



Xafiiska Madaxweynaha

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

Taar: 12/04/2021

Wareegto Madaxweyne

Dhaqan-galka Xeerka Hay'adda Dekedaha Somaliland, Xeer Lr. 94/2021

Markaan Arkay: Qodobka 90aad ee Dastuurka Jamhuuriyadda Somaliland;

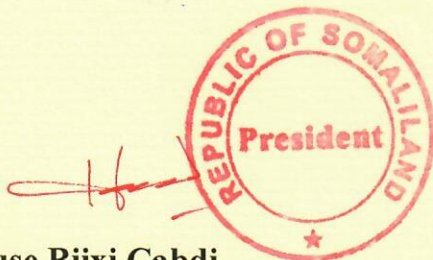
Markaan Arkay: Qodobbada 11aad, 75aad, 76aad, 77aad iyo 113aad ee Dastuurka Jamhuuriyadda Somaliland;

Markaan Arkay: Go'aanka Golaha Wakiillada, Go'aan Lr. GW/KF-45/885/2021, ee ku taariikheysan 03/04/2021, ee ay ku ansixiyeen Xeerka Hay'adda Dekedaha Somaliland, Xeer Lr. 94/2021;

Waxaan soo-saaray;

Dhaqan-galka Xeerka Hay'adda Dekedaha Somaliland, Xeer Lr. 94/2021.

Allaa Mahad Leh



Muuse Biixi Cabdi

Madaxweynaha Jamhuuriyadda Somaliland

RL: 278
RECEIVED
HHS
25/04/2021



Ujeedo:- Go'aanka Ansixinta Xeerka Hay'adda Dekadaha Somaliland

Xeer Lr. 94/2021

GOLAHA WAKIILADU

Markuu Arkay:-

Qodobka 11^{aad}, 75^{aad}, 76^{aad}, 77^{aad} iyo 113^{aad} ee
Dastuurka Qaranka JSL.

Markuu Arkay:-

Ahmiyadda dhaqaale, siyaasadeed iyo bulsho ee Dekedduhu u leeyihiin horumarka iyo taabbagelinta Ganacsiga, iyo isu socodka ganacsiga iyo gaadiidka badda iyo barriga.

Markuu ku Qancay:-

In baahi weyn loo qabo in la helo xeer si faahfaahsan u qeexa xilka iyo waajibaadka hay'adda dekedaha Jamhuuriyadda Somaliland, hay'addaasi oo u xilsaaran dhismaha, horumarinta, maamulka iyo maaraynta arrimaha dekeddaha iyo isu socodka gaadiidka badda.

Markuu Arkay:-

Muhiimada ay leedahay in la helo Hay'ad Dawladeed oo madax bannaan oo qaabilsan maamulka dekeddaha dalka Jamhuuriyadda Somaliland si loo hormariyo loona dhiso dekeddo la jaanqaadi karra dekeddaha Gobolka iyo kuwa caalamka guud ahaan.

Markuu Arkay:

Go'aanka Ansixinta Xeer **LR:94/2021** ee Golaha Wakiiladu U Gudbiyeen Golaha Guurtida JSL Kuna taariikhsanayd **06/02/2021**

Markuu Arkay:

Go'aanka Ansixinta Xeer **LR:94/2021** ee Golaha Guurtida JSL kuna Taariikhsanayd **15/03/2021**.

Markuu Arkay:

In Golaha Guurtida wax-ka-bedel iyo kaabis ku sameeyeen kuna ansixiyeen afar iyo afartan **(44)** cod **Xeerka Hay'adda Dekadaha Somaliland LR:94/2021**

WUXUU

Cod aqlabiyad ah **33 cod** oo gacan taag ah ku Ansixiyay **Xeerka Hay'adda Dekadaha Somaliland (Xeer Lr. 94/2021)**.

ALLAA MAHAD LEH

C/risaaq Siciid Ayaanle

Xoghayaha Guud ee Golaha Wakiilada JS

Baashe Maxamed Faarax

Guddoomiyaha Golaha Wakiilada JSL.



JAMHUURIYADA SOMALILAND

GOLAHA WAKIILADA



XEERKA HAY'ADDA DEKEDAHA SOMALILAND

(SOMALILAND PORTS AUTHORITY LAW)

XEER LR: 94/2021

GOLAH WAKILADDU

Markuu Arkay: Qodobka 11^{aad}, 75^{aad}, 76^{aad}, 77^{aad} iyo 113^{aad} ee Dastuurka Qaranka JSL.

Markuu Arkay: Ahmiyadda dhaqaale, siyaasadeed iyo bulsho ee Dekedduhu u leeyihiin horumarka iyo taabba-gelinta Ganacsiga, iyo isu socodka ganacsiga iyo gaadiidka badda iyo barriga.

Markuu ku Qancay: In baahi weyn loo qabo in la helo xeer si faah-faahsan u qeexa xilka iyo waajibaadka hay'adda dekedaha Jamhuuriyadda Somaliland, hay'addaasi oo u xilsaaran dhismaha, horumarinta, maamulka iyo maaraynta arrimaha dekeddaha iyo isu socodka gaadiidka badda.

Markuu Arkay: Muhiimada ay leedahay in la helo Hay'ad Dawladeed oo madax bannaan oo qaabilsan maamulka dekeddaha dalka Jamhuuriyadda Somaliland si loo hormariyo loona dhiso dekeddo la jaanqaadi karra dekeddaha Gobolka iyo kuwa caalamka guud ahaan.

WUXUU ANSIXIYAY

XEERKA HAY'ADDA DEKADHA SOMALILAND

XEER LR: 94/2021

HOUSE OF REPRESENTATIVES

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

Having Seen: 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

Somaliland Ports authority

Law No: 94/2021



**QAYBTA 1AAD
QODOBO GUUD**

Qodobka 1^{aad}

Magaca xeerka

Xeerkan waxa loogu yeedhayaa **Xeerka Hay'adda Dekaddaha Somaliland Xeer Lr. 94/2021.**

Qodobka 2^{aad}

Eray-bixin

Ereyada hoos ku qoran hadii aan si kale loo sheegin, waxa xeerkan gudihiisa loo macnaynayaa siyaabahan:-

"Sarkaalka awooda u leh":- Waxa loola jeedaa qof awood sharci u leh ama u haysta fulinta waajibaadyada lagu sheegay xeerkan.

"Hawl-wadeen awooda u leh":- Waxa loola jeedaa qof kasta oo Madaxa Waaxda Baddu uu shaqaalaysiiyo si uu u hago gaadiidka badda, si waafaqsan Qodobka 46aad ee xeerkan Hay'adda Dekeddaha jamhuuriyadda Somaliland.

"Hay'ad":- waxa loola jeedaa Hay'adda Dekeddaha Jamhuuriyadda Somaliland, ee lagu aaasasayo si waafaqsan faqrada 2aad ee Qodobka 4aad ee Xeerkan.

"Kaah/beacon":- Waxa loola jeedaa nal, iftiin ama calaamad kasta oo muujinasa gacan-siinta bad-mareenada oo aan ka ahayn **Noobiyad** (lighthouse) ama buoy.

"Maamulaha soo-xidhista":- waxa loola jeedaa qof kasta oo igmaday si waafaqsan faqrada 3aad ee Qodobka 45aad;

"Guddi":- waxa loola jeedaa guddida Agaasinka hawlaha Dekedda si waafaqsan Qodobka 6aad ee xeerka Hay'adda Dekeddaha

"Sabeeye/buoy":- waxa loola jeedaa aalad kasta oo iftiimaysa islamarkaana bada dulsabaysa gunta hoosana gaadha, taas oo loo adeegsado bad-marka ama ujeedooyin kale oo gaar ah;

"Shixnaddaha Khatarta ah":- waxa loola jeedaa alaab kasta oo ladaabulayo taas oo keeni karta khatar.

"Xeer":- Waxa loola jeedaa Xeerka Hay'adda Dekeddaha Somaliland Xeer Lr. 94/2021;

"Khidmad/dues": Waxa ka mid ah khidmada Dekedda, khidmada badeecada iyo khidmadaha

**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;



kale ee ay waajibinaso Xeerkani oo aan ka ahayn qiimeyaasha.

"Qalab/equipment": - waxa ka mid ah Aalad, Agab, Mashiin, Hanaan ama Caawiye kasta oo loo isticmaalo ama loola jeedo in loo isticmaalo bixinta adeeg bad-marinimo.

"Faafinta/gazette": - waxa loola jeedaa faafinta rasmiga ah ee ay dawladdu soo saarto.

"Badeecaddo": - Waxa ka mid ah shixnadaha nugul (khatarta ah), xayawaan, hilib caydhiin, shandado, kontaynaro (containers) iyo wax kasta oo la daabuli karo, ha ahaado mid la qaboojiyay ama mid kale'e.

"Dawladda": - Waxa loola jeedaa Dawladda Jamhuuriyadda Somaliland.

"Kaabayaal dhaqaale/infrastructure": waxa loola jeedaa kaabayaasha Dekeddaha sida: derbiga caabiya hirarka badda, xayndaabka kala sooca badda iyo duunyada, kanaalada, dhidibada, dariiqyada, xadiidka iyo dhammaan kaabayaal kasta oo bixiya adeegyada nal, koronto, khasin saar iyo adeegyada kale.

"Noobiyad/light house)" waxa loola jeedaa aalad soocan (gaar ah) oo ku rakiban badda gudaheeda ama xeeliga, taas oo bixisa iftiin haga gaadiidka badda.

"Maareeyaha Guud": waxa loola jeedaa Maareeyaha Guud ee loo magacaabay si waafaqsan Qodobka 12aad waxana ku jira qof kasta oo ay Dawladdu igmatay in uu xilkaas qabto.

"Adeegyada Badda iyo Ta-siilaadka: - waxaa loola jeedaa soo kaxaynta iyo soo xidhida gaadiidka bedda iyo sahaysiinta gaadiidka.

"Maamule/master: Waa qof kasta oo awood sharci iyo mid farsamaba u leh markab ama doon, oo aan ka ahayn naakhuudaha.

"Hawl-fuliye/operator": Waxa loola jeedaa qof ama shirkad, kaas oo sida uu dhigayo sharciga Hay'adda dekaduhu, gudan karra waajibaad uu u xilsaaray Waaxda Baddu, qandaraasle ahaan, wakiil ahaan, ama kireeye

"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**;

ahaan, si uu u fuliyo shaqooyinka hawlaha dekedda.

“Mulkiile”: marka ay la xidhiidho maraakiibta/doonyahay, waxa mulkiile noqon karra saamiile, Hawlwadeen, qof lagu wareejiyay shaqo ama qof damiin ka ah gacan ku haynta markabka ama qof kale oo kasta oo si haboon loogu wakiishay in uu masuul uga noqdo qofkaas.

“Masuulka markabka/Captian”: waa qof aan lahayn markabka laakiin masuul ka ah oo ku shaqeeya.

“Raasi/pilotage district”: Waa dhulka dekada ee Qodobka 44aad ee sharcigani sheegayo inuu yahay dhul dekadu leedahay.

“Khidmada adeegsiga Dekedda”: Waxa loola jeedaa kharashka laga qaado kusoo xidhashada, ka gooshida iyo adeegsiga Dekedda.

“Madaxa Waaxda Badda/Harbour Master”: waxa loola jeedo madaxa waaxda bada iyo ku xigeenkiisa loo magacaabay si waafaqsan qodobka 33aad ee Xeerkan.

“Adeegyada Dekedda”: Waxa ku jira adeegyada raridda iyo dajinta baddeecaddaha, hagida gaadiidka, adeegyada wiishashka, adeegyada xidhista maraakiibta/doonyaha, dab-damiska, ammaanka, adeegyada isgaadhsiinta, raadaarka, nadiifinta qashinka iyo dayactirka maraakiibta iyo dhammaan adeeg bixinta kale ee Dekedda gudaheeda ee uu lag mamaarmaan u arko maamulku.

“Deked”: Waxa loola jeedaa mid kasta oo ka mid ah Dekeddaha Jamhuuriyadda Somaliland.

“Qeexis/prescribe”: Waxa loola jeeda wax kasta oo xeer lagu qeexo.

“Madaxweyne”: Waxa loola Jeedaa Madaxweynaha Jamhuuriyadda Somaliland.

“Ruqsad guud”: waxa loola jeeda ruqsad loo bixiyay si waafaqsan Xeerkan iyo Xeer-nidaamiyaha ka dheegma.

“Ruqsad guud” waxa loo fasirayaa sidaas, laakiin si shakiga looga saaro, waxa ku jiri doona qof kasta oo laga reebay helista rugsadda guud si waafaqsan Xeerkan iyo Xeer-nidaamiyaha ka dheegma.

“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;

“Qiimeyaal/tacriifad”: Waxa loola jeedaa takaaliifta ay hay’addu u qaado si waafaqsan Xeerkan ee aan ahayn feega gaadiidka kusoo xidhanaya Dekeddaha ee aan ahayn khidmad.

