of navigating equipment like beacons, buoy and lights in the port and other related harbor stuff
- 4) The General Manager may give directions to the Port Master as to the performance of his or her functions and the Port Master shall comply with those directions.
- 5) Functions of the harbor master are;
 - a) Assistant of the harbor master
 - b) Undertakes every function Harbor Master delegates to him,
 - c) In-charge when the Harbor Master are on leave, sick or travels for work.

Article 35 Owner, agent or master of vessel to report arrival of the ship

- 1) Arrival of the ship to Somaliland ports and the required information
- 2) When the ship arrives Somaliland ports shall furnish to the Somaliland Ports Authority (Harbor Master) following necessary information and identifications:
 - a) Name, Type and ship's IMO number
 - b) Call Sign
 - c) Carrying Flag
 - d) Place of Registration
 - e) Name of the Captain
 - f) Agent of the ship
 - g) A goods on board information
 - h) A list of the crew
 - i) A list of passengers on board
 - j) A voyage information
 - k) Departure port and destination port
 - l) Oil and waste disposal book
 - m) Health information of the crews
 - n) And any other necessary enquired information by Somaliland Ports Authority.
- 3) The owner, agent or master of any vessel who fails to comply with Clause (1) of this Article shall be guilty of an offence and shall be liable on conviction to a heavy fine that will be issued in the regulations of the Authority.

Article 36 Port master requested information

- 1) The Port Master may at any time require the owner, agent or master of any vessel, which is in transit in the port, or the approaches thereto to:
 - a) provide him with such particulars of the vessel, its cargo and equipment as the Port Master may determine; and
 - b) permit the Port Master or his authorized representative or any officer of the Authority authorized by the Authority or the Port Master to go on board any vessel in the port whenever there is a reasonable belief that any offence against this Part has been or is about to be committed in any vessel or whenever such person considers it is necessary for him or her to do so in the discharge of any duty imposed upon him or her by this Part or otherwise by law.
- 2) Any owner, agent or master of a vessel who fails to comply with Article 36 (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Article 37 Clearance of the vessel from the Port

- 1) No vessel shall leave from the dock of the Port until;
 - a) Finishes loading and unloading
 - b) Pays all dues and charges of the Port
 - c) Denied clearance by law
 - d) If it does not supply all voyage information mentioned in the above article like:
 - I) Name
 - II) IMO Number
 - III) Name of the Captain
 - IV) Destination Port
 - V) A list of crews and passengers if there are any
 - VI) Any other queries asked by the Harbor Master
- 2) Failure to fulfil all required information by vessel's departure shall not be given

clearance letter by the Authority

3) If any vessel denied clearance and attempts to escape that vessel is liable to heavy fine, and if any person aided shall be arrested and prosecuted.

Article 38 Failure to leave after port clearance

1) After clearance of a ship or a boat to leave are required to vacate the port immediately after the consideration of its preparation.

2) If there is no acceptable excuse of not leaving on time, it may seem disobeying and disrupting and the Authority has a right to move that vessel from the dock and fine the vessel and recover expenses of the operation.

3) Any damages caused or received on the vessel lies on itself.

4) Emergence problem on the vessel unknown to captain may be granted short period of time to fix such problem if it is possible otherwise the vessel shall be salvaged from the port.

5) Any captain telling unknown problem shall be liable fine issued under the rule and regulations of the Authority.

Article 39 Power to designate areas of use and to prohibit vessel from entering territorial waters of Somaliland

1) The Port Master may, subject to such conditions as the Port Master may think fit, by notification in the Gazette, declare the berths, locations, anchorages and fairways which may be used by vessels and the areas which are prohibited or restricted.

2) The Port Master may prohibit any vessel from entering the territorial waters of the State if he or she is of the opinion that it would not be in the public interest for the vessel to enter the State.

3) Any person aggrieved by the direction of the Port Master under Article 39 (2) may, within seven (7) days of the receipt of such direction, appeal to the Authority whose decision shall be final

4) If any vessel fails to leave the territorial waters of the State within the time specified by the Port Master, or where an appeal has been made to the Authority under Article 39 (3) after the appeal has been refused, the Authority may take possession of and dispose of the vessel in any manner the Authority thinks fit.

Article 40 Penalty for disobedience of direction

1) Any person who, without lawful excuse, refuses, neglects or fails to obey any direction lawfully given under this Part or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which he willfully continues to disobey such direction.

