

Law No. (82) of 1970
on the establishment of the General Libyan Authority of Ports and Lighthouses

In the name of the people,

The Revolutionary Command Council

Upon review of:

- The Constitutional Declaration issued on 2 Shawwal 1389 corresponding to 11 December 1969 AD;
- Petroleum Law No. (25) of 1955 and the amending laws thereof;
- The proposal of the Minister of Transport and the approval of the Cabinet.

issued the following law:

Article (1)

A public authority shall be established under the name “The General Libyan Authority of Ports and Lighthouses.” It shall have an independent legal personality and be subordinate to the Minister of Transport.

Article (2)

The authority’s headquarters shall be in the city of Tripoli. This headquarters may be moved to a different city by virtue of a decree issued by the Cabinet on the basis of a proposal from the Minister of Transport.

Branches may be established for the authority in any location, whether inside or outside of the Jamahiriya, by virtue of a decree issued by the Minister of Transport on the basis of a proposal from the Board of Directors.

The Authority’s Competencies

Article (3)

Without prejudice to the provisions of Petroleum Law No. (25) of 1955 and the amending laws thereto, the Authority shall have the competency to implement the country’s general policy in the field of ports and lighthouses. It shall also be responsible for managing both existing ports as well as those that will be established in the future by ensuring the proper course of work and consistency, as well as raising the level thereof. It shall undertake all of the competencies and responsibilities currently being undertaken by the General Authority of Ports and Lighthouses, particularly the following:

1. Establish and maintain the ports, lighthouses, quays, buoys, piloting signs, etc., work on the development and improvement thereof as well as on supplying the same with the latest marine and land equipment and machinery, strengthen the same in order to provide them with all capacities necessary to perform their tasks efficiently and prepare and implement projects related to ports and lighthouses.
2. Excavate, purify and deepen ports, berths and navigational corridors to handle increasing activities and international developments in shipbuilding.

3. Load, unload, handle and store outgoing, transiting and incoming goods, build storage facilities and warehouses, manage the same and build, purchase and rent the necessary properties and facilities for the management of the functions thereof.
4. Draft and implement the systems necessary to ensure the safety and security of ports, maintain the facilities thereof and protect any ships, goods or individuals therein from the risks of fire, theft, damages, etc.
5. Pilot ships during their entry into and exit from the port, as well as during their movement and berthing inside the port, and allocate the necessary berth for each ship.
6. Perform all functions of marine inspection, implement and apply the international treaties and conventions pertaining to ships, prohibit the pollution of seawaters, and other functions within the field of marine navigation and transport.
7. Collect the prescribed port fees.
8. Grant licenses to ships, motorboats and marine floats, issue marine passports and all licenses in force within the ports.
9. Issue certificates pertaining to officers, engineers and various marine professions on the basis of examinations held in accordance with a special regulation issue by virtue of a decree from the Minister of Transport on the basis of a proposal from the Board of Directors.
10. Implement the laws, decrees and regulations related to ports and lighthouses.
11. Draft a training policy for employees and candidates in various technical, financial and administrative positions in accordance with the regulation drafted by the Authority's Board of Directors and issued by virtue of a decree issued by the Cabinet.
12. Study the international treaties and conventions that enter within the scope of the Authority's activity, monitor amendments made thereto and propose accession thereto.
13. Propose the tariff for services conducted for ships, goods and passengers within the scope of the competencies thereof.

Article (4)

The Authority shall, within the limits of its competencies, participate in developing the national economy and work to achieve the objectives of the development plan.

The Authority shall exercise its activity through the departments, facilities and companies affiliated therewith.

Article (5)

The Authority may espouse the various necessary means to achieve its purposes, particularly the following:

- a. Carry out all actions and functions to achieve the purpose for which it was established.
- b. Establish facilities or companies, whether alone or with one or more partners, after receiving the approval of the Cabinet. The percentage of its shares in any joint-stock company shall be no less than 51% of the capital.
- c. Lend to the companies and facilities affiliated therewith or serve as a guarantor for loans contracted thereby.
- d. Own shares of the companies through subscription or the purchasing thereof.
- e. Take out loans from entities, banks and other institutions in accordance with the conditions prescribed by the Cabinet.

Authority Management

Article (6)

The following shall be responsible for managing the Authority:

1. Board of Directors
2. Managing Director

Article (7)

The Authority's Board of Directors shall be comprised of the following:

- Chairman of the Board
- Deputy from the Ministry of Transportation
- Managing Director of the Authority
- Managing Director of the Marine Transport Authority
- Chairmen of the Boards of Directors of companies affiliated with the Authority
- Directors of the Tripoli and Benghazi Ports
- Three members representing the Treasury, Economy and Oil Ministries
- The Authority's legal advisor

The Chairman and members shall be appointed, and their compensation specified, by virtue of a decree issued by the Cabinet on the basis of a proposal from the Minister of Transport. This appointment shall be for a period of four years that may be extended. The Board shall select one of its members to take the place of the Chairman upon his absence or inability to perform.