“Xeer-nidaamiye” waxa loola jeedaa xeer-nidaamiyeyasha loo soo saaray si waafaqsan xeerkan;

“Dalka”: Waxa loola jeedaa dalka Jamhuuriyadda Jamhuuriyadda Somaliland.

“Buuga tacriifadaha”: Waxa loola jeedaa buuga ay ku qoranyihiin dhamaan tacriifadaha, takaaliifta iyo fiiga nooc wal oo ka mid ah adeegyada Dekedda bixiso.

“Gaadiid”: Waxa loola jeedaa gaadiid kasta oo Dekeddaha ka hawlgala oo aan ahayn markab.

“Gaadiid baddeed”: Waxa loola jeedaa markab, doon, riig iyo wax kasta oo badda goosha oo loo adeegsan karo daabul alaabeed.

“Gebi/Wharf” waxa loola jeedaa dheega ay maraakiibta/doonyuhu ku xidhaan ama barxada dekada ee la dhigo wixii la rarayo ama la dejinayo iwm.

Qodobka 3^{aad}

Xadka Adeegsiga Xeerka

Xeerkan waxa lagu dabaqayaa maamulka, maaraynta iyo hormarinta dhammaan Dekaddaha Somaliland.

QAYBTA 2AAD

HAY’ADDA DEKEDAHA SOMALILAND

Qodobka 4^{aad}

Aasaaska Hay’adda Dekeddaha

- 1) Waxa Xeerkan lagu aasaasay Hay’adda Dekeddaha Jamhuuriyadda Somaliland, taasi oo ah hay’ad u madax banaan hawlaheeda shaqo si waafaqsan xeerkan iyo xeerarka kale ee dalka ka dhaqangalka ah.
- 2) Hay’addu waxay yeelanaysaa jiritaan qaanuuni ah iyo Shaambad u gaar ah, waxayna yeelan kartaa hanti guurto iyo mid maguurto ah isla markaana ku gali karaa magaceeda heshiis kasta, kuna dacwayn karaa ama lagu dacwayn karaa, ama ku fulin

“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

kartaa hawl kasta oo lagama maarmaan u ah fulinta hawlaha ku xusan Xeerkan iyo xeerarka khuseeya ee dalka.

- 3) Xarunta guud ee Hay'addu waxa ay noqonaa Magaalada Berbera, waxayse laamo ka furan kartaa meelihii kale ee wadanka kamid ah ee ay u aragto inay lagama maarmaan u tahay habsami u socodka shaqada.

Qodobka 5^{aad}

Ujeeddada Aasaaska Hay'adda

Ujeeddada aasaaska hay'addu waa in kor loo qaado ka faaiidaydiga buqcadha dhuleed iyo istaratijiyadeed ee ay dhacdo Jamhuuriyadda Somaliland iyada oo:

- a) Kor loo qaadayo maamulka iyo hawlaha shaqo ee Dekeddaha,
- b) La xaqiijinayo bed qabka hawlaha shaqo ee rarka iyo dajinta xamuulka iyo rakaabka,
- c) La hormarinayo, korna loo qaadayo maamulka kaabayaasha iyo dhismaha Dekeddaha,
- d) La ilaalinayo bedka iyo iyo amniga Dekeddaha, iyo
- e) Lala galo heshiisyo shakhsiyaad ama shikrado kale si loo xaqiijiyo bixinta adeegyada dekeddaha heshiiskaas oo noqonaya kuwo hormarineed, kuwo wadaag ah iyo kuwo dadweynuhu qayb ka yihiin kuwaas oo ujeeddadoodu tahay in lagu wareejiyo shaqada ama adeegyada Dekeddaha hal shirkad ama wax ka badan.

Qodobka 6^{aad}

Aasaaska iyo Xubinnimada Guddiga Agaasinka

1. Hay'addu waxay yeelanaysaa Guddiga Agaasinka (Board of Directors) oo noqonaya sagaal (9) xubnood oo uu soo magacaabo Madaxweynuhu ayna ku jiraan mareeyayaasha hoos ku xusan oo ka mid noqonaya guddiga: -
 - a) Mareeyaha Guud ee Dekeddaha JSL iyo

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

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| <p>b) Maareeyaha Guud ee Aaga Cashuuraha ka caagan</p> <p>2. Qofna loo magacaabi maayo xubin ka mid ah Guddidan haddii aanu:-</p> <p>a) Haysan shahaadada jaamacadeed oo heerka koowaad ah oo uu ka qaatay jaamacad la aqoonsan yahay,</p> <p>b) Lahayn waayo aragnimo khibrad shaqo oo gaadhaysa ugu yaraan 5 sano oo la xidhiidha hawlaha, ganacsiga, warshadaha, sharciga, arimaha maaliyadda, dhaqaalaha, maamulka dekedaha, hal-abuurka ganacsiga ama injiineernimada.</p> <p>3. Hay'addu waxay yeelanaysaa Gudoomiye iyo Gudoomiye ku-xigeen ay xubnaha Guddidu iska soo dhex doortaan.</p> <p>4. Madaxweynuhu wuxuu magacaabayaa sadexda xubnood ee u metelaya Hay'adda (shirkadaha maalgashi ee ay wada leeyhiin dawlada iyo maalgashade) kuwaas oo uu ka soo dhex magacaabay xubnaha gudida Agaasinka</p> <p>5. Xubnaha loo magacaabay si waafaqsan faqrada 4aad ee Qodobkan waxa ay ka qaybgalayaan kulanada Guddiga Agaasinka ee shirkaddahan waxayna fulinayaan shaqooyinka lagu sheegay Heshiiska Hormarinta iyo Maalgashiga ee khuseeya.</p> <p>6. Guddida Agaasinka ee Hay'adda Dekeddaha Somaliland waxay yeelanaysaa awoodaha iyo waajibaadyada shaqo ee ay ka midka yihiin: -</p> <p>a. Kala talinta Madaxweynaha siyaaddaha iyo qorsheyaasha kor loogu qaadayo laguna hormarinayo Hay'adda;</p> <p>b. Kala talinta Hay'ada arrimaha la xidhiidha maaraynta, xil gudashada, siyaasaddaha shaqo iyo fulinta siyaasaddaha hay'adda;</p> <p>c. Kala talinta Madaxweynaha magacaabista Maareeyaha Guud iyo kuxigeenka ee Hay'adda'</p> <p>d. Ansixinta misaanayadda iyo dakhliga kale ee hay'ada oo lagu</p> | <p>b) General Manager of Special Economic Zone.</p> <p>2) No person shall be appointed as a Director unless;</p> <p>a) such person possesses a university degree from a recognized institution,</p> <p>b) And has at least 5 years working experience in matters relating to industry, trade, law, finance, economics, management, entrepreneurship or engineering.</p> <p>3) The Authority shall have Chairperson and Deputy Chairperson elected among the Directors of the Board themselves.</p> <p>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.</p> <p>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.</p> <p>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-</p> <p>a) Advise the President on policy and strategy in order to promote, develop operate and manage Ports Authority;</p> <p>b) Control, supervise and administer the assets of the Authority in such manner as best promotes the purpose for which the Authority is established;</p> <p>c) Advise the president on an appointment of General</p> |
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ansixinayo aqlabiyad (absolute majority)

- e. Ogolaanshaha iyo ansixinta qaab-dhismeedka Hay'adda, qodobada iyo siyaasadaha shaqo ee shaqaalaha ka hawlgalaya Hay'adda;
- f. Kormeerka shaqooyinka Hay'adda Dekeddaha iyo hubinta in shaqooyinka Dekeddu khatargalinayn caafimaadka iyo badqabka dekedda, aminiga dekedda iyo maaraynta arrimaha deegaanka;
- g. Hubinta heshiisyada la xidhiidha hormarinta Dekeddaha iyo shaqooyinka Hay'adda iyo ka talo bixintooda;
- h. Fulinta xilka iyo waajibaadka kale ee xeerkan waafaqsan
- i. Ilaalinta iyo dabagalka hantida Hay'adda Dekeddaha

7. Qodobada ku xusan Lifaafa Labaad ee Xeerkan ayaa lagu maamulayaa shirarka iyo hawlaha kale ee khuseeya Guddida Agaasinka ee Hay'adda.

QAYBTA 3AAD
SHAQADA, WAAJIBAADKA IYO
AWOODAHA HAY'ADDA
Qodobka 7aad

Shaqada iyo Waajibaadka Hay'adda

- 1) Iyada oo la raacayo qodobada Xeerkan, shaqooyinka iyo waajibaadka Hay'addu waxa noqonayaan:-
 - a) In ay Gudato masuuliyada ka saaran Dekadaha Dugaaladooda, Aaga Baroosin dhigashada iyo biyaha ku dhaw.

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;

- b) In ay kor u qaado, adeegsiga, hagaajinta iyo hormarinta dekadaha, dhulka hoos yimaad iyo Dugaaladooda.
- c) In ay nidaamiso, isla markaana ay maamusho:
 - i. Badmareenada soo gala xayndaabka maamul ee Dekeddaha.
 - ii. Adeegsiga biyaha iyo dhulka Dekeddaha.
 - iii. Dadka jooga, maraakiibta, baabuurta iyo badeecada.
- d) In ay maarayso xaaladaha degdega ah ee ka dhaca gudaha Dekeddaha iyo soonahooda.
- e) In ay bixiso, maarayso isla markaana hawlgaliso adeegyada Dekedda ama ay qorshayso adeegyada dekedda la siinayo, la maamulayo ama uu ka hawlgalinayo dhinac kale.
- f) In daryeel ku filana la siiyo noobiyaddaha waxtarka leh, nalalka degniinta ah (beacons), agabka khataraha tilmaamaha, sabeeye (buoys) iyo adeegyada kale ee bad marka ee dhulka biyaha dalka iyo hababka kale ee Hay'addu u arago munaasib.
- g) In ay baahiso xogta safarka bad marka mudadiiba markii loo baahdo.
- h) In ay qabato shaqooyinka ruqsad siinta iyo maamulka adeegyada iyo tas-hiilaadka la xidhiidha Dekedda iyo Badda.
- i) In ay bixiso (iyada ha bixiso ama cid kale ha bixisee) adeegyo iyo tas-hiilaadka dekedda iyo badda oo waxtar leh isla markaana ku filan.
- j) In ay abuurto hanaan sharci oo lagu maamul dhaqaalaha la xidhiidha adeegyada iyo tas-hiilaadka Dekeddaha iyo Baddaha si kor loogu qaado laguna ilaalinayo tartanka suuqa iyo caddaaladda ama haddii aanu jirin tartan suuqa ahi, ka hortagaya si xun u

- 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

adeegsiga gaar ugu xidhista (Monoply) ama awoodda suuqa.

- k) In ay samayso lanna aasaaso shirkado bah-wadaag la ah Dekeddaha, kuwaas oo noqon kara, kuwo mulkiile kali ah leeyahay iyo kuwo isu-tag ah ama ururo, ujeedaduna tahay fulinta shaqooyinka Hay'adda.
- l) In ay heshiis la gasho dadka haysta ruqsad dawladeed oo ku tacaluqa shaqo socodsiinta, maaraynta iyo dayactirka Dekeddaha, si waafaqsan xeerkan iyo wax ka bedel kasta oo lagu sameeyo qodobada xeerkan kaas oo waafaqsan nidaamka sharci ee dalka.
- m) In ay qabato shaqooyinka kale ee xeerkan ama xeerarka kale ku waajibiyeen fulintooda.

Qodobka 8aad

Awoodaha kale ee Hay'adda

- 1) Iyada la raacayo Xeerkan, Hay'adda dekeduhu waxa ay fulin kartaa hawlaha kale ee ay u aragto kuwo faaiido leh, lagama maarmaan ah ama la haboonaada marka ay fulinayso shaqooyinkeeda iyo waajibaadkeeda xeerkan ama xeerarka kale tilmaameen.
- 2) Qodobkan loo fasirimaayo mid xadidaya awoodaha kale ee xeerarka kale siiyeen Hay'adda.

Qodobka 9aad

Dekadaha Hoos yimaada Hay'adda

- 1) Dhammaan dekeddaha dalku waxay hoos imanayaan awooda Hay'adda.
- 2) Meelaha lagu sheegay Lifaaqa koowaad ee Xeerkan, waxa loo qaadanayaa in ay dekeddo yihiin, xudduudaha dekedda-haasina waxay noqonayaan xudduudihii la sheegay ee dhaqangalka ahaa ka hor xeerkan si waafaqsan faqrada 3aad ee Qodobkan kuwaas oo ah sidan:

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

- a) Berbera
- b) Saylac
- c) Xiis
- d) Laasqorey
- e) Maydh
- f) Bulla xaar
- g) Lughaya
- h) Shalcaw
- i) Ceeldaraad
- j) Karin
- k) Conqor
- l) Ruguuda
- m) Celaayo
- n) Xarshaw

- r) Laasqorey
- s) Maydh
- t) Bulla xaar
- u) Lughaya
- v) Shalcaw
- w) Ceeldaraad
- x) Karin
- y) Conqor
- z) Ruguuda
- aa) Celaayo

bb) Xarshaw

3) Madaxwaynuhu, amar ahaan, waxa uu ku dhawaaqi karaa meel kasta oo dalka ka mid ah, sida marin-biyoodada yeelan karo sifo dekedeed, inay yihiin dekedo Qaranku leeyahay, wuxuuna cayimi karaa xudduudaha meelahaas uu ku dhawaaqay in ay dekedo yihiin.