2) In case of any refusal or neglect or failure to comply with this Part or any regulations made thereunder, the Authority may, whether any proceedings have been instituted against any person for such offence or not, do or cause to be done all such acts as are in its opinion reasonable or necessary for the purpose of carrying out such direction or complying with such direction, and may hire and employ such person as it considers proper and necessary for such purpose.

3) All expenses incurred in doing such acts shall be paid and borne by the person or persons so offending.

Article 41 Port master exemptions

The Port Master may provide for such exemptions in respect of the provisions in Article 33 to 43 Article 39 to Article 43 as it relates to any ship of war of the State, any vessel belonging to or for the time being in the service or employment of the Government unless such vessel is carrying or habitually carries cargo or passengers for freight or fares and vessels which have been exempted by the President from complying with the provisions set forth in Article 33 to 40 of this law.

**PART TEN REMOVAL OF VESSEL AND AIRCRAFT
SUNK AND OTHER OBSTRUCTION**

**Article 42 Raise, removal or destruction of vessel,
aircraft or other obstruction**

1) If in the opinion of the Authority any vessel, aircraft or other object sunk, stranded or abandoned within the port or the approaches thereto is, or is likely to become, an obstruction, impediment or danger to navigation or to the safe and convenient use or operation of the port, the Authority may by written notice require the owner or agent of the vessel, aircraft or object to raise, remove or destroy the whole or any part of such vessel, aircraft or object within such time as may be specified in the notice.

2) Any notice to be served by the Authority under Article 42(1) shall be deemed to be sufficiently served if addressed to "the owner" of the vessel, aircraft or object, as the case may be, and:

- a) sent by registered post to the last known place of residence or business or registered office of the owner of the vessel, aircraft or object; or
- b) Affixed to some conspicuous part of the vessel, aircraft or object.

3) Any person who fails to comply with a notice under Article 42(1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which the notice is not complied with.

**Article 43 Authority's power to raise and remove vessel,
aircraft or other obstruction**

1) Notwithstanding Article 42, if the vessel, aircraft or other object is not raised, removed or destroyed within such time as may be given in the notice under that section, the Authority may

- a) take possession of and raise, remove or destroy the whole or any part of such vessel, aircraft or object;
- b) light, mark or buoy such vessel, aircraft or object until the raising, removal or destruction thereof; and
- c) Sell, in such manner as it thinks fit, any such vessel, aircraft or object.

2) The Authority may use the proceeds of the sale under Article 43(1)(c) to reimburse itself for the whole of the expenses incurred by it in the exercise of its powers under this Article.

3) The Authority shall on demand pay the surplus, if any, of the proceeds of the sale under Article 43(1)(c) to the owner or any person entitled to it and if no demand is made by the owner or any person entitled to the surplus within twelve (12) months from the date of such sale, the surplus shall be paid into the funds of the Authority whereupon all rights to the same by such person shall be extinguished.

4) If the proceeds of the sale under Article 43(1)(c) are insufficient to reimburse the Authority for the whole expenses incurred by it, the Authority may recover the balance

from the owner of the vessel, aircraft or object as a debt in any court of competent jurisdiction.

5) If any vessel, aircraft or object or any part thereof is destroyed by the Authority under Article 43(1)(a), the owner of such vessel, aircraft or object shall reimburse the Authority for the expenses incurred by the Authority in such destruction.

6) For the purposes of this Article, "vessel" or "aircraft" includes every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of a vessel or an aircraft, as the case may be.

PART ELEVEN PILOTAGE

Article 44 declaration of pilotage districts

- 1) Somaliland Ports shall possess an area of pilotage to be known as Pilotage District.
- 2) The ships waiting or ready to be anchored into the dock may remain on that specified pilotage area.
- 3) The pilots of the port can reach ships on that specified area.

Article 45 Pilotage compulsory in pilotage districts

- 1) Every vessel while navigating in any pilotage district or part thereof shall be under pilotage and the owner, agent or master of the vessel shall comply with that requirement.
- 2) A vessel while being moved within any area of the port, which is or forms part of a pilotage district shall be deemed to be a vessel navigating in a pilotage district.
- 3) The pilot's function is to navigate a vessel in the port, to direct its movements and to determine and control the movements of the tugs assisting the vessel under pilotage.
- 4) The pilot must determine the number of tugs required for pilotage with the concurrence of the master of the vessel.
- 5) The master of the vessel must at all times remain in command of the vessel and neither the master nor any person under the master's command may, while the vessel is under pilotage, in any way interfere with the navigation or movement of the vessel or prevent the pilot from carrying out his or her duties, except in an emergency, where the master may intervene to preserve the safety of the vessel, cargo or crew and take whatever action he or she considers reasonably necessary to avert the danger.
- 6) Where the master of the vessel intervenes as contemplated in Article 45(5) he or she must immediately inform the pilot of the vessel and, after having restored the situation, shall permit the pilot to proceed with the execution of his or her duties.
- 7) The master of the vessel shall ensure that the officers and crew are at their posts that a proper lookout is kept and that the pilot is given all assistance necessary in the execution of his or her duties.
- 8) Pilotage is not compulsory in respect of any vessel or class of vessels that have been exempted from pilotage by the Authority in writing.

