

Law No. 4 of 2004 Regulating the Practice of Navigational Agencies Business 4 / 2004

Number of Articles: 19

Table of Content

Articles (1-19)

We, Hamad Bin Khalifa Al-Thani, Emir of the State of Qatar;
Having perused the amended Provisional Constitution, in particular Articles 23, 34 and 51 thereof;
Decree-Law No. 29 of 1966 organising maritime ports of Qatar, and the amending laws thereof;
The Criminal Procedure Law promulgated by Law No. 15 of 1971, and the amending laws thereof;
The Law on Civil and Commercial Articles promulgated by Law No. 16 of 1971, and the amending laws thereof;
The Maritime Law promulgated by Law No. 15 of 1980;
Law No. 16 of 1980 on coastal shipping;
Decree-Law No. 17 of 2001 establishing the Customs and Ports General Authority;
The Law of Commercial Companies promulgated by Law No. 5 of 2002;
The Council of Ministers Resolution No. 19 of 2002 on the attribution of the management of certain ports for Qatar Petroleum;
The proposal of the Minister of Finance

Articles

Article 1

In implementing the provisions of this Law, the following words and shall have the meaning assigned thereto, unless the context requires otherwise:

“Authority” means Customs and Ports General Authority;

“Board of Directors” means the Board of Directors of the Authority;

“General Manager” means the General Manager of the Authority;

“Competent Department” means the Department of Maritime Affairs and Land Transport at the Authority;

“Vessel” means the maritime transport means of the foreign navigational lines which transport goods to and from maritime ports in the State;

“Provider” means the holder of the vessel who invests it for his account as an owner or a tenant, and the owner is a provider unless it is proved otherwise.

“Agent” means a company licensed to perform the work of navigational agencies, delegated by the provider in dealing with the port management and other concerned bodies.

Article 2

Without prejudice to the provisions of the Council of Ministers Resolution No. 19 of 2002 referred to above, the rights and privileges granted to companies operating in the field of petroleum and natural gas, under the agreements concluded therewith, and to the extent necessary to achieve their objectives, navigational agencies work shall not be conducted without the necessary licence from the Authority in accordance with the provisions of this Law.

Article 3

A licence to conduct navigational agencies work shall be issued only to a Qatari commercial company that meets the following conditions:

1. Its capital is not less than three million Qatari Riyals.
 2. It retains a deposit in any Qatari banks or provides a bank guarantee to ensure the fulfilment of the financial obligations incurred thereby or its clients, by value, in accordance with the conditions and obligations prescribed by the bylaw regulations of this Law.
 3. **It provides qualified and trained personnel to carry out its corporate duties and responsibilities.**
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Article 4

The licence to conduct navigational agencies work shall be issued by a resolution of the Authority at the request of the concerned company and after payment of the fees prescribed by the bylaw regulation of this Law.

Article 5

The agent shall monitor the works and services inside the port as a representative for the provider, including monitoring vessels that supply, receive, ship and deliver goods to their owners, and the collection of freight fares, as determined by the executive bylaw regulation of this Law.

Article 6

The agent represent the provider in any legal proceedings resulting from the works of maritime transport.

Article 7

A special register shall be created in the Authority to record the navigational agents licensed to conduct the work of navigational agencies in the State, and such register shall be maintained in accordance with the prescribed by the executive bylaw regulation of this Law.

Article 8

The provisions of the agency contract shall be applied to the work of the navigational agencies, and the agent shall not be responsible to the provider, shipper or consignee except within the limits of personal error, unless otherwise agreed.

Article 9

The Authority may monitor the work of the agent to ensure his commitment to apply the provisions of this Law and its executive bylaw regulation. The agent shall provide the necessary facilities for the Authority's delegates in charge of the monitoring to perform their duties properly.

Article 10

The Authority's delegates in charge of monitoring the work of the agent shall report their results and shall ensure the confidentiality of the data and information overseen thereby.

Article 11

The General Manager shall submit an annual report to the Board of Directors on the results of the monitoring work carried out by the Authority, together with its recommendations in this regard.

Article 12

1. The staff of the Competent Department at the Authority, upon a decision by the Public Prosecution in agreement with the Minister of Finance, shall have the capacity of judicial enforcement officers in relation to acts committed in violation of the provisions of this Law.
 2. Such staff members shall have the right to enter and inspect the places in which the agent conducts his work, and the right to access documents, records and accounts.
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Article 13

Any person who conducts the work of navigational agencies without a licence shall be punished by imprisonment not exceeding one year, or a fine not less than ten thousand (10,000) Riyals and not more than one hundred thousand (100,000) Riyals, or both.

Article 14

Any person who fails to provide the necessary facilities for the Authority's delegates in charge of monitoring the work of agents shall be punished by a fine of not less than one thousand (1000) Riyals and not more than five thousand (5000) Riyals.

Article 15

1. A compounding of the violations stated in the two preceding articles may be ordered by a decision of the General Manager by completing half of the maximum fine assessed.
 2. The General Manager may issue a decision to stop the agent from conducting maritime agencies work or cancel the licence issued to him in accordance with the terms and conditions prescribed by the Regulations of this Law.
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Article 16

All companies that conduct the work of navigational agencies from the effective date of this Law shall reconcile their situation according to its provisions within a period not exceeding six months from the date of its coming into force.

Article 17

The Minister of Finance shall issue the executive bylaw regulation of this Law upon the proposal of the Board of Directors.

Article 18

The Board of Directors shall issue the decisions necessary to implement the provisions of this Law.

Article 19

All competent authorities, each within their jurisdiction, shall enforce this Law which shall come into force from the date of its publication in the *Official Gazette*.

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