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.

Qodobka 10aad
Tilmaamaha Madaxwaynaha

- 1) Madaxwaynuhu waxa uu siin karaa Hay'adda tilmaamo la xidhiidha habsami u socodka hawlaha iyo fulinta awooddaha hay'adda markii loo baahdo.
- 2) Iyada oon waxba loo dhimmayn faqrada laad ee Qodobkan, Madaxwaynuhu kadib, marka uu latashado Hay'adda waxa uu ku tilmaami karaa Hay'adda ama cidda ay ruqsadda siisay qoraal ahaan, in ay fuliso ama aanay fulin hawl gaar ah isaga oo sheegaya qodobada iyo shuruudaha uu Madaxweynuhu u arko munaasib, haddii tilmaantaasi lagama maarmaan u tahay: -
 - a) In la ilaaliyo ama kor loo qaado amniga Qaranka ama danta guud ee qaranka, difaaca qaranimada ama xidhiidhka dawladdu la leedahay Dal kale.
 - b) In kor loo qaado dahanaha dhaqaale ama istiraatiijiyadaha dalka; ama

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;

- c) In la fuliyo ama fudaydiyo in la fuliyo waajibaadyada dawladda ee ka dhashay heshiis ay dhinac ka tahay ama Urur Caalami ah oo ay xubin ka tahay.
- 3) Hay'adda ama cidda ruqsadda ay siisay waa in ay qaado dhammaan tallaabooyinka lagama maarmaanka ah si loo dhaqangaliyo tilmaanta loo soo saaray si waafaqsan faqrada 1aad ee Qodobkan.
- 4) Madaxweynuhu wuxuu, haddii dawladdu la wareegto waajibaadkaas, uu amri karaa in magdhaw laga siiyo Hay'adda ama cidda ay ruqsadda siisay dhammaan khasaaraha macquulka ah ee ka soo gaadhay Hay'adda ama cidda ay ruqsadda siisay u hogaansamidda ay u hogaansameen tilmaamaha loo soo saaray si waafaqsan faqrooyinka 1aad iyo 2aad ee Qodobkan.

Qodobka 11aad Bixinta Xogta

- 1) Hay'adda ama qof kasta oo ay wakiilatay ayaa ogaysiis ku fari kara qof kasta in uu siiyo Hay'adda ama qofka ay igmatay dhammaan qoraalada ama xogta la xidhiidha arrimaha ay u u baahato
- 2) Hay'addu si waafaqsan wareegtada ee qofkaasi ogyahay ama uu hayo ama gacantiisa ku jira, waxana lagu bixinayaa xogtaas muddada ogaysiiska lagu sheegay guddaheed.
- 3) Qofkasta oo si waafaqsan farqada 1aad ee qodobkan ee ku guul daraysta in uu u hogaan samo waxa laga doonayo waxa uu galay fal-danbiyeen waxaanu mu taysanayaa marka fal-danbiyeedku ku cadaado ganaac \$20, 000 ama 5 sanno oo xadhig ah ama labadaba Qof kasta oo:
- a) Si u kas ah u beddela, qariya ama baabi'iya Documenti laga doonayay ogaysiis waafaqsan farqada 1aad ee qodobkan

- 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

- b) Bixiya warbixin ama xog loogaga baahday isaga si waafaqsan faqrada laad ee qodobkan sheega ama bixiya warbixin ama weedh uu ogyahay in ay been tahay waxa uu galay danbi waxana lagu xukumayaa ganaax ilaa 20, 000 oo dollar ah ama 5 sano oo xabsi ah ama labadaba.
- 4) Sida ugu dhakhsaha badan dhamaadka sanad maaliyadeed kasta waxay Madaxweynaha iyo Golaha Wakiilada Gudidda u qaabilsan u gudbinaysaa warbixin sanadeed ku saabsan hawl galadii hay'ada ee sanad maaliyadeedka tagay
- 5) Hay'addu waxay xaq u leedahay in ay adeegsato astaan, calaamad ama wax kasta oo lagu aqoonsan karo ka dib marka ay guddida Agaasinka ee haya'dda u ansixiso si ay u adeegsadaan una soo bandhigaan.
- 6) Qof kasta oo adeegsada Astaan, naqshada ama wakiilnimo la mid ah ama u eeg Astaan, naqshada ama wakiil nimo hay'adda loo yaqaan si uu ugu khiyaameeyo ama uu ugu abuur khal-khal ama laga yaabo in uu ku khiyaameeyo ama ku abuur khal-khal waxa uu galay danbi waxana lagu xukumayaa ganaax aan ka badnayn 2,000 oo doolar ama xadhig dhan lix bilood ama labadaba.

QAYBTA 4AAD
QODOBADA LA XIDHIIDHA
SHAQAALAHA
Qodobka 12aad

Magacaabida Maareeyaha Guud

1. Hay'adda Dekadaha Somaliland waxay yeelanaysa;
- a) Maareeye Guud iyo Maareeye ku xigeen uu soo magacaabo, xilkana uu ka qaadi karo Madaxweynaha JSL
2. Loo magacaabi maayo Maareeyaha Guud ama kuxigeenka Maareeyaha Guud haddii aanu:

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



- a) Ka qalin jabin jaamacad la aqoonsanyahay.
- b) Hadii aanu lahayn ugu yaraan 5 sanno oo waayo aragnimo ah oo uu u leeyahay ugu yaraan mid ka mid ah cilmiyada maamulka, hawl galinta Dekedaha, sharciga, dhaqaalaha, maaliyada ama ingineernimada.

Qodobka 13aad

Awoodaha shaqo ee Maareeyaha Guud

- 1. Maareeyaha guud waxa uu Guddida uga Masuul yahay habsami u socodsiinta shaqada iyo arimaha maamulka ee hay'ada waxaanu leeyahy awoodaha iyo xilalka iyo waajibaadyadan soo socda:-

- a) In uu fuliyo dhaqangaliyo, dabaqana siyaasadaha, barnaamijyada, hageyaasha, habraacyada, go'aamada Guddida Agaasinku soo saarto oo waafaqsan xeerkan iyo dastuurka JSL
- b) In uu socodsiyo hawlaha maalinlaha ah ee Hay'adda iyo xaqiijiyo hufnaanta shaqo iyo hawlgalinta shaqaalaha Dekeddaha hoos yimaad maamulka;
- c) In uu saxeexo heshiisyada, ogolaado kharashaadka iyo lacag bixinaha isaga oo raacaya qodobada miisaaniyadda iyo in uu qabto dhammaan shaqooyinka Hay'addu u baahan tahay, iyo in uu qabto guud ahaan shaqooyinka iyo arimaha looga baahdo wanaajinta hawl-galada hay'adda.
- d) In uu u gudbiyo Guddiga Agaasinka miisaaniyadda sanadlaha ah ee dakhliga iyo kharashka si ay u dib ugu eegaan

- 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 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, to 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

saddex (3) bilood ka hor bilawga sanad miisaaniyadeedka cusub;

- e) In uu diyaariyo Qorshayaasha horumarineed, Xeerhoosaadada, hagayaasha iyo awaamiirta shaqada iyo shaqaalaha
- f) In uu fuliyo cilmi-baadhis, daraasado, baadhitaano iyo mashaariicda iyo hawlaha kale ee loo baahdo una gudbiyo warbixin dhammaystiran iyo tallooyinka Guddida si ay u ogaadan una **ansixiyaan**;
- g) In uu noqdo xidhiidhiyaha Guddiga iyo Madaxweynaha, Madaxweynahana warbixin ka siiyo dhammaan arrimaha la xidhiidha Hay'adda.

Qodobka 14aad

Xilka iyo waajibaadka ku-xigeenka Maareeyaha Guud

1. Xilka iyo Waajibaadkiisa Maareeye ku-xigeenka Hay'addu waa:
 - a) Gudashada xilka maareeyaha guud ee hay'adda markasta uu maareeyuhu fasax shaqo ku maqan yahay ama uu buko iyo sidoo kale hadii ay banaanaato jagada maareeyaha guud inta laga soo buuxinayo
 - b) Waxuu ka kaalmeeyaa maareeyaha guud shaqooyinka kale duwan ee haya'dda.
 - c) Gudashada waajibaadka howla kale ee uu u igmado maareeyaha guud.

Qodobka 15aad

Khalad uga faa'ideysiga Xilka

- 1) Sarkaal kata oo xil ka haya ama mid hore xil uga hayn jiray, hadii uu dalka joogo iyo haduu ka maqanyahayba, waxa ka reeban inuu sifo qaldan u adeegsado xogta uu ku helay xilka uu hayo ama hayn jiray si toos

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

ah iyo si dadban toona, si uu dheef u helo isagu ama cid kale dheef u hesho ama uu ku waxyeelleeyo Hay'adda.

- 2) Qofkii ku xadgudba faqrada laad ee Qodobkan waxa uu galay danbi wuxuuna mutaysanayaa ganaax lacageed oo dhan 20,000 oo doolar ama xabsi dhan shan (5) sano ama labadaba.

Qodobka 16aad **Xilka Qaadista Maareeyaha Guud iyo ku-xigeenkiisa**

- 1) Madaxweynuhu, waxa uu Maareeyaha Guud iyo ku-xigeenkiisa Xilka kaga qaadi karaa hadii ku sifoobaan arrimahan hoose:-
 - a) Dhaqan xumo lid ku ah Shareecada Islaamka taas oo ku keenaysa Hay'adda iyo Dalkaba sumcad xumo.
 - b) Xil gudasho la'aan uu ku guuldaraysto in uu fuliyo waajibaadkii loo igmaday, iyada oo la siiyay fursado ay ku saxaan waxii ka qaldamay.
 - c) Xukun maxkamadeed oo kama-danbeys ah oo kaga dhacay Somaliland gudeheeda ama dibedda oo la xidhiidha xatooyo, musuqmaasuq, been abuur iyo fal kasta oo keensanaya aamin xumo.
 - d) Haddii ay ku cadaato inay masaaliix maaliyadeed oo dan gaara ah ku yeesheen ama ku leeyhiin shaqooyinka ka socda Dekeddaha.

Qodobka 17aad **Magacaabida Shaqaalaha iyo Wakiilada**

- 1) Kadib markay hesho anasaxinta Guddiga Agaasinka, Hay'addu waxay si waafqsan Xeerka Shaqaalaha Dawladda u shaqaalayn kartaa saraakiisha iyo shaqaalaha kale ee ay u aragto in ay lagama-maarmaan u yihiin fulinta shaqooyinkeeda ku xusan xeerkan iyo xeer-nidaamiyayaasha ka farcoma.
- 2) Dhammaan mushaarooyinka, Gunnooyinka iyo kharashaadka kale ee la siinayo hawl wadenada,

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.

saraakiisha, Maareeyaha iyo Maareeye Ku xigeenka Hay'ada waxa lagu salaynayaa siyaasadda mushaharka iyo gunooyinka dekedaha caalamka, iyadoo loo tixgalinayo duruufaha shaqo ee adag iyo khataraha badda.

Qodobka 18aad **Habdhaqanka iyo Daacadnimada** **Shaqaalaha**

1) Hay'addu waxay samaynaysaa xeer-nidaamiyeyaal ku saabsan shuruudaha shaqada shaqaalaha ee Hay'adda gaar ahaan kuwo la xidhiidha:

- a) Magaabitista, eryida, anshaxmarinta, mushaharka iyo fasaxyada iyo xaqsiinta shaqaalaha.
- b) Cabashooyinka ay shaqaaluhu ka qabaan ee lidka ku ah eryida iyo talaaboyinka anshaxmarinta la xidhiidha.
- c) Bixinta xaq hawlgabka, abaalmarinta iyo xuquuqaha la xidhiidha gunada hawlgabka shaqaalaha iyo cida ku sii tiirsan iyo xaqsiinta ehelada xubnaha geeriyooda ee Hay'adda.

2) Dhammaan Shaqaalaha hay'adda waxa loo tixgalinayaa in ay yihiin shaqaale dawladeed.

Qodobka 19aad **Ka Reebanaanta Eedaynta Shakhsiga ah**

1) Wax dacwad ah oo shakhsi ah laguma oogi karo mareeyaha, Sarkaalka ama shaaqaalaha Hay'adda ama qof kale ku shaqaynaya tilmaamaha Hay'adda, dacwaddaas oo ka dhalatay shaqo si niyad wanaag ah loo qabtay iyada oo la raacayo qodobada xeerkan ama xeer kale oo kasta.

2) Faqrada 1aad ee Qodobkan kama reebayso Hay'adda u qoolanaanta masuuliyaddaha madani ee ka dhasha heshiis ama gef ee ay

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.



tahay in ay ka bixiso magdhaw waxyeelo qofeed ama hantiyeed ee ay sababtay iyadoo fulinysa waajibaadyadeeda shaqo ee ku xusan Xeerkan ama xeer-nidaamiyeyaasha ka farcama.

