[[1]](#footnote-1)\*

[[2]](#footnote-2)\*\*

**As amended pursuant to the following:**

-Legislative Decree No. (46) of 2012

-the term “General Organisation of Ports” has been replaced by the term “Ports and Marine Navigation Affairs” as stated in the title of Law No. (61) of 2006 with respect to promulgating the law of the general organisation of general ports, as well as the titles of accompanying laws;

- the term “Minister of Finance” in Article (3) of the promulgating articles in the law thereof and in other related laws has been replaced by the term “Minister of Transportation”;

- the term “Organisation” has been replaced by the term “Ports and Marine Navigation Affairs” wherever mentioned in the Ports and Marine Navigation Affairs Law and in other related laws;

LEGISLATIVE DECREE NO. (61) OF 2006

WITH RESPECT TO PROMULGATING THE LAW OF

THE PORTSANDMARINE NAVIGATION AFFAIRS

We, **Hamad Bin Isa Al Khalifa,                the King of the Kingdom of Bahrain,**

After perusal of the Constitution;

The Ports Ordinance 1966, as amended;

Law of Registration of Ships and Determination of Safety Conditions Promulgated by Legislative Decree No.14 of 1978,

Maritime Code promulgated by Legislative Decree No.23 of 1982,

Legislative Decree No.21 of 1996 with respect to the Environment, as amended by Legislative Decree No. 8 of 1997,

Legislative Decree No.10 of 2002 with respect to Approving the GCC Unified Customs Regulation (Law),

Legislative Decree No.19 of 2002 with respect to Disposing of Land Privately owned by the Government,

Legislative Decree No.20 of 2002 with respect to Organising Fishing and the Exploitation and Protection of Marine Resources,

Legislative Decree No.41 of 2002 with respect to Policies and Guidelines of Privatisation;

The Consultative Council and House of Representatives ratified the following Law which we approved and enacted:

Article One

The provisions of the Law attached to this Decree shall govern all ports, docks, harbours, piers, wharves, private jetties, free zones and all related structures except those used exclusively by:

1)     The Bahrain Defiance Force, the National Guard, the Public Security forces or the National Security Authority.

2)     Any naval forces of any foreign government under treaty or other arrangements with the Kingdom.

Article Two

The Ports Ordinance of 1966 shall hereby be repealed and every provision that conflicts with the provisions of the attached Law shall be revoked.

Article Three

The Minister of Transportation shall issue the Implementing Regulations of the attached Law within six months from the effective date thereof. He shall also issue the necessary orders for its implementation.

The currently applicable regulations and orders shall continue to be effective to the extent that does not conflict with the provisions of this Law pending the issue of the aforesaid Regulations and orders.

Article Four

The Ministers, each in his respective capacity, shall implement the provisions of this Law which shall take effect on the day following the date of its publications in the Official Gazette.

King of the Kingdom of Bahrain

Hamad Bin Isa Al Khalifa

Issued at: Riffa Palace

GENERAL ORGANISATION OF PORTS LAW

PART I

DEFINITIONS

Article 1

*Amended by law No. (46) of 2012*

For the purposes of this Law, unless the context otherwise requires, the following expressions shall have the meanings set forth opposite each one of them:

**Ministry:** The Ministry of Transportation or any other Ministry designated in a Decree.

**Minister:** The Minister of Transportation or any other Minister designated in a Decree.

**Ports and Marine Navigation Affairs:** The competent Directorate at the Ministry which undertakes conducting the functions provided for in this Law.

**Director General**: Director General of the Ports and Marine Navigation Affairs.

**Port:** shall mean any of the following:

1)     ports, docks, harbors, piers, wharves (including any private jetty), fairways, embankments and related structures;

2)     all the Ports listed in the Schedule attached to this Law; and

3)     any facility proclaimed by the Minister to be a port pursuant to Article 14 of this Law.

**Private Jetty**: A privately owned or leased Port serving the sole needs of the owner or tenant of such Port.

**Public Service Port**: Any Port open to general trade and serving the general needs of Port Users.

**Licence**: A licence issued by the Ports and Marine Navigation Affairs to operate, manage or provide services at any Port.

**Concession**: A concession granted by the Ports and Marine Navigation Affairs to a Licensed Operator under a law to be promulgated according to the provision of Article 117 of the Constitution.

**Licensed Operator**: Any natural or juristic person granted a Licence to operate, manage or provide services at any Port.

**Port User**: Every natural person or body corporate to whom is issued a licence to operate, manage or provide services at any Port.