Article 46 Failure to employ pilot under certain circumstances

1. The captain, owner and agent of a ship who employ other than authorized pilot of the Authority of the Ports is of guilt of offenses who are liable of fine,
2. Any damages caused such acts belongs to ship.
3. Any person aided on pilotage of the ship and not deploying authorized pilot are committed crime and is to hand over to the security agencies for prosecution.

Article 47 Penalties as to employment of pilot

- 1) Any person who, not being an authorized pilot, engages in any pilotage act or attempts to obtain employment as a pilot of a vessel entering or within any pilotage district shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.
- 2) Any owner, agent or master of a vessel entering or within any pilotage district who knowingly employs
 - a) as a pilot any person who is not employed by the Authority to pilot vessels under Article 46 (1):
 - b) as a pilot any person who is not authorized to pilot vessels under Article 46; or
 - c) as a berthing master any person who is not authorized to act as a berthing master under Article 47(2)(b), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.
- 3) For the purposes of this section, a person employed under Article 46(1) or authorized under Article 49 acting beyond the limits for which he is licensed or authorized to act or acting in contravention of any of the conditions imposed under Article 46 shall be deemed not to be an authorized pilot.
- 4) Any person may, without subjecting himself or his employer to any penalty, act as the pilot of a vessel entering or leaving any pilotage district, when such vessel is in distress or under circumstances making it necessary for the master to avail himself of the best assistance that can be found at the time.

Article 48 Employment of pilot

1. The Authority shall have pilots who anchors ships or any other sea vessels in Somaliland ports.
2. Pilots are employees of the Port Authority (Harbor Section)
3. Any person other than pilots of the Port Authority shall not navigate sea vessels into the Somaliland ports.

Article 49 Liability of authorized pilot

- 1) Any authorized pilot while engaged in any pilotage act shall be deemed to be the servant of the owner or master of the vessel under pilotage. The owner or master of the vessel being piloted shall be liable for the acts or omissions of an authorized pilot and the Authority shall not be liable for and shall be indemnified by such owner or master of the vessel for any loss or damage caused by any act, omission or default of such pilot.
- 2) Neither the Authority nor an authorized pilot shall be liable for loss or damage caused by anything done or omitted to be done by the authorized pilot whilst performing his or her functions in terms of this Law.

Article 50 Certification and licensing of pilot

- 1) No person may perform the functions of a pilot in a port without having been duly certificated by the Authority and licensed by the Authority to do so.
- 2) The Authority may prescribe requirements for the licensing of pilots from time to time.
- 3) The Authority may set the minimum qualifications required for any person to be licensed as a pilot, including the content and nature of examinations, if any, to be undertaken.
- 4) No person shall continue to perform the functions of a pilot and no person shall continue to employ as an authorized pilot any pilot whose licensed to act as such is

cancelled or revoked as a result of any test or examination or inquiry into the competency of such pilot by the Authority.

Article 51 Regulations relating to pilotage and conduct of pilot

- 1) The Authority may, with the approval of the President, make regulations for regulating pilotage in any pilotage district and for the maintenance of good conduct and discipline of authorized pilots and for matters relating to their duties.
- 2) The Authority may, in making regulations under this section, provide that any contravention of or failure to comply with any of the regulations shall be an offence and may prescribe as a penalty in respect of any one offence a fine not exceeding \$5,000.