QAYBTA 5AAD
QODOBADA MAALIYADEED
Qodobka 20aad
Dakhliga Hay'adda

- 1) Dakhliga Hay'addu waxa uu ka koobnaanayaa:
 - a) Qoondada Miisaaniyada Qaranka ugu jirta Hay'adda
 - b) Khidmadaha heshiisyada laga qaado ama ay Hay'addu ka hesho ruqsadaha ay bixiso;
 - c) Lacagaha ka soo gala takaaliifta iyo khidmadaha ay Hay'addu u qaado si waafaqsan Xeerkan iyo Xeer-nidaamiyeyaasha;
 - d) Daymaha ay Hay'addu amaahato iyada oo ogolaansho ka helaya Guddida si ay u fuliso waajibaadkeeda shaqo;
 - e) Lacagaha kale ee Hay'adda la siiyo ee la xidhiidha xil-gudashadeeda;
- 2) Dhamaan lacagaha ku xusan farqada 1^{aad} ee Qodobkan waxa lagu shubayaa Khasnad Qaranka ee Banagiga Dhexe Somaliland waxaana lagu soo darayaa Miisaaniyada Qaranka JSL.

Qodobka 21aad
Awoodda Dayn Qaadashada

1. Hay'addu marka ay hesho ogolaanshaha **Guddida** waxay dayn ka qaadat karaan Bangiyada iyo Hay'addaha kale ee maaliyadeed dalka gudihiisa damaanad iyo damaanad la'aan si ay Hay'addu waajibaadkeeda uga soo baxdo una fuliso

- 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

shaqooyinka si waafaqsan Qodobada Xeerkan.

2. Awoodda dayn qaadashada Hay'adda ee ku xusan faqrada 1aad ee Qodobkan waa in aan la fulin ilaa **Guddida** u gudbiso qorshe qoraal ah oo muujinaya: -
 - a) Xadiga iyo faahfaahinta qorshaha daynta;
 - b) Meesha ama meelaha daynta laga amaahanayo;
 - c) Ujeeddada lacagta la amaanayo loo isticmaalayo;
 - d) Qaabka daynta lagu bixinayo hadhaw; iyo
 - e) Dhammaan wixii xog dheeraad ah ee ay u baahato Guddidu.
3. Wasiirka **Wasaaradda** Maaliyaddu waxay uu damaanad qaadi kartaa bixinta daynta ay qaadanaayso Hay'addu si ay u fuliso waajibaadkeeda shaqo si waafaqsan Xeerkan.
4. Wasiirka **Wasaaradda** Maaliyaddu wuxuu siin karaa Hay'adda kab, deeq ama dayn Si waafaqsan Xeerka iyo Xeerarka kale ee dalka haddii kabkan, deeqdan ama dayntani muhiim u tahay fulinta shaqooyinka Hay'adda.

Qodobka 22aad

Miisaaniyad Sanadeedka Hay'adda

- 1) Hay'addu waxay yeelanaysaa Sannad miisaaniyadeed ka mid noqonaysa miisaaniyada Qaranka ee uu ansixiyo (Golaha Wakiilada), miisaaniyadaas oo laga bixin doono dhammaan lacagaha lagu daboolayo kharashaadka ay u gasho fulinta xilka iyo waajibaadyadeeda shaqo ee uu ku xusan Xeerkan;
- 2) Hay'addu waxa ay u raacaysaa diyaarinta miisaaniyad sannadeedkeeda si waafaqsan Xeerka Maamulka Maaliyada Dawlada Xeer Lr:75/2016)
- 3) Miisaaniyadda sanadlaha ah ee hay'addu waxa ay ka koobnanaaysaa:

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) Faahfaahinta dakhliga iyo kharashaadka Hay'adda la soo waafajiyay habraac (uu dhigayo xeerka Maamulka Maaliyada Qaranka Lr:75/2016).
- b) Faahfaahinta qaab-dhismeedka shaqaalaha iyo saraakiisha hay'adda;
- c) Qiimayn kooban oo ku saabsan masuuliyadaha kale ee iman kara iyo saamaynta ay ku yeelan karaan miisaaniyadda; iyo
- d) Xog kasta oo (uu jideeyay Xeerka Maamulka Maaliyada Qaranka Xeer Lr: 75/2016 in lagu daro).

Qodobka 23aad

Warbixinaha Xisaabaadka

- 1) Sannad maaliyadeedka Hay'addu waxa uu bilaabmayaa 1da January wuxuuna dhammanaya 31 ka December ee isla sanadka.
- 2) Hay'addu waa in ay yeelataa xisaabaad haboon iyo diwaanada dhammaan macaamilkeeda iyo arrimaheeda waana in ay samaysaa wax kasta oo lagama maarmaan u ah in ay xaqiijiso in dhammaan lacag bixinaheeda loo sameeyay loona amray si haboon iyo in si ku filan loo ilaaliyay hantida Hay'addu gacanta ku hayso iyo kharashaadka ay gashay.
- 3) Dhammaan warbixinaha maaliyadeed waa in ay noqdaan kuwo waafaqsan halbeegyada warbixinaha maaliyadeed ee caalamiga ah.
- 4) Warbixinaha maaliyadeed ee sanad kastaa waa in ay noqdaan kuwo ka turjuma xaaladda maaliyadeed ee dhabta ah ee Hay'adda iyo natiijooyinka shaqadii Hay'adda ee sanadkaas.

Qodobka 24aad

Xisaabaadka iyo Diiwaanada

- 1) Hay'addu waxay diyaarin doontaa buug iyo diiwaan xisaabeedyo ku haboon in si dhamaystiran loo galiyo oo loogu kaydiyo xog xisaabeedka la xidhiidha dhamman hawlaha iyo hantida hay'adda.

- 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



- 2) Hay'addu waxay siinaysaa xafiiska xisaabiyaha Guud Xisaab celinta xisaabaadka iyo xogaha kale ugu dambeyn 31 bisha march.
- 3) Xisaabiyaha Guud waa inuu u gudbiyaa Hanti dhawraha Guud marka uu gudbinayo xisaabaaadka Guiud.
- 4) Hay'addu waa inay u gudbiso xafiiska xisaab celinta xisaabaadka iyo xogaha kale ee khuseeya Hay'adda, hadii uu hanti dhawraha guud sidaas soo codsado.

Qodobka 25aad Hantidhawrida

- 1) Hay'addu isla marka uu dhammaado sanad maaliyadeedku, waxa ay diyaarinaysaa una gudbinaysaa warbixinaheeda maaliyadeed ee sanadkaa **Xisaabiyaha**Guud kaas oo baadhaya soona saaraya warbixino maaliyadeed.
- 2) Hanti dhawraha Guud ayaa baadhaya xisaabaadka ka dib marka Xisaabiyaha Guud uu u soo gudbiyo.
- 3) Dhamaan Saraakiisha iyo Shaqaalaha hay'addu waxa ay u ogolaanayaan hantidhawraha dhammaan buugaagta, qoraalada, heshiisyada, xisaabaadka, foojarada, iyo qoraalada kale ee hantidhawruhu muhiimka u arko ee la xidhiidha baadhista warbixinaha maaliyadeed ee Hay'adda, wuxuuna hantidhawruhu ka codsan karaa qofka masuuka ka ah qoraaladan in uu ka jawaabo wixii su'aalo ah ee la xidhiidha iyo in uu ka saxeexo warbixinta arrintaa la xidhiidha, waxa kale oo uu qofkaa weydiin karaa Hantidhawruhu wixii kale ee xog ah ee uu muhiim u arko.

Qodobka 26aad Warbixinta Hantidhawraha Guud

- 1) Hanti-dhawraha Guud waa in uu warbixintiisa ku sheego-
 - a) In warbixinaha maaliyadeed loo diyaariyay si waafaqsan

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

halbeegayada warbixinaha maaliyadeed ee caalamiga ah iyo in ay si caddaalad ah u muujiyaan macaamilka maaliyadeed iyo xaaladda arrimaha Hay'adda;

- b) In xisaabaad haboon iyo diwaanada kaleba la kaydiyay sida diwaanada dhammaan hantida Hay'adda la soo iibiyo, deeqaha iwm.
- c) In juwanada, kharashaadka iyo maalgashiga lacagaha, helista iyo ku tasarufka hantida ee Hay'adda ee sanadkaasi waafaqsanyihiin qodobada xeerkan; iyo
- d) Arrimaha kale ee ka dhasha baadhista ee hanta-dhawruhu go'aamiyo in lagu daro warbixinta.

- 2) Nuqul ka mid ah warbixinaha maaliyadeed ee la baadhay iyo warbixin kasta oo uu sameeyay hantidhawraha baadhista sameeyay waxa loo gudbinayaa, Madaxweynaha, iyo Wasiirka Maaliyadda.

Qodobka 27aad

Warbixinaha Sanadlaha ah

- 1) Hay'addu ugu danbeyn saddex bilood kadib dhamamadka sanad maaliyadeedka, waxay u gubninaysaa Madaxweynaha iyo Guddida Agaasinka warbixin sanadeed ku saabsan waxqabadkii Hay'adda ee sanadkii dhammaaday.
- 2) Warbixinta lagu sheegay faqrada 1aad ee Qodobkani, waxay ka koobnaanaysa:
 - a) Qiimayn guud oo ku saabsan hormarka laga sameeyay shaqooyinka Hay'adda.
 - b) Qiimaynta laxidhiidha ilaa inta ujeedooyinkii iyo ahmiyaddihii sanadkaa ee ku jiray qorshe hawleedka Hay'adda laga fuliyay ama laga gaadhay;
 - c) Shaqooyinka muhiimka ah ee sanadkaa Hay'addu fulisay oo kooban;
 - d) Warbixin ku saabsan sida Hay'addu sanadkaa dakhligooda ugu

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

qoondaysay hawlaha kala duwan oo kooban;

- e) Qiimaynta waxqabadka la xidhiidha shaqadeeda oo waafaqsan tilmaameyaasha waxqabadka ee jira.

- 3) Hay'addu waxay baahinaysaa (una suurto galinaysaa inay helaan) warbixinaaha la baadhay ee lagu sheegay faqrada 1aad ee Qodobkan sida ugu dhakhsaha badan ee ugu macquulsan.

QAYBTA 6AAD

KHIDMADAHA, TACRIIFADAHA, LACAGAHA IYO BUUGA TACRIIFADA Qodobka 28aad

Dajinta khidmadaha, Tacriifaddaha iyo Ujuurooyinka

- 1) Iyadoo la raacayo qodobada xeehan iyo xeer nidaamyayaasha ka farcama Hay'addu waxay qaadi kartaa kharashyada kala duwan ee:
- a) Kharashka ay ka qaado Adeegyada ay qabato.
 - b) Kharashka Adeegyada ay cid kale rukhsad u siisay.
 - c) Lacagaha kale ee ay ka qaado heshiisyada kala duwan ee maal gashadayaasha.
 - d) Lacagaha ka soo gala kirooyinka.
 - e) Kaalmooyinka.
 - f) Ganaaxyada ay qaado.
 - g) Lacagaha ka soo Galla magdhowga.
- 2) Haya'ddu waxay soo saaraysaa buuga tacriifada oo ay ku cadahay qiimeyaasha adeegyada ay qaadayso.
- 3) Mulkule, wakiil, kabtan markab ee markab, doon waa iny, iska bixiyaan lacagaha marka ay suganaato bixinteedu ee hay'addu ka dalbato.
- 4) Haya'ddu ma qaadi karto khidamad ay cidkale rukhsad u siisay ilaa ay ka noqoto rukhsadii hore.

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



5) Lacgaha khidmadaha qiimayaasha ay xeerkan ka hor qaadi jirtay Haya'ddu, waxay ahaanayaan sidoodii ilaa inta Haya'ddu wax ka badelayso, joojineyso, ama si kale u go'aamineyso.

Qodobka 29aad

Awoodda Galista Maraakiibta iyo Dhulka

- 1) Sarkaal kasta oo Hay'addu u igmato ayaa gali kara markab kasta oo soo gala xayndaabka Dekedda iyo aaggeeda si uu u ogaado qiimaha, khidmada iyo feega laga rabo markabka iyo tan badeecadaha uu sido iyo in la helo xogta la xidhiidha qiimaynta iyo qaadista takaaliifta, khidmadaha iyo lacagaha.
- 2) Maamulaha markabka ee ku guuldaraysta in uu u hogaansamo codsiga Sarkaalka igman ee u galay markabka si waafqsan faqrada laad ee Qodobkan si uu uga helo xog, waxa uu galay danbi waxana lagu ciqaabayaa ganaax aan ka badnayn 5,000 oo dolar haddii uu sii wado danbigaana ganaax aan ka badnayn maalintiiba 500 oo dolar ilaa inta uu codsiga sarkaalka u hogaansamayo.
- 3) Sarkaal kasta oo Hay'addu u igmatay si waafaqsan ujeeddooyinka xeerkan, waxa uu gali karaa saacad kasta oo macquul ah dhisme kasta ama dhul si uu u sameeyo kormeer ama baadhis la xidhiidha shaqo kasta oo xeerkan waafaqsan isaga oon wax danbi ah loo loogu raacayn gelitaanka uu u sameeyay si waafaqsan Xeerkan.