**Fairways**: Navigable channels leading to any Port, and deemed to be a part thereof;

**Foreshore**: The seashore between the High Water Mark and the Low Water Mark.

**Public Landing Place**: A public facility owned by the Government at which vessels may on-load or off-load goods.

**Free Zone**: A part of the land of the Government at which commercial and industrial activities are carried out in accordance with the regulations pertaining thereto. Any goods entering it shall be deemed to have entered an area outside custom zone and such goods shall not be subject to the usual custom procedures.

**Low Water Mark**: The lowest point reached by ordinary spring tides at any season of the yea.;

**High Water Mark**: The highest point reached by ordinary spring tides at any season of the year.

**Logistical Area**: An area in which supporting service activities are undertaken, whereby intermediary or fully manufactured commodities or raw materials are assembled for the purpose of conducting added value services thereon, such as sorting, distribution, packing, packaging and assembly, and then re-shipping or exporting them inside the Kingdom or elsewhere, while setting up the necessary installations to conduct such activities. All the laws in force in the Kingdom of Bahrain shall apply to such area.

PART II

ESTABLISHMENT OF THE PPRTSAND MARINE NAVIGATION AFFAIRS

AND ITS POWERS

Article 2

*Amended by law No. (46) of 2012*

The Ports and Marine Navigation Affairs shall undertake the functions provided for in this Law under the Minister’s supervision.

Article 3

*Repealed by law No. (46) of 2012*

Article 4

*Amended by law No. (46) of 2012*

The Ports and Marine Navigation Affairs shall carry out the duties for the realisation of the following objects:

1)     Provide for adequate and efficient coordinated and integrated and safe system of harbor facilities for Ports at reasonable fees;

2)     Provide for coordinated and integrated marine services within the Ports’ limits;

3)     Support and develop Ports and facilitating trade therein.

4)     Provide marine pilot age services, lighting, guidance marks and other marine services and aids required for the navigation channels leading to all Ports and territorial waters.

5)     Ensure maritime safety and protect the maritime environment from pollution emanating from ships in coordination with the concerned authorities.

6)     Investigate marine accidents and pollution accidents caused by vessels within the Port limits and territorial waters; supervise taking the necessary actions for protection of the environment, ensuring the safety of sea navigation and rescue of lives and property within the Ports, navigation channels leading thereto and territorial waters, in coordination with the concerned authorities.

7)     Register ships with a gross tonnage in excess of 150 tons and issue legal certificates thereto

8)     Providing free zones and logistical areas for the distribution of goods and managing them in a way to realize benefits to the national economy. An Edict shall be issued by the Council of Ministers, upon the Minister’s submission, specifying the free zones, and the regulations governing them shall be prescribed in an order issued by the Minister. An order shall be issued by the Minister specifying the logistical areas and the regulations for them.9)     Provide and develop an adequate number of public handling sites.

10)Supervise supplying vessels with provisions.

11)Carry on the marketing and other activities conducive to serving the Organization’s public relations.

12)Carrying out all the duties and activities relating to on-loading, off-loading and storage of goods and cargo or giving them to a licensed operator.

13)Build, maintain, repair and use the Ports’ docks.

14)Clean, deepen, develop and change the navigation routes, harbors and channels, reclaim, dredge, raise and fence off any neighboring land areas or these situated near any Port.

15)Representing the Kingdom of Bahrain at all international and regional forums, conferences and bodies related to marine transport and ports and marine navigation, subject to the Minister’s consent.

16) Providing advice to all the State’s apparatuses in the area of marine transport and ports and marine navigation.

Article 5

*Amended by law No. (46) of 2012*

All assets and fixed and movable properties and resources owned by the General Organization of Seaports, as well as all its rights and obligations, shall devolve upon the Ministry from the date this Law comes into effect.

PART III

BOARD OF DIRECTORS

Article 6

*Repealed by law No. (46) of 2012*

Article 7

*Amended by law No. (46) of 2012*

The Minister of Transportation shall issue the necessary orders to implement the provisions of this Law. Until such orders are issued, the regulations and orders in force at the time when this Law comes into force shall continue to apply, without being in conflict with its provisions.

Article 8

*Repealed by law No. (46) of 2012*

PART IV

DIRECTOR GENERAL

Article 9

*Amended by law No. (46) of 2012*

The Ports and Marine Navigation Affairs shall have an Undersecretary who shall be appointed by virtue of a Decree.

Article 10

*Amended by law No. (46) of 2012*

The Ports and Marine Navigation Affairs Undersecretary shall have the power to discharge its affairs and perform the functions and implement the Minister’s resolutions, and shall be subject, in all this, to the Minister’s control and supervision.

PART V

PORTSAND MARINE NAVIGATION AFFAIRS FINANCIAL RULES

Article 11

*Amended by law No. (46) of 2012*

The Ports and Marine Navigation Affairs shall have a budget as part of the Ministry’s beget, which shall be prepared in accordance with the laws and regulations in force.