PART TWELVE LICENSING OF MARINE AND PORT SERVICES AND FACILITIES

Article 52 Agreements in port operations and services

- 1) The Authority may, with the approval of the President, enter into any lease, concession, joint venture, public-private partnership, operating contract, management contract, service contract or any other form of contractual agreement with any person, including a body corporate in terms of which that person, for the period and in accordance with the terms and conditions of the agreement, shall be authorized to
 - a) design, construct, rehabilitate, develop, finance, maintain or operate a port terminal or port facility, or provide services relating thereto;
 - b) provide any other service within a port designated by the Authority for this purpose; and
 - c) Perform any function or combination of functions necessary or ancillary to the matters referred to in clause (1) of this Article.
- 2) Any agreement concluded pursuant to this section must provide a right for the Authority to monitor and annually review performance with regard to the operation of the port terminal or port facility and the provision of the relevant services to a performance standard specified in the agreement.
- 3) Notwithstanding any other provision of this Law, the Authority may, with the approval of the President, enter into agreements whereby it delegates or contracts for any service which the Authority is required to provide under the terms of this Law or in respect of any provision of this Law which the Authority is required to observe.

Article 53 Operations existing on the date of this law

Any person who provided a port service or operated a port facility immediately prior to the date of this Law, is deemed to hold a public license, but such person must apply for a public license in respect of the provision of such port service or the operation of such port facility within six (6) months of the date determined by the Authority by notice to all or any of such persons published in the Gazette.

PART THIRTEEN DREDGING, HYDROGRAPHIC AND HYDROLOGIC SURVEYS

Article 54 Dredging

- 1) Burrowing, Cleaning and Dredging seabed:
 - a) It is the responsibility of the Authority for burrowing, cleaning and dredging the seabed and anywhere correlated to the port,
 - b) It will also do dredging and all necessary routes for vessels navigation in

Somaliland territorial waters

- c) passageways for the vessels when anchoring/mooring into the ports
 - d) near the sites of the docking areas of the vessels.
- 2) The Authority may explore and dredge in their conditions of unsearched areas of the seabed near the ports in collaboration with other related agencies.
- 3) The Authority may prescribe the limits within the levels to which dredging may be carried out or someone else contracted on its behalf

Article 55 Hydrographic and hydrologic surveys

- 1) No person shall carry out or cause to be carried out any hydrographic or hydrologic survey or other study of the waters and seabed within the limits of the port without prior approval of the Authority.
- 2) The Authority may grant the approval referred to in Article 55 (1) with or without conditions or may refuse to grant such approval.
- 3) Any person who contravenes Clause (1) of this Article shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding six (6) months or to both.

Article 56 Exemption of authority land

The provisions of-

- a) any enactment or any law relating to municipal or country planning; and
- b) any enactment or law regulating the construction, alteration, repair or demolition of buildings, shall not apply to any land for the time being vested in, leased out by or in the possession of the Authority.

Article 57 supply of information before the departure of ship for Somaliland

1. The owner, master or agent of every ship intending to enter any port in the State for any purpose whatsoever shall, not later than thirty (30) days before the departure of the ship for the State, furnish to the Authority a statement setting out the following matters -
- a) the name and physical particulars of the ship;
 - b) the name of port or ports of sailing and estimated time of departure;
 - c) the name of port or ports of discharge in the State;
 - d) the estimated date of arrival in the State; and
 - e) Detailed information (including tonnage) in respect of the cargo carried in the ship.

Article 58 prohibition of entry into Somaliland of ships in certain cases

Except with the prior approval of the Authority, no ship shall enter a port or an approach to a port in the State, except as may be permitted by and in accordance with the terms of an entry issued by the Authority in respect of that ship.

Article 59 Alteration of allocation of ports

Notwithstanding anything contained in this Law, the Authority may, if satisfied that the circumstances of the case so require, at any time alter the date allocated for the entry of any ship into any port or any approach to a port in the State and shall by such means as it may deem convenient, notify the owner or agent of the owner of the ship of the alteration.

Article 60 Releasing information on movement of ship

The Authority may pass by information of the movement of the ship to Somaliland Coastal guard and the president in order to prevent if there is a danger.

Article 61 Exclusion of liability of the authority

1) Neither the Authority nor an employee or a representative of the Authority shall be liable for loss or damage whatsoever to any person or property including, but not limited to, any vessel or to any goods or other thing on board a vessel, caused by anything done or omitted by the Authority, the employee or the representative in performance of or in connection with any of the provisions of this Law.

2) Notwithstanding the grant of any public license, the Authority shall not be liable in any circumstances for any injury, loss, damage or cost sustained by any person as a result of any default, negligence, breach or other wrongful act or omission of any public licensee or any agent or employee of the licensee.