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.

Qodobka 30aad
Helista khidmadaha Dekada.

- 1) Lacagaha ku waajibay gaadiidka Badda (Markab, Doon, iwm) waxa ku waajiba wakiilkooda inay bixiyaan khidmada adeega loo qabtay marka ay dhamaato adeega ay Hay'addu u qabatay si loo fasaxo.
- 2) Lama Siinayo warqada clearanceka ilaa uu bixiyo lacagaha kuwaajibay.
- 3) Hadii uu iskii u sii joogo barxada Mudada uu sii joogo markabkaasi way ku soconaysaa kharashyadii joogitaanku.
- 4) Wuxuu noqonayaa markab u xayiran bixin la aanta kharashyadii adeeq eek u waajibay.
- 5) Xayiraadaas faqrada 4aad ku cad waxaa loo marayaa maxkamad awood u leh.
- 6) Lacagaha dakhli eek u waajiba badeecadaha soo dega waxaa laga qaadayaa marka ay baxayaan waxaana laga qaadayaa qofka leh ama wakiilkiisa, sidoo kale badeecdaha dhoofaya waxaa laga qaadayaa qofka iska leh ama wakiilkiisa.

QAYBTA 7AAD
HANTIDA, WAAJIBAADKA IYO
MASUULIYADDAHA
Qodobka 31aad
Hantid iyo Masuuliyadaha Hay'adda
Gaarka u ah

- 1) Laga bilaabo maalinta uu xeerkan dhaqangalo:
 - a) Dhammaan dhulkii ku jiray xayndaabka Dekeddaha ee Xeerkan ku xusan, gudaha bada iyo berriga ee lahaa magaca Hay'adda Dekedda Berbera.
 - b) Dhammaan nalalka noobiyaddaha, hageyaash (buoys), kaahyada (beacons), bakhaarada, dhismeyaasha, doonyaha, macidaatka iyo dhammaan hantida kale ee ku jirtay xayndaabka Dekedda ee xeerkan ka hor ahaa hantida Hay'adda Dekedda Berbera; iyo
 - c) Dhammaan xuquuqaha, mudnaanaha, dheefta iyo waajibaadyadii Xeerkan

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 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

ka hor ay Hay'adda Dekedda Berberi xaq u lahayd waxa loo aqoonsaday in ay noqoto hanti hay'addu Hay'addu leedahay.

- 2) Heshiisyadii, qoraaladii damaanadihihi ama qoraal kasta oo jiray iyo wax kasta oo masuuliyad ahaa oo ka horeeyay Xeerkan oo Hay'adda Dekedduhu dhinac ka ahayd waxa uu ahaanayaa mid jira oo sidiisii dhaqangal u ah.

**QAYBTA 8AAD
MAAMULISTA DEKEDDA
Qodobka 32aad**

Xeer-nidaamiyeyaasha Dekeddaha

- 1) Hay'addu, iyada oo ka shiidaal qaadanaya tilmaamaha iyo ogolaanshaha Madaxwaynaha, waxa ay soo saari kartaa xeer-nidaamiyeyaal loogu talagalay xakamaynta iyo maamulka dekeddaha iyo hababka loo ilaalinaya badqabka, amniga iyo nidaamka oo la xidhiidha:
 - a) Kormeerka, maamulka iyo gacan kuhaynta dhammaan hawlaha ka socda biyaha Dekedda iyo soonaheeda iyo bixinta ruqsaddaha la xidhiidha
 - b) Ogolaanshiyaha hawlaha laga qabanayo Dekedda iyo adeegyada maamulka baddeecaddaha badda;
 - c) Dajinta, rarista, gudbinta(transshipping), bakhaar dhigista, kaydinta iyo kasaarista shixnadaha nugul (khatarta leh) iyo walxaha kale ee Hay'addu u aragto inay dhibaato sababi karaan si waaafaqsan xeer-nidaamiyeyaasha;
 - d) Dajinta, rarista, gudbinta (transshipping) bakhaar dhigista, kaydinta iyo saarista baddeecaddaha aan ahayn kuwa lagu sheegay faqrada laad faqrada (c) ee Qodobkan;

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) Ilaalinta amaanka dekeddaha guddahooda;
- f) Habsami u kaalmaynta maraakiibta iyada oo meesha laga saaro caqabad kasta oo ka hor iman karta gooshidda maraakiibta iyo doonaha ku soo xidhanaya Dekedda;
- g) Adeegsiga adeegyada socodka badda muhiimka u ah, noobiyadaha iyo calaamadaha lagu isticmaalo Dekeddaha iyo talaabooyinka dheeriga ah ee lagaga hortagayo isku dhaca maraakiibta;
- h) Halbeegyada caalamiga ah ee isticmaalka haboon ee kabaashayaasha iyo qalabka loogu talagalay bixinta adeegyada ee Dekedda;
- i) Fulinta baadhista dacwaddaha la xidhiidha waxyeelada uu markabku keeno ama markabka loo gaysto;
- j) Xogta ama macuulaadka laga rabo mamauleyaasha, mulkiileyaasha, wakiilada iyo dadka kale ee masuulka ah maraakiibta Dekedda imanaysa iyo kuwa ka baxaya iyo wakhtiga iyo goorta xogtan la bixinayo;
- k) Masuuliyadda dadka ee khidamdaha la jideeday ama kharashaadka ay gashay Hay'addu markay fulinaysay awooddaheeda lagu sheegay xeer-nidaamiyeyaashan;
- l) Sida faaiidooyinka baddeecaddaha ay Hay'addu iibiso si waafaqsan Xeerkan loo adeegsanayo;
- m) Sida ay tahay in Dekeddaha loo maamulo iyo sababaha lagu diidi karo in dekeddaha la galo;
- n) Caddaynta iyo qeexidda baddeecaddaha la dajinayo iyo kuwa maraakiibta lagu rarayo;
- o) Ilaalinta deegaanka dekedda, nadiifinta dhulka iyo biyaha Dekedda iyo in laga hortago in lagu shubo saliid, qashin, ama wax kasta oo

- 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;

dhibaato u keenaya oo ay ku jiraan biyaha cufani;

p) Dhammaan arrimaha la xidhiidha ilaalinta nafta, hantida iyo badbaadada badmarka Dekedda.

q) Mamnuucida in wax laga dajiyo ama laga raro meelo aanay Hay'addu ogolaan;

r) Ogalaanshaha, maamulista iyo korjoogtaynta dajinta shixnadaha milatari iyo waxyaabaha ay leeyihiin ciidamo waddan shisheeye iyo dhaqdhaqaaqa ciidankaa iyo qalabkaas ee dekedda;

s) Ilaa heerka ay awood u leedahay dekedu inay salka hoose ee bada wax kasoo qaadi karto (dredging).

t) Xogta ay tahay in Hay'adda ay siiyaan macaamiisheedu ee la xidhiidha shaqooyinka ka socda Dekedda;

u) Aasaaska, dhismaha, ilaalinta iyo ku shaqaysiinta adeegyada maamulka baddeecaddaha dekedda laga saarayo;

v) Qaab-dhismeed dhaqaale oo si siman uga wada qayb qaadan karaan dadwaynaha iyo dawladuba; iyo

w) Arrimaha kale ee muhiimka ah ee u baahan in xeerar laga soo saaro si ay Hay'addu shaqadeeda ugu fuliso si haboon.

2) Hay'addu waxay dajin kartaa xeerar khuseeya deked kasta oo sheegaya saacadaha shaqada Dekedda iyo xidhiidhka ka dhexeeya Hay'adda iyo adeeg bixiye/ruqsadle dhinac sadexaad ah.

3) Marka ay samaynayso xeer-nidaamiyeyasha iyo xeerarka ku xusan Qodobkan, Hay'addu waxa ay tilmaami kartaa in ciddii ka hortimaad ama jabisa qodobadaas ay gashay danbi mutaysanaysana ganaax lacageed oo aan ka badnayn 20,000 oo doolar ama ciqaab xadhig oo aan ka badnayn lix (6) bilood ama labadaba, haddii danbigaasi sii socdana ganaax dheeraad ah oo aan ka badnayn 2,000 oo doolar ayaa maalin walba

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

la bixinayaa ilaa inta uu danbigaasi sii socdo.

- 4) Hay'addu waxa ay xafiiskeeda ay Deked walba ku leedahay ku haynaysaa nuqul ka mid ah xeer-nidaamiyeyaasha ama xeerarka ay u samaysay si waafaqsan Qodobkan ee dhaqangalka ah waxayna u ogalaanaysaa cid kasta oo baadhaysa iyada oon wax lacag ah laga qaadin.

**QAYBTA 9AAD
MAAMULKA DEKEDDA
Qodobka 33aad
Magacaabista Madaxa Waaxda
Badda iyo Ku-xigeenkiisa**

- 1) Maareeyaha Hay'addu waxa uu magacaabayaa madaxa faraca waaxda badda (harbour master) isagoo u magacaabaya masuul uqalma shaqada islamarkaasna karti leh si uu u guto waajibaadkiisa
- 2) Iyada oo la raacayo faqrada laad ee qodobkan, ku xigeenka madaxa faraca waaxda baddu waxa uu qabanayaa shaqooyinka madaxa marka uu maqan yahay ama fasaxa ku jiro.

**Qodobka 34aad
Shaqada Madaxa Waaxda Badda**

Shaqada madaxa waaxda Badda (Harbour Master):-

- a) Waa masuulka guud ahaanba ee shaqada dhaqdhaqaaqa gadiidka iyo adeegyada kala duwan ee badda sida:
- b) Xidhista & furista maraakiibta / doonyaha.
- c) La socodka xaaladkasta oo ay ku suganyihiin:-
 - I. Waxay sidaan.
 - II. Waxay dejinayaan.
 - III. Waxay qaadayaan.
 - IV. Adeegyada ay u baahanyihiin.

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. La socodka nabadgal yadooda iyo badbaadadooda.

- d) Ilaalinta, dabagalka iyo baadhista dambiyada ka dhanka ah gaadiidka badda iyo kuwa ay iyagu la yimaadaan iyo cabashooyinaka kale.
- e) La socodka xaaladkasta oo ay ku sugan yihiin qalabka hagista gaadiidka badda sida noobiyadaha, Sabeeye, nalalka hagista iyo marinada maraakiibto marayso marka la xidhayo / la furayo.
- f) La socodka Badeecadaha ay sidaan gaadiidka Baddu gaar ahaan kuwa khatarta leh, iyo wasakhaynta Badda iyo Bariga ee xuduudaha Dekadaha.

Madaxa faraca badu waa masuulka guud ee:-

- a) Gaadiidka Badda ee Hay'addu leedahay.
- b) Pilot-yada hay'adda.
- c) Xidheyaash maraakiibta dheega Dekada (Mooring).

Waa masuulka guud ee fulinta iyo ilaalinta shuruudka badda iyo gaadiidka badda lagu maamulo isgoo raacaya xeerarka caalamiga ah:-

- a) Gudbinta isbadal kasta oo ku yemaada calaamadaha hagista gaadiidka badda sida noobiyadaha, Sabeeye, nalalka hagista socodka gaadiidka badda ee dekadaha gudahooda iyo wixii kale ee la xidhiidha hawsha badda.

Maareeyaha Guud ayaa tilmaamaha shaqo siinaya madaxa waaxda badda isaguna waa in uu raaco tilmaamahaas.

Ku xigeenka madaxa waaxda Badda (Deputy of Harbor master) shaqadiisu:-

- a) Waa kaaliyaha madaxa waaxda Badda.
- b) Wuxuu qabanayaa shaqakasta oo uu uigmado madaxa waaxdu.
- c) Marka uu madaxa waaxdu ka maqnyahay shaqada sida fasax, bukaan, safarshaqo, ku xigeenka ayaa sii qabanaaya shaqadii waaxda.

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,

Qodobka 35aad

Wargalinta Mulkiilaha, Wakiilka ama Maamulaha Markabka ee Imaanshaha Markabka

- 1) Imaatinka markabka Dekadaha Somaliland iyo xogta laga rabo.
- 2) Markabku marka uu yemaado Dekadaha Somaliland waa in uu usoo gudbiyaa Hay'adda Dekadaha Somaliland (madaxa waaxda badda) war bixint iyo cadaymaha lagama maarmaanka ah ee hoos ku cad;
 - a) Magaca, nooca iyo IMO lambar ee markabka.
 - b) Call sing.
 - c) Calanka uu sito
 - d) Halka uu ka diiwaan gashanyahay.
 - e) Magaca maamulaha markabka.
 - f) Wakiilkiisa.
 - g) War bixin badeecada uu sido.
 - h) Liiska shaqaalaha saaran.
 - i) Liiska rakaabka saran haduu jiro.
 - j) Xugta safarkiisa.
 - k) Dekada uu ka yimid iyo Dekada uu ku sucdo.
 - l) Buuga saliidaha iyo qashin daadinta.
 - m) War bixinta xaaladda caafimaad ee shaqaalaha markabka.
 - n) Iyo wixii kale ee la waydiiyo ee ay u aragto HDSL lgama maarmaan.
- 3) Mulkiilaha, wakiilka ama Maamulaha Markabka ee u hogaansami waaya faqrada laad ee Qodobkan waxa uu galay fal xadgudug sharci oo lagu qaadi doono ganaax lacageed oo lagu soo saaro xeer nidaamiye ay haya'ddu soo saarto.