Article (8)

The Authority's Board of Directors shall be the competent authority for drafting the general policy followed by the Authority as well as the companies, facilities and departments affiliated therewith to achieve the purposes for which they were established. It shall have the following responsibilities in particular:

- a. Issue the organising regulations and decisions for financial, administrative and technical affairs in the Authority as well as employee and worker affairs, without complying with governmental rules.
- b. Approve the draft discretionary budgets of the Authority, as well as those of the companies and facilities affiliated therewith.
- c. Draft performance rate plans and standards.
- d. Supervise, oversee, coordinate and evaluate the performance of workers in the Authority as well as the companies and facilities affiliated therewith, without interfering in the executive functions of these companies and facilities.
- e. Organise the relationship between the said companies and facilities, and settle any disputes that may arise between them.
- f. Examine international reports submitted in regards to work progress in various aspects of the Authority's activity.
- g. Examine all of the matters brought before it by the Minister of Transport and Chairman of the Board of Directors that are related to the Authority's activity.

The Board of Directors may form one or more committees from amongst its members that shall be entrusted with some of its competencies. It may also entrust the Chairman of the Board of Directors,

the Managing Director or one of the members with some of its competencies. It may authorise any of the above to undertake a particular task.

Article (9)

The Board of Directors shall meet on the basis of an invitation from the Chairman thereof at least once per month. The meeting shall only be considered valid if attended by the majority of members, including the Chairman or his substitute.

Decrees shall be issued by virtue of a majority of members in attendance. In the event of a tie, the side with which the Chairman voted shall prevail. The Minister of Transport may invite the Board to convene at any time. He may attend the sessions thereof and in this case shall have the role of the Chairman.

The Board may invite anyone whose expertise and information it wishes to benefit from in matters on the table to attend its session, without giving them the right to vote.

Article (10)

The decisions taken by the Board of Directors shall only be considered in effect upon being approved by the Minister of Transport. The decisions shall be sent to the Minister for approval within ten days of being issued. The Minister shall have the right to object thereto within five days of receiving the decision. If he does not object thereto within this period, it shall be considered in effect. If the Minister objects thereto, it shall be brought before the Board of Directors. If the Board maintains its decision, the Minister shall bring the matter before the Cabinet to decide thereon.

The decisions mentioned in Article (8), Items (a) and (b) as well as decisions related to drafting the Authority's general policy, establishing companies or owning the shares thereof and lending to or guaranteeing facilities or companies affiliated therewith, shall only be considered to have entered into effect upon being ratified by the Cabinet.

Article (11)

The Chairman of the Authority's Board of Directors shall be responsible for presiding over the Board's meetings and supervising the affairs and functions of the Authority in accordance with the provisions of this law. He shall also be responsible for developing a work system in the Authority, strengthening its mechanisms, supervising the companies, facilities and departments affiliated therewith, monitoring the activity thereof, and overseeing the flow of work therein. He may entrust the Managing Director with some of his competencies.

The Chairman of the Board of Directors shall represent the Authority in its relationship with third parties. He shall be responsible before the Board of Directors for implementing the general policy drafted to achieve the Authority's objectives.

Article (12)

The Managing Director of the Authority shall be appointed and his salary specified by virtue of a decree issued by the Cabinet on the basis of a nomination from the Minister of Transport. The Managing Director shall be responsible, under the supervision of the Chairman of the Board of Directors, for taking action in the affairs of the Authority's General Management. He shall also be responsible for undertaking the competencies entitled thereto in this law as well as the regulations issued pursuant thereto. He shall particularly be responsible for the following:

1. Implement the decisions of the Board of Directors after they are approved.

2. Prepare a draft budget, final account and profit and losses account.
3. Prepare matters to be brought before the Board of Directors.
4. Prepare the necessary information, studies and statistics to decide on matters brought before the Board of Directors.
5. Supervise the employees and workers in the Authority in accordance with the stipulations of the regulations.

Article (13)

The President and members of the Board of Directors, as well as the members of the Boards of Directors of the companies and facilities affiliated with the Authority, may not enter into participation, contracting, import, sales or lease contracts with the Authority, the specific units associated therewith, or through an intermediary, nor may they purchase a disputed right therewith. In addition, the same persons may not attend sessions of the Board of Directors or any of the committees formed by the Board if either they, their relatives or their in-laws up to the fourth degree has an interest in the matter being discussed by the Board or Committee. Any action in violation thereof shall be considered void.