Article 12

*Repealed by law No. (46) of 2012*

PART VI

ESTABLISHING AND OPERATING PORTS

Article 13

The Minister shall, by order:

1)     Declare any place or any navigable channel leading into that place to be a Port within the meaning of this Law;

2)     Specify the limits of the place or navigable channel referred to in paragraph (1);

3)     Declare any navigable channel leading into a Port as an approach to that Port.

Article 14

No person may operate a Port or a Private Jetty or offer port services related to ports or the territorial waters without obtaining a Licence to do so issued pursuant to the provisions of this Law.

Article 15

Concessions shall be granted by law to Licensed Operators to operate, maintain, manage and develop the provision of infrastructure at any Public Service Port.

Article 16

It is the duty of a Licensed Operator to provide port services and facilities according to the provisions of this Law and as specified in the terms and conditions of its Licence and in carrying out its duties, a Licensed Operator shall have due regard to the efficiency, economy and safety of operation.

Article 17

Notwithstanding any restrictions set out in a Concession, any Licensed Operator, having the benefit of a Concession over any Public Service Port, may:

1)     Levy such charges as are prescribed under any rule, regulation, order, or determination by-laws made under the provisions of this Law in respect of the services and facilities provided under the terms of the License issued thereto.

2)     Transfer to the Organization the percentage prescribed thereto of charges referred to in the preceding sub-Article.

3)     Charge financial penalties for late payment of amounts that fall due for payment by users benefiting from the services or facilities.

Article 18

It shall be prohibited to handle goods or cargo in onshore areas of the Ports or any private jetty except by operators licensed according to the provisions of this Law.

PART VII

LIABILITY OF THE PORTS AND MARINE NAVIGATION AFFAIRS

Article 19

Save for cases of grave error or failure to exercise due care and caution by the Ports and Marine Navigation Affairs or by any of its employees, the Ports and Marine Navigation Affairs shall not be liable for the following:

1)     Loss, non-delivery or detention of, or damage to goods delivered to or in the custody of the Organization or any Licensed Operator;

2)     Loss or damage to any ship, craft, vessel or other property;

3)     Death or injury to any person as a result of the acts or by any of its employees;

4)     The Kingdom’s orders;

5)     An act of war or other hostile actions;

6)     Arrest or restraint or seizure under legal process;

7)     Act or omission of the consignor, consignee, or depositor, or of the servant or agent of any such person;

8)     Fire, flood, tempest, riots, civil commotion, labor strikes and all other events that would obstruct the operations of the Organization;

9)     Inherent liability to wastage in bulk or weight, latent or inherent defect, or natural deterioration;

10)Deficiency in the contents of or shortage in packages;

11)Insufficient or improper packing of any goods or leakage from defective drums, containers or packages.

PART VIII

PENALTIES

Article 20

Without prejudice to any harsher penalty prescribed by any other law, criminal and civil liability or by the Ports and Marine Navigation Affairs’s rights as a party to a management contract, a fine not exceeding BD500 shall be imposed upon any licensed operator or user of the Port services in respect of breaches of the provisions related to the operation and use of Ports or the terms and conditions of Licences issued to them.

PART IX

MISCELLANEOUS PROVISIONS

Article 21

The Minister may, on the occurrence of any events resulting in the obstruction of operations in the Ports and Marine Navigation Affairs or any Port, authorise the Ports and Marine Navigation Affairs to:

1)     Temporarily replace the Licensed Operator in respect of any Port service or facility established thereby, and to operate it or provide any services to serve public interest.

2)     Prevent any person partially or entirely from the use of port services and facilities.

Article 22

Officers of the Ports and Marine Navigation Affairs, who are designated by an order of the Minister of Justice in agreement with the Minister, shall have the power of summary arrest in respect of the crimes that are committed within the areas of their jurisdiction in breach of the provisions of this Law and the Orders issued for the implementation thereof.

Article 23

Officers of the Ports and Marine Navigation Affairs who have the power of summary arrest shall be empowered to enter upon any of the premises occupied by a Licensed Operator to inspect and examine the state of such premises to ensure compliance with the provisions of this Law and the terms and conditions of the licences issued thereto.

Article 24

*Repealed by law No. (46) of 2012*

Article 25

*Repealed by law No. (46) of 2012*

Appendix

Kingdom’s Ports are:

-         Mina Salman

-         Al Muharraq Mina

-         Mina Sitra

-         Khalifa bin Salman Port

1. \* This copy is translated by Bahrain Economic Development Board (EDB) as per the provisions in force up to January 2019. [↑](#footnote-ref-1)
2. \*\*This is an unofficial translation and in the event of any conflict or discrepancy between the English text and the Arabic text, the Arabic text shall prevail. [↑](#footnote-ref-2)