3) Without limiting the generality of Clause (1) of this Article, the Authority shall not be liable for:

a) Any loss caused by or relating to a delay in the delivery of any goods loaded on to or unloaded from a vessel at the Port;

b) Any loss or damage resulting from an act or omission of a person who is, or is acting on behalf of, a user of the Port;

c) any loss or damage resulting from any act or omission taken or not taken with respect to any oil spill or pollution event; or

d) any loss or damage resulting from an event outside the control of the Authority including, but not limited to

i. an act of God;

ii. an act of war;

iii. an act of public enemies;

iv. any insurrection, revolution or civil disorder;

v. the unlawful seizure or control of any people or any vessels, vehicles or other property;

vi. any industrial disputes of any kind, including strikes, lockouts, stoppages or restraints of labor (whether partial or general) from any cause; or

vii. the use for the purpose of war or defense, or training or preparation for war or defense, of any Port facilities or other property of the Authority.

Article 62 Exemption from tax

The provisions of any enactment relating to taxation shall not apply to the Authority.

Article 63 General exemptions

1. The Authority may, with the approval of the President, exempt any person, vessel, vehicle or premises or any class or description of persons, vessels, vehicles or premises from any of the provisions of this Law or any of the regulations.

2. Any exemption granted under this Article shall not reduce or in any way affect the responsibility of the person to whom the exemption is granted or the owner or master of a vessel or of the owner of a vehicle or the premises to whom the exemption is granted and the Authority shall not be liable for any death or injury of any person or for any loss, damage or destruction of any property arising from or in connection with such exemption.

Article 64 Offences

Every person who deliberately commits an act of offence against the Authority shall be handed over to the Prosecutor General or Regional prosecutor where the offence is committed in order to prosecute such person in appropriate court in accordance with penal code.

Article 65 Regulations

The Authority may, with the approval of the President, make regulations for carrying out the purposes and provisions of this Law.

Article 66 Commencement

This Law will come into force when the Parliament approves and the President Signs and publishes in the Official Gazette.

SCHEDULES

FIRST SCHEDULE Article 9 (2)

SOMALILAND PORTS

1. Berbera
2. Saylac
3. Xiis
4. Laasqorey
5. Maydh
6. Bulla xaar
7. Lughaye
8. Shalcaw
9. Ceeldaraad
10. Karin
11. Conqor
12. Ruguuda
13. Ceelaayo
14. Xarshaw
15. and any other places which the Agency deems to be suitable for a port, which it will forward to the President.

SECOND SCHEDULE

Article 1 Term of Office (Members of the Board)

The Board of Directors except the two General Manager (Port of Authority and SEZ) shall hold office for 5 (five) years period from the day president appoints them.

Article 2 Resignation and Removal

After the exception of the two General managers, other members of the Board of Directors can lose their membership (*on*):

1. death
2. A member of the Board may resign from office at any time by written notice delivered to the President.

3. Commit a crime punishable of 3 (three) or more years in prison.
4. Cannot perform duties due to health conditions or mental sickness proved by committee of doctors who are registered in the Ministry of Health.
5. Absence of 4 consecutive Board meeting without reason, and with the approval and signature of other Board members submits to the president

Article 3 Chairperson and Deputy Chairperson

1. Chairperson runs meetings and sessions of the Board, where the Chairperson is unable to act because of sickness, absence or other cause, the Deputy Chairperson is to act in the Chairperson's place.
2. The Deputy Chairperson may exercise any power or perform any function conferred on the Chairperson by or under the provisions of this Law.

Article 4 Meetings

1. The Board shall meet once every three (3) months to discharge its duties. Under special circumstances the Board may meet less than three months (3) to discharge its duties.
2. A special meeting of the Board may at any time be convened by the Chairperson or in his/her absence Deputy Chairperson.
3. The Chairperson is to preside at all meetings of the Board.
5. A decision at a meeting of the Board shall be adopted by a simple majority of the directors' present and voting except that in the event of equality of votes the Chairperson or director presiding shall have a casting vote in addition to his or her original vote.

Article 5 Remuneration of Directors

The members of the Board of the Authority may be paid out of the Budget of the Authority, a salary, remuneration and expenses necessary for the performance of their duties.

Article 6 Disclosure of Interest by Board Members

1. Directors of the Board may not represent particular interests of a certain group, but must promote the harmonious development and improvement of the ports to the benefit of all users and the economy.

Article 7 Minutes of Meetings

1. The Board shall ensure that an accurate record is kept and preserved of the proceedings at each meeting of the Board and of each resolution passed

ALLAA MAHAD LEH

C/risaaq Siciid Ayaanle Xoghayaha Guud ee Golaha Wakiilada JSL _____	Md. Baashe Maxamed Faarax Gudoomiyaha Golaha Wakiilada JSL _____
--	--