Qodobka 36aad

Xogta Waaxda Badda ee Dekaddu Codsaday

- 1) WaaxdaBadda ee Dekeddu waxa uu wakhti kasta ka codsan karaa mulkiilaha, wakiilka ama maamulaha markabka ku dhaxa Dekedda (transit) iyo soonaheeda in uu:
 - a) Siiyo faahfaahinta markabka, shixnada uu sido iyo qalabka uu maamuluhu go'aamiyo;

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:
 - a) provide him with such particulars of the vessel, its cargo and equipment as the Port Master may determine; and

b) In uu u ogolaado Waaxda Badda ee dekada ama cid uu u wakiishay ama sarkaal kasta oo Hay'adda ka tirsan oo Hay'adda ama Maamuluhu u igamday in ay korto Markabka Dekedda ku xidhan mar kasta oo uu jiro tuhun la rumaysan karo oo ah in danbiga Dekedda lid ku ah lagu samaynayo ama la qorshaynayo in lagu sameeyo markabka dushiisa ama mar kasta oo qofkaasi u arko muhiim isaga oo fulinaya waajibaadka lagu siiyay xeerkan ama xeerarka kale.

2) Mulkiilaha, wakiilka ama Maamulaha Markabka ee u hogaansami waaya faqrada laad ee Qodobkan waxa uu galay danbi waxana lagu ciqaabayaa ganaax lacageed oo aan ka badnayn 5,000 oo doolar.

Qodobka 37aad

Bixitaanka markabka ee Dekadaha

1) Markabka ama Doontu kama bixi karto barxada Dekada :

- a. Isaga oon dhamaysan Rogista / Rar.
- b. Isaga oon bixin kharshyada adeeg ee Dekadda ee ku waajibay.
- c. Hadii markabka sifo sharciya lagu xayiro.
- d. Hadii aanu u soo gudbin war bixitii safarkiisa ee ku sheegan qodobka sare sida:-

- I. Magaca.
- II. Lanbarka IMO.
- III. Calanka.
- IV. Magaca cabtanka.
- V. Dekadda uu tagayo.
- VI. Liiskii shaqaalaha iyo baasinjarku hadu jiro.
- VII. Wixii kale ee suaalaha ee harbor masterku waydiiyo.

2) Markabka ku guul daraysta in uu dhamaytero shuruudaha laga rabay bixitaankiisa Haya'ddu ma siinayso warqada fasaxaada.

3) Markabka xayeran ee iska daya inuu baxsado waxa uu mutaysanayaa ganaax lacageed oo culus , cidii kale ee taakulaysa waa la xidhayaa, waxaana loo gudbinayaa maxkamada

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 should 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 is 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.

Qodobka 38aad

Bixid la'aanta Markabka Iyadoo la fasaxay

1. Marka lasiiyo markabka ama doonta warqada fasaxaada waa inuu ka baxaa dekada sida ugu dhakhsaha badan iyadoo loo tixgalinyo mudada diyaar garawgiisa.
2. Hadii sabab hay'addu ku qanacdo aanu keenin waxa uu u muuqanayaa amar diidmo iyo canaad, waxa ay xaq u leedahay Hay'addo inay markabkaas dekada dibada uga saarto oo ay ganaaxdo wixii kharash saaris ahna laga qaado.
3. Wixii dhibaata ah ee uu gaysto ama markabka soo gaadha isaga ayaa masuul ka ah.
4. Markabka cilad dadag ah oo aanu kabtanku hore u ugayn ku timaado waxa la siinaya mudo gaaban oo uu ku cilad tiro hadii ay suurto galayso, hadaanay suurto gal ahayna waa la jiidayaa.
5. Kabtanka sheega cilad aan jirin waxa uu mutaysanaya ganaax lagu soo saaro xeernidaamiye ama xeerhoosaaad

Qodobka 39aad

Awoodda loogu Cayimayo Aagaga Isticmaalka laguna Mamnuucayo in Markabku soo galo Biyaha Dhuleed ee Somaliland.

- 1) Madaxa Waaxda Baddu isaga oo raacaya shuruudaha uu munaasibka u arko, kuna soo saaraya faafinta rasmiga ah, wuxuu ku dhawaaqi karaa meelaha markabku ku soo xidhanayo (berths), goobaha, dekeddaha iyo taagaga ay isticmaalayaan maraakiibtu iyo meelaha ka reeban iyo meelaha isticmaalkoodo xadidanyahay.
- 2) **Madaxa Waaxda Baddu** waxa uu ka mamnuuci karaa markabka in uu soo galo dhulka biyaha dalka haddii uu u arko in uu waxyeelayo danaha guud ee dalka ama aanay soo galitaanka markabkaas dalka dani ugu jirin.
- 3) Qof kasta oo aan ku qancin go, aanka Maamulaha Dekedda ee ku xusan faqrada

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

2aad ee Qodobkan, waxa uu xaq u leeyahay inuu muddo todoba (7) cisho ah gudahoo racfaan u qaato Hay'adda taas oo go'aankeedu kama danbeys noqonayo.

- 4) Haddii markabku ku guuldaraysto inuu biyaha Somaliland kaga baxo muddada uu cayimay **Madaxa Waaxda Baddu** guddaheed ama haddii racfaan loo qaatay si waafaqsan faqrada 3aad ee Qodobkan, Hay'addu waxay la wareegaysaa gacan ku haynta markabkaas waxayna u adeegsanaysaa sida ay u aragto munaasib.

Qodobka 40aad

Ciqaabta u Hogaansanaan la'aanta Awaamiirta

- 1) Qof kasta oo sabab la'aan diida, dayaca ama ku guuldaraysta in uu u hogaansamo amar si sharci ah oo waafaqsan qaybtan ama xeer-nidaamiyeyaasha ka dheegma waxa uu galay faldanbiyeed wuxuuna mutaysanayaa ganaax lacageed oo aan ka badnayn 5,000 oo doolar, haddii uu danbigaasi sii socdana waxa la saarayaa ganaax dheeraad ah oo ka badnayn 500 oo doolar maalin kasta ilaa inta uu sii diidan yahay amarkaas.
- 2) Haddii diidmada, dayacaadda ama ku guuldaraysashada lagu guuldaraysto in loo hogaansamo qaybtan ama xeer-nidaamiyeyaasha loo sameeyo si waafaqsan qaybtan, Hay'addu, dacwad qofkaas lid ku ah ha la furto ama yaan la furane, waxay qaadaysaa talaabo kasta oo ay u aragto lagama maarmaan si loo fuliyo amarkaas ama loogu hogaansamo amarkaas waxayna arrintaa u qabsan (shaqaalaysiisan) kartaa cid kasta oo ay u aragto in uu hawshaas ka kaalmaynayo.
- 3) Dhammaan kharashaadka lagalo marka talaabooyinkaas la qaadayo waxa bixinaya qofka ama dadka danbigaas galay.

Qodobka 41aad

Waxyaabaha ka Reeban Madaxa Waaxda Baddu

Madaxa Waaxda Baddu waxa uu sheegi karaa waxyaabaha ka reeban ee la xidhiidha Qodobada 33aad ilaa 43aad haddii uu la

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

xidhiido Markab dagaal ee dalku leeyahay, Markab kasta oo ay leedahay ama ku jira shaqada Dawladda haddii aan markabkani caadiyan si joogto ah u qaadin baddeecaddaha ama rakaabka si ay lacag uga helaan iyo maraakiibta Madaxweynuhu ka reebay in ay u hogaansamaan Qodobada 33aad ilaa 40aad ee xeerkan.

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.

QAYBTA 10AAD
MARKABKA IYO DIYAARADDAHA
DEGA IYO CAQABADAHA KALE
Qodobka 42aad

Qaadista, Saarista ama Burburka Markabka, Diyaaradda ama Caqabadda kale

- 1) Haddii sida Hay'addu u aragto, Markab, diyaarad ama walax kale degto, burburto ama lagaga tago Dekedda guddaheeda ama xayndaabkeeda tahayna ama laga yaabo in ay ku noqoto caqabad, xanibaad ama khatar socodka gaadiidka bada iyo habsami u socodka shaqo ee Dekedda, Hay'addu waxay ogaysiin qoraal ah kaga dalbanaysaa mulkiilaha, wakiilka ama qofka masuulka ka ah markabka, diyaaradda ama walaxda kale ee wax carqaladaynaysa in uu qaado, meesha ka saaro ama burburiyo gabi ahaanba ama qayb ahaan markabkaas, diyaaraddaas ama walaxdaas wakhtiga ogaysiiska lagu cayimay gudihi.
- 2) ogaysiis kasta oo Hay'addu u soo saartay si waafaqsan faqrada 1aad ee Qodobkan, waxa laga soo qaadayaa in la gaadhsiiyay mulkiilaha, wakiilka ama qofka ka masuulka ah markabka, diyaaradda ama walaxda kale haddii:
 - a) loogu diray boostada ugu diwaangashan halkii u danbeysay ee uu deganaa ama shaqada ama xafiiska diwaangashan ee mulkiilaha markabka, diyaaradda ama walaxda; ama
 - b) loogu dhajiyay meel la arki karo oo markabka, diyaaradda ama walaxda ah;
- 3) Qof kasta oo ku guul daraysata in uu u hogaansamo fariinta uu xambaarsanyahay ogaysiiska ku cad faqrada 1aad Qodobkan, waxa uu galay danbi wuxuuna mutaysanayaa

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,



ganaax lacageed oo aan ka badnayn 5000 oo doolar, hadii uu danbigaas sii wadana, ganaax dheeriya oo aan ka badnayn 500 oo doolar maalin kasta ina ogaysiiskaas loo hogaansamayo.

Qodobka 43aad

Awoodda Hay'adda ee Qaadista, Saarista Markabka, Diyaaradda ama Walxaha kale ee Caqabadda ah

- 1) Iyada oon la tixgelinayn Qodobka 42aad, haddii markabka, diyaarada ama walxaha kale ee Dekedda iyo soonaheeda caqabadda ku ah aan lagu qaadin si waafaqsan ogaysiiska la bixiyay, Hay'addu waxay-
 - a) la wareegi kartaa gacan ku haynta, iyada ayaana qaadaysa, saaraysa ama burburinaysa gabi ahaan ama qayb kasta oo ka mid ah markabkaas, diyaaraddaas ama walaxdaas;
 - b) ku xidhi kartaa nal, iftiin ama way calaamadinaysaa markabkaas, diyaaraddaas ama walaxdaas ilaa inta laga qaadayo ama la saarayo; iyo
 - c) u iibin kartaa sida ay u aragto munaasib markabkaas, diyaaraddaas ama walaxdaas.
- 2) Hay'addu waxay u isticmaali kartaa faaiidada iibka loo sameeyay si waafaqsan faqrada 1aad xarafka (c) ee Qodobkan ku bixinta kharashaadkii ay gashay Hay'addu si ay u fuliso awooddaheeda qodobkani tilaamayo.
- 3) Hay'addu dakhliga dheeraadka ka ah kharashaadkeeda ee laga helo iibka loo sameeyay si waafaqsan faqrada 1aad xarafka (c)) ee Qodobkan, waxay siinaysaa mulkiilaha markabka, diyaaradda ama walaxda kale ama qofka xaq u leh marka uu codsado, haddii uu codsan waayo mulkiilaha ama qofka xaq u lihi 12 bilood guddahood oo ka bilaabma taariikhda iibka, kharashkaa dheeraadka ah waxa lagu shubayaa xisaabta Hay'adda xaqii sheegashaduna waa gubtay.

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) Haddii faaiidada iibka loo sameeyay si waafaqsan faqrada laad xarafka (c)ee Qodobkan ay ku filaan weydo in ay bixiso dhammaan kharashkii la galay, Hay'addu waxay baaqiga ka qaadanaysaa mulkiilaha markabka, diyaaradda ama walaxda kale waxayna ka dacwayn kartaa maxkamadda awoodda u leh.

5) Haddii Markab, diyaarada ama walax ama qayb ka mid ah ay burburiso Hay'addu si waafaqsan waafaqsan faqrada laad xarafka (a) ee Qodobkan, mulkiilaha markabka, diyaaradda ama walaxdu waxa uu uga magdhabayaa Hay'adda kharashka ay ku gashay burburintan.

6) Sida uu qodobkani sheegayo "Markab" ama "diyaarad" waxa ku jira oo ka mid noqon kara walax kasta ama walxo kasta ama shay ama ashya ah ama samaynaya qayb burburka, agab, baddeecaddo, bakhaaro ama culayska markabka ama diyaaradda marba ka uu yahay.