Members shall also be prohibited from working in cases against the Authority as an expert or lawyer. Membership shall be revoked from the violating member by virtue of a decree issued by the Cabinet on the basis of a proposal from the Minister of Transport.

Article (14)

The Chairman of the Board of Directors shall submit a report on the activities of the Authority to the Minister of Transport every three months. The Board or Directors shall submit a report on the activities of the Authority after the end of the fiscal year to the Minister of Transport, who shall in turn send this report to the Cabinet with his remarks attached thereto.

The Authority's Financial System

Article (15)

The Authority's fiscal year shall begin at the beginning of the country's fiscal year and end at the ending thereof. The first year shall begin at the date of this law's entry into force and end at the end of the fiscal year.

Article (16)

The Authority's funds shall be comprised of the following:

1. Revenues resulting from the activities and services performed thereby.
2. Any profits transferred thereto from the companies it has established or participates in.
3. Credits allocated therefor by the country from within its budget.
4. Donations and legacies accepted by the Board of Directors.
5. Any loans contracted thereby.

Article (17)

The Authority shall have an independent budget that shall be prepared at least three months before the beginning of the fiscal year. The first budget shall be prepared within three months from the date of issuance of this law's entry into force.

In the event of a delay in the approval of the budget, the previous budget shall be used at a ratio of 1 to 12 for each month until the approval is completed.

The Authority's final account shall be prepared within three months of the end of the fiscal year.

Article (18)

After being approved by the Board of Directors, the budget and final account shall be submitted to the Minister of Transport to be declared and presented to the Cabinet for adoption. Attached to the account shall be a report on the activity of the Authority and the financial position thereof during the completed year, as well as the Court of Accounts and account audit reports.

Article (19)

The Authority shall open an account in the Bank of Libya in which it shall deposit its money as well as the credits allocated therefor in the public budget. The country shall be responsible for making up any deficiencies that may arise in the Authority's budget during the fiscal year. The surplus from this budget shall be returned to the country's public treasury.

Article (20)

Without prejudice to the Court of Accounts' audit, the Board of Directors may appoint one or more account auditors that meet the necessary conditions for accountants and auditors. The appointment and compensation thereof shall be specified annually by virtue of a decree issued by the Minister of Transport on the basis of a proposal from the Board of Directors.

The auditor shall submit an annual report with the result of his audit to the Board of Directors and Minister of Transport within a maximum period of four months from the last day of the fiscal year.

The Authority shall make all of the necessary ledgers, papers and information available to the auditor in order to enable him to perform his functions.

The auditor shall verify that the budget and final account were prepared correctly and that they express the Authority's actual financial position. It shall notify the Managing Director in writing of any shortcoming, mistake or violation that must be objected to. If the Managing Director fails to fulfil the shortcoming, correct the mistake or remove the reasons of the violation, according to the case, the auditor shall clarify the same in the annual report.

In the event of the presence of serious mistake that exposes the Authority to realized losses, the auditor shall notify the Chairman of the Board of Directors thereof. The Chairman of the Board shall invite the Board to convene and immediately present the matter for them to address.

General Provisions

Article (21)

All of the properties, machinery, equipment and floats currently owned by the General Ports Authority shall be transferred to the Authority, as shall the credits allocated for the General Ports Authority. The Authority shall take the place thereof in all of its rights and obligations.

Ownership of all shares and stakes currently held by the State in various projects that fall within the field of the Authority's activity and competencies shall be transferred to the Authority.

Article (22)

Pursuant to this law, all employees and workers of the General Ports Authority shall be transferred to the Authority with their existing salaries and positions.

Article (23)

Authority employees and workers shall be subject to the decrees issued by the Board of Directors in this regard until the issuing of organising regulations for their affairs. These regulations shall specify the rules for transferring them from their current grades and categories to their new grades and categories

Article (24)

Money payable to the Authority shall be collected through administrative sequestration.

Article (25)

The Authority shall be exempt from all duties and fees for a period of ten years.

Article (26)

Any provisions contrary to the provisions of this law shall be repealed. The regulations and systems in effect shall remain in effect when the law enters into force, to the extent that they are not contrary to the provisions of this law, until they are repealed, replaced or amended.

Article (27)

The Minister of Transport shall implement this law. It shall enter into force from its date of publication in the Official Gazette.

**The Revolutionary Command Council – Libya
Colonel / Muammar Gaddafi
Prime Minister**

**Dr. Omar al-Hady Ramadan
Minister of Transport**

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