**QAYBTA 11AAD
HAGIDDA (PILOTAGE)
Qodobka 44aad
Cadaynta aaga hagida**

- 1) Dekadaha Somaliland waxay yeelanayaan aag loo qorsheeyey hagista maraakiibta oo loogu yeedho aaga hagista maraakiibta.
- 2) Aagaas waxa ku sugnaanaya maraakiibta sugaysa ama u diyaarka ah in loo hago dhinaca dekada si loogu xidho.
- 3) Hagayaasha dekada maraakiibta ku soo xidhaya waxay goobta aaga tilmaaman ee ay maraakiibta ugu tagayaan.

**Qodobka 45aad
Hagidda Khasabka ee Aagaga Hagidda**

- 1) Markab kastaa marka uu marayo aaga hagidda ama qayb hoos timaad aagaas, mulkiilaha, wakiilka ama maamulaha

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

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| <p>markabku waa in uu u hogaansamo shuruudahaha aagaas loo dajiyay.</p> <p>2) Markabkii soo gala meel ka mid ah dekada oo raacsan aagga hagidda, waxa loo tixgalinayaa inuu ku suganyahay aag hagideed.</p> <p>3) Shaqada haguhu (pilot) waa kaxaynta markabka ee dekada gudaheeda iyo inuu jiheeyo dhaqdhaqaaqiisa, go'aamiyo isla markaana maamulo a taagga (tug) soo xidhaya maraakiibta ku sugan aagga ay ku xidhaan maraakiibtu.</p> <p>4) Haguhu (pilot) waa in go'aamiyo tirada taagaga (tugs) ee uu u baahan yahay aaga hagistu, isaga oo kala tashanaya kabtanka markabka.</p> <p>5) Kabtanka markabku waa inuu mar kasta hogaanka u hayo maamulka markabka, isaga iyo cid kale ka talo qaadataa toona, sinaba uma socodka ama dhaqdhaqaaqa markabka ama hagaha kama hor istaagi karaan in uu guto waajibaadkiisa, marka markabku ku sugan yahay aaga hagista/xidhista, haddii aanay jirin xaaladdo degdeg ah oo Kabtanka ku kalifaya in uu soo faragaliyo si loo badbaadiyo markabka, baddeecadda saran ama shaqaalaha qaadana talaabo kasta oo lagaga hortagayo khatar.</p> <p>6) Marka uu kabtanka markabku u soo faragaliyo si waafaqsan faqrada 5aad ee Qodobkan, waa in uu si degdeg ah ugu wargaliyaa hagaha markabka, isla marka uu xaaladda caadi ku soo celiyana, waa in uu hagaha u ogolaadaa in uu shaqadiisa halkaa ka sii wato.</p> <p>7) Kabtanka markabku waxa uu xaqiijinayaa in dhammaan saraakiisha iyo shaqaalaha markabku ku sugan goobahooda iyo in si haboon loo xafiday, hagahana la siiyay waxyaabaha muhiimka u ah si uu u guto waajibaadkiisa shaqo.</p> <p>8) Hagistu qasab kuma aha markabka ama maraakiibta ay Hay'addu hagista kaga dhaaftay qoraal.</p> | <p>master of the vessel shall comply with that requirement.</p> <p>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.</p> <p>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.</p> <p>4) The pilot must determine the number of tugs required for pilotage with the concurrence of the master of the vessel.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> |
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Qodobka 46aad

Hawlgalin la'aanta hagaha idman xaaladaha qaar

- 1) Kabtanka, mulkiilaha, wakiilka markab ee hawl galiya haga aan ahayn kii loo idmaday ee katirsanaa Hay'adda Dekadaha waa dambiile waxa uuna mutaysanayaa ganaax.
- 2) Waxii dhibaata ah eek a timaada xaaladaas waxa yeelanaya markabka.
- 3) Cida kale ee gacan ka geysata soo xidhista iyo howlgalin la'aanta hagaha idman waa danbiile loo gudbinayo hay'adda amniga si maxkamad loogu gudbiyo.

Qodobka 47aad

Ganaaxyada Hawlgalinta Hagaha

Qof kasta, oo aan ahayn hage idman, oo haga ama isku daya in uu hago Markab soo galaya ama ku sugan Aaga Hagista, waxa uu galay danbi waxaana lagu ciqaabayaa ganaax lacageed oo aan ka badnayn 5,000 oo doolar. Mulkiile, wakiil ama kabtan kasta oo Markab soo galaya ama ku sugan Aaga Hagista, oo si ula kac ah u hawlgaliya-

- a) Qof hage ahaan, si uu u hago markabka, kaas oo aan ahayn mid Hay'addu dirsatay si waafaqsan faqrada laad ee Qodobka 46aad;
- b) Qof hage ahaan, si uu u hago markabka, kaas oon Hay'addu ogolaansho u siin in uu hago maraakiibta si waafaqsan Qodobka 46aad; ama
- c) Qof xidhe ahaan, kaas oon Hay'addu ogolaanin in uu qabto shaqada xidhista maraakiibta (berthing master) si waafaqsan faqrada 2aad xarafka (b) ee Qodobka 45aad, waxa uu galay danbi waxana lagu ciqaabayaa ganaax aan ka badnayn 5,000 oo doolar.

Sida uu sheegayo Qodobkani, qofka loo hawlgaliyay si waafaqsan faqrada laad ee Qodobka 46aad ama loo idmaday si waafaqsan

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

qodobka 49aad ee qabta shaqo ka baxsan middii ruqsadda loo siiyay ama loo ogolaaday ama baal mara shuruudaha uu sheegay Qodobka 46aad waxa laga soo qaadayaa in uu yahay Hage aan ogolaansho haysan.

Qof kastaa, iyada oon la saarayn isaga ama loo shaqeeyihiisa wax ganaax ah, waxa uu noqon karaa hagaha markab soo galaya ama ku sugan Aagga Hagista, marka markabkaas ay la soo daristo xaalad lagama maarmaan ka dhigaysa gargaar kasta oo uu heli karo.

Qodobka 48aad

Shaqaalaysiinta hagaha.

- 1) Hay'adda Dekadaha waxay yeelanaysaa hagayaal soo xidha ama fura maraakiibta iyo gadiid badeedka kale ee lagu soo xidhayo ama laga furayo dekadaha JSL.
- 2) Hagayaashu waa shaqaale ka tirsan shaqaalaha Hay'adda dekadaha (waaxda Badda).
- 3) Cid aan ahayn hagayaasha hay'adda dekadaha ma soo hagi karto gaadiidka badda eek u soo xidhanaya / ka furanaya dekadaha SL.

Qodobka 49aad

Masuuliyadda Hagaha Idman

- 1) Hage kasta oo idman, marka uu gudanaya shaqada hagista waxa laga soo qaadayaa in uu u shaqaynayo mulkiilaha ama kabtanka markabka la hagayo. Mulkiilaha ama kabtanka markabka la hagayo ayaa ka masuul noqonaya gef ama dayac kasta oo ka yimaad hagaha idman, Hay'adduna masuul ka noqon mayso ee waxa magdhaw ka bixinaya mulkiilaha ama kabtanka markabka wixii khasaare ah ee ka dhasha hagista Hagaha.
- 2) Hay'adda iyo Hagaha Idman toona masuul ka noqon maayaan khasaare ama waxyeelo kasta oo uu sababo Haguhu marka uu

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

waajibaadkiisa u gudanayo si waafaqsan qodobada Xeerkan.

Qodobka 50aad

Ansixinta iyo Ruqsad siinta Hagaha

- 1) Qofna kama qaban karo shaqada hagista maraakiibta dekedda dhexdeeda haddii aanay Hay'addu ogolaana ama aanay siin ruqsad uu shaqadaa kaga qabto Dekedda.
- 2) Hay'addu waxay dajinaysaa shuruudaha ruqsad siinta Hageyaasha iyada oo tixgalinaysa duruufaha iyo xaaladdaha.
- 3) Hay'addu waxay dajinaysaa shuruudaha ugu yar ee laga rabo qofka la siinayo ruqsadda hagista iyo imtixaanadda laga qaadayo.
- 4) Haguha shaqada hagista ma sii wadi karo haddii ruqsadda hagista ee la siiyay laga joojiyay ama lagala noqday kadib tijaabo ama baadhitaan la xidhiidha kartidiisa hagiseed oo Hay'addu samaysay.

Qodobka 51aad

Xeer-nidaamiyeyasha la Xidhiidha Hagista iyo Habdhaqanka Hagaha

- 1) Hay'addu waxa ay, marka uu Madaxweynuhu ogolaado, samayn kartaa xeer-nidaamiyeyaal lagu maamulo Aagga Hagista laguna ilaaliyo habdhaqanka suuban iyo anshaxa hageyaasha idman iyo arrimaha kale ee la xidhiidha waajibaadkooda shaqo.
- 2) Qof kasta oo ku dhaqmi waaya ama ku xadgudba xeer-nidaamiyeyasha loo sameeyay si waafaqsan qodobkani, waxa uu galay danbi waxana uu mutaysanayaa cigaab ganaax lacageed ah oo aan ka badnayn 5,000 oo doolar.

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 license 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.



QAYBTA 12AAD
RUQSAD-SIINTA ADEEGBIXIYEYAASHA
DEKEDDA IYO BADDA

Qodobka 52aad

Heshiisyada Adeegyada iyo Shaqada
Dekedda

- 1) Hay'addu waxa ay, marka Madaxweynuhu ogolaado, la gali kartaa shakhsiyaadka iyo shirkadaha heshiisyo kiro, ganacsi, wax wada yeelasho, heshiisyo shaqo, heshiisyo maamul, iyo nooc kasta oo heshiis iyada oo la raacayo qodobada iyo shuruudaha heshiiska- waxana heshiiska lagu bixinayaa:-
 - a) Naqshadeynta, dhismaha, dibu-habaynta, hormarinta, dayactirka ama hawlgalinta adeegyada dekedda ama bixinta adeegyada muhiimka ah;
 - b) Bixinta adeegyada kale ee dekeddu qorshaysay;
 - c) Qabashada shaqada ama shaqooyinka muhiimka ah ama dheeraadka ku ah arrimaha lagu sheegay faqrada 1aad ee Qodobkan.
- 2) Heshiis kasta oo loo galay si waafaqsan Qodobkan waa in uu Hay'adda awood u siiyaa in ay kormeerto si sanadle ahna dib ugu eegto shaqada iyo adeegyada Dekedda ay ka qabanayaan dhinacyada heshiiska lagula galay iyo in ay sidii heshiisku dhigayay u fulinayaan waajibaadyada shaqo.
- 3) Iyada oon la eegayn Qodobada kale ee Xeerkan; Hay'addu waxa ay, marka uu Madaxweynuhu ogolaado, gali kartaa heshiisyada kale ay ay u baahato si waafaqsan qodobada xeerkan ee la xidhiidha bixinta adeegyada dekedda.

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.

Qodobka 53aad

Shaqooyinkii Socday Xeerka ka hor

Qof kasta oo adeeg ka hayay Dekedda ka hor taariikhda xeerkani soo baxay, waxa laga soo qaadayaa in uu ruqsad haysto, haseyeeshee waxa waajib ku ah qofkan in uu soo dalbado ruqsadda adeeg bixinta si waafaqsan qodobada xeerkan muddo lix (6) bilood guddahood ah oo ka bilaabanta taariikhda ay Hay'addu ku go'aamisay ogaysiiska lagu baahiyay Faafinta Rasmiga ah.

QAYBTA 13AAD

NADIIFINTA IYO CILMI BAADHINTA BIYAHA

Qodobka 54aad

Nadiifinta iyo Baadhista biyaha.

1) Qodista nadiifnita iyo baadhista badda hoosteeda:-

- a) Waa masuuliyada Hay'adda qodista, nadiifinta iyo baadhitaanada badda hoosteeda iyo meelkasta oo saamayn ku leh dekadaha.
- b) Waxay badhaysa, qodaysa, nadiifinaysaa meelkasta oo lagama maarmaan u ah socodka gaadiidka badda ee xuduuda badeena
- c) Mariinada gaadiidku maro marka lagu soo xidhayo/laga furayo dekadaha.
- d) Meelaha ku dhaw dheega dekadada ee maraakiibtu ku xidhantahay.

2) Waxay hay'addu sahamin iyo baadhitaan ku samaynkarta meelaha ku dhaw dekadaha ee aan hore loo ogeyn biyaha hoostooda xaalada ay ku sugantahay iyadoo kala shaqaynaysa hay'addaha kale ee dekada ee ay khusayso;

3) Baadhista, qodista, nadiifinta badda hoosteeda Hayddu ayada ayaa qabanaysa ama cid kale oo ayadu u igmatay oo heshiis kula gashay.

Qodobka 55aad

Cilmi baadhista biyaha

1) Qofna kama fulin karo, sababna u noqonmaayo in laga fuliyo, wax xog ururun-biyood ah (hydrological survey) iyo

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

daraasado kale midna dekada gudaheeda iyo meelaha u dhaw iyada oo aan ogolaansho looga haysan Hay'adda.

- 2) Hay'adda ayaa bixin karta ogolaanshaha lagu sheegay faqrada laad ee Qodobkan waxayna ku bixin kartaa shuruud ama shuruud la'aan amaba waa ay diidi kartaa bixinta ogolaanshahaas.
- 3) Qof kasta oo jabiya farqada (laad) ee Qodobkan waxa uu galay danbi waxana lagu ciqaabayaa ganaax lacageed oo aan ka badnayn 5,000 oo doolar ama lix (6) oo xabsi ah ama ladaba.

Qodobka 56aad

Waxyaabaha Ka Reebeba Dhulka Hay'adda

- 1) Wax yaabaha ka reebeba dhulka Hay'adda waa: -
 - a) Wixii Qorshaynta dhulka ah (Master Plan) ee la xidhiidha dawlad hoose
 - b) Wixii xeerarka ah ee lagu maamulayo dhismaha, wax ka bedelka, dayactirka ama burburinta dhismeyaasha ma khuseeyaan dhulka wakhtigan gacanta Hay'adda ku jira ama ay kiraysatay.

Qodobka 57aad

Xogta Maraakiibta ku Soo Wajahan Somaliland

- 1) Mulkiilaha, kabtanka ama wakiilka markab kasta oo doonaya in uu soo galo ama ku soo xidho dekeddaha dalku, waa in uu ku soo wargaliyaa Hay'adda muddo sodon (30) maalmood ah ka hor itna aanu soo bixin soona siiyaa Hay'adda xogahan soo socda:
 - a) Magaca iyo xogaha kale ee markabka
 - b) Magaca dekedda ama dekeddaha uu ka soo baxayo iyo wakhtiga uu soo baxayo;
 - c) Magaca dekedda ama dekeddaha uu wax ku dajinayo;
 - d) Taariikhda uu ku soo beegan ama imanayo waddanka;
 - e) Xog faahfaahsan oo ah baddeecaddaha uu sido.

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.



Qodobka 58aad

Mamnuucida maraakiibta soo Galaysa Somaliland Xaaladdaha Qaar

Haddii aanay Hay'addu ogolaan, markabna ma soo gali karo dekeddaaha ama meelaha u dhaw dekeddaaha ee dalka haddii aan si qodobada soo galista ee Hay'addu soo saartay loogu fasixin.

Qodobka 59aad

Wax ka bedelka Qorshaha Dekedda

Iyada oon waxba loo dhimmayn Qodobada Xeerkan, Hay'addu haddii ay ku qanacdo duruufaha xaaladuna keenayaan, waxa ay marka ay dooto bedeli kartaa taariikhda soo galitaanka markabka ee Dekedda ama meelaha u dhaw ee dalka, sida ugu haboon ee ay munaasib u aragto ayayna arrintan u ogaysiinaysaa mulkiilaha ama wakiilka mulkiilaha markabka taariikhda imaanshihiisa la bedelay.

Qodobka 60aad

Baahinta Xogta Dhaqdhaqaaqa Markabka
Haya'ddu waxay xogta dhaqdhaqaaqa markabka iswaydaarsan karaan ciidanka ilaalada xeebaha iyo madaxwaynaha si looga hortago hadii ay khatari jirto.

Qodobka 61aad

Ka Saarista Masuuliyadda Hay'adda

- 1) Hay'adda iyo shaqaaluhu toona ama wakiilka Hay'addu masuul ka noqon maayo wixii khasaare ama waxyeelo qofeed ama hantiyeed ah eek u dhacda Markab, baddeead ama ashyaa saaran Markab ee dhalata waxyaabo ay samaysay ama aanay samayn Hay'addu, shaqaaluhu, ama wakiilku iyaga oo gudanaya waajibaadkooda shaqo una gudanaya si xeerkan waafaqsan.
- 2) Iyada oon waxba loo dhimayn bixinta ruqsadda, Hay'addu masuul ka noqon mayso wixii dhaawac, khasaare, waxyeelo ama kharash ah ee uu qofku galo kana dhalatay khalad, dayacaad, jabin sharci ama fal kale oo gef ah ama fal la'aan(omission) uu

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

sameeyay ruqsadluhu ama wakiilka ama shaqaalaha ruqsadluhu

3) Iyada oon waxba loo dhimayn nuxurka guud ee faqrada laad ee Qodobkan, Hay'addu masuul ka noqon mayso: -

- a) khasaare kasta oo uu sababo wax la xidhiidha dibu-dhac (habsan) ku yimaad raridda ama ka dajinta baddeecaddaha markabka dekada ku xidhan;
- b) khasaare ama waxyeelo kasta oo ka dhalata falka ama fal-la'aanta macmiilka dekedda ama wakiilkiisa;
- c) Khasaare ama waxyeelo kasta oo ka dhalata talaabo la qaaday ama aan la qaadin oo la xidhiidha daadasho saliideed ama wasakhaw (dikhow) kale;
- d) khasaare ama waxyeelo kasta oo ka dhasha wax ka baxsan awooda Hay'adda sida:
 - i. Fal rabaani ah;
 - ii. Dagaal;
 - iii. Falka cadawga guud sameeyo;
 - iv. Kacdoon, kacaan ama dagaalo sokeeye;
 - v. Dadka, maraakiibta, gaadiidka iyo hantidaba xoog dibadeed oo aan sharci ahayn lagu wareego;
 - vi. Muran kasta oo warshadeed sida, shaqo joojin, shaqo-joojin ama nooc kasta oo cabasho shaqaale ah;
 - vii. Xaalad dagaal oo wadanku galo taas oo kallifta in dekedaha iyo agabka dhexyaalba loo adeegsado tababar iyo isku diyaaarin dagaal

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.

Qodobka 62aad

Cashuur dhaafka Hay'adda

Qodobada xeerar kasta oo la soo saaro oo la xidhiidha cashuurta lagu dabaqi maayo Hay'adda Dekadaha.

Qodobka 63aad

Waxyaabaha Guud ee la Dhaafay

1. Hay'addu marka uu Madaxweynuhu ogolaado waxa ay ka dhaafi kartaa qofka, markabka, gaadhiga ama dhismeyaasha, ama dabaqad gaar ah oo dad ah, gaadiid ah, maraakiib ah waxyaabaha uu tilmaamay xeerkan ama xeer-nidaamiyeyaashau.
2. Ka dhaafis kasta oo loo sameeyay si waafaqsan qodobkani sinaba uga yarayn mayso masuuliyadda qofka ka dhaafkaa la siiyay ama mulkiilaha ama kabtanka markabka ama mulkiilaha baabuurka ama dhismeyaasha ka dhaafista la siiyay, Hay'adduna masuul ka noqon mayso wixii dhimasho ama dhaawac ah eek u dhaca dadkaas ama wixii khasaare, waxyeelo ama barbur hantiyeed ah ee ka dhasha ka dhaafkaas.

Qodobka 64aad

Dambiyada

Qof kasta oo si badheeh ah u gala faldambiyeed ciqaab ah oo ka dhana masuuliyada hay'adda u xilsaaran tahay waxas loo gudbinayaa Xeer ilaalinta guud ama Xeer ilaalinta Gobolada uu falku ka dhacay si loogu soo eedeeyo falka cida gahay maxkamda awooda u leh horteeda iyadoo loo raacayo Xeerka Habka Ciqaabta iyo Xeerka Ciqaabta Guud.

Qodobka 65aad

Xeer-nidaamiyeyaasha

Hay'addu marka Madaxweynuhu ogolaado waxay soo saari kartaa xeer-nidaamiyeyaal lagu fuliyo ujeedooyinka iyo qodobada xeerkan.

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.



Qodobka 66aad
Dhaqangalk Xeerka

Xeerkani waxa uu dhaqangalayaa marka ay ansixiyaan Golayaasha Xeer-dejintu (Golaha Wakiilada iyo Golaha Guurtida), Madaxweynuhuna saxeexo isla markaana ku soo saaro Faafinta Rasmiga ah.

Article 66
Commencement

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



**LIFAAQYADA
LIFAAQA KOWAAD
QODOBKA 9(2)
DEKEDDAHA**

Dekeddaha Somaliland-

- 1) Berbera
- 2) Saylac
- 3) Xiis
- 4) Laasqorey
- 5) Maydh
- 6) Bulla xaar
- 7) Lughaya
- 8) Shalcaw
- 9) Ceeldaraad
- 10) Karin
- 11) Conqor
- 12) Ruguuda
- 13) Celaayo
- 14) Xarshaw
- 15) Iyo meelaha kale ee ay Hay'addu u aragto in ay noqonkaraan Dekado iyagoo Madaxweynaha u gudbinaya.

LIFAAQA LABAAD

**Qodobka 1aad
Muddo xileedka Xubnaha Guddiga**

Muddo xileedka Xubnaha Guddiga Agaasinku marka laga reebo labada Maareeye ee Hay'adda Dekadaha iyo Aaga Ganacsi Cashuuraha ka caagan waxay noqonaysaa muddo Shan (5) sanno ah oo ka bilaabanta maalinta Madaxweynuhu Magacaabo.

**Qodobka 2aad
Waxyaabaha Xilka ay ku waayi karaan
Xubnaha Gudiddu**

Marka laga reebo labada Maareeye, xubnaha kale ee Gudiddu Agaasinku waxay xilkooda ku waayi karaan.

- 1) Geeri xubinta Ku timaada.
- 2) Xilka fadhiisasho qoraal (Is-casilaad) ah oo ay xubinta u gudbisoo Madaxweynaha.
- 3) Uu galo dambi xadhigiisu gaadhayo muddo sadex (3) Sano ah ama ka badan.
- 4) Guddan karri waayo xilkiisa sababo Caafimaad darro ama bukaan maskaxeed

**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. iyo meelaha kale ee ay Hay'addu u aragto in ay noqon karaan dekadado iyagoo Madaxweynaha u gudbinaya.

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;

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.

awgeed oo ay cadeeyeen guddi dhakhaatiir ah oo ka diiwaangashan Wasaarada Caafimaadka.

- 5) Uu ka maqnaado afar (4) fadhi oo isku xiga oo aan maqnaashihiisu sababaysnayn fadhiyadda xubnaha Gudidda, waana in ay xubnaha kale ee Gudiddu cadeeyaan, saxeexaana una gudbiyaan Madaxweynaha si uu u soo buuxiyo.

Qodobka 3aad

Guddoomiyaha iyo Guddoomiye ku xigeenka

1. Guddoomiyaha ayaa guddoomiyaha shirkarka iyo kulamada Guddida, marka Guddoomiyuhu sababo caafimaad u maqnaado ama sababo kale u gudan kari waayo shaqadiisii, Guddoomiye ku xigeenka ayaa shaqadaas sii wadaya ku sime ahaan.
2. Guddoomiye ku xigeenka **ayaa** guddoominayo **kulamada** isaga oo metelaya guddoomiyaha si waafaqsan faqrada laad ee qodobkan.

Qodobka 4aad

Kulamada

- 1) Guddiga Agaasinka waxay kulmadooda qabsanayaan saddexdii biloodba mar si uu u fuliyo waajibaadkooda shaqo. Haddii ay duruufo gaar ahi yimaadaan, Guddigu waa uu kulmi karaa saddex bilood wax yar guddahood si uu waajibaadkiisa u guto.
- 2) Kulamada gaarka ah ee Guddiga waxa iclaamin karra Guddoomiyaha ama ku Xigeenkiisa hadii Guddoomiyuhu maqan yahay.
- 3) Guddoomiyaha Guddiga ayaa ayaa guddoominaya dhammaan shirarka Guddiga.
- 4) Kulamada Guddigu waxay ku qabsoomayaan hal dheeri tiradda guud ee xubnaha Guddiga.
- 5) Go'aamada Guddiga waxa lagu gaadhayaa aqlabiyadda fudud (simple majority) ee Guddiga, xubin walibana hal cod uun bay leedahay marka laga reebo Guddoomiyaha ama xubinta guddoominaysa shirka oo cod dheeraad ah yeelanaysay marka codadku xubnuhu isleekaadaan.

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.

Qodobka 5aad

Gunnooyinka Xubnaha Guddiga

Guddiga Agaasinka ee Hay'adda waxa miisaaniyadda Hay'adda laga siinayaa mushaharooyinka, gunnooyinka iyo kharashaadka kale ee lagama maarmaanka u ah xil gudashadooda.

Qodobka 6aad

Soo-bandhigidda Danaha Xubnaha Guddiga

Xubnaha Guddigu dano gaar ah kuma yeelan karaan koox gaar ah, waana in ay ka shaqeeyaan kor u qaadista iyo hormarka Dekeddaha si looga faaiideeyo dhammaan macaamiisha Dekeddaha iyo dhaqaalaha dalka

Qodobka 7aad

Hadal-qoraalka Kulanada

Xubnaha Guddigu waa in ay xaqiijiyaan in la qaado loona kaydiyo sida Guddigu u aragto munaasib dhammaan doodaha kulan kasta oo Guddigu yeesho iyo qaraarada uu ansixiyo.

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 Wakiillada JSL



Md. Baashe Maxamed Faarax
Gudoomiyaha Golaha Wakiillada JSL