

ABSTRACT:

LAW PROJECT ON PORT POLICE

The establishment of an arsenal of legislative and regular acts to respond to the increasing development of ports and constraint of their management is the expected objectives of port reform.

In this context, the null and void or even normative weakness of certain texts enforces a review in order to adjust them to the current reality.

At the head of these texts include the Royal Decree (Dahir) of 28 April 1961 on the police of commercial port.

This text was expected to fix, beside the law 15-02, the principles of port authority.

I-WHAT ARE THE REASONS UNDERLYING ITS REFORM?

Issued more than fifty-two years ago, the Royal Decree (Dahir) of 28 April 1961 has some shortcomings and normative weakness that can be summarized as follows:

- The text does not address all aspects relating to the port police either in terms of efficient management of ports or in terms of safety, security and environment.

For example, the critical issue of the arrested, abandoned vessels and wrecks which has little or never been addressed.

- Penalties therein are devoid of any coercive character regarding their lowness.

- the Royal Decree (Dahir) of 28 April 1961, provides, by reference to section 124 of DCCM, a limitation of liability of the ship-owner in case of damage to infrastructure and port facilities.

II- CONTRIBUTION OF THE CURRENT LAW PROJECT

This law project affects all ports of the Kingdom; it aims primarily to equip these ports with an adequate legislative status to ensure the management and operation under the best conditions of safety, security, environmental protection, quality and performance.

The text of the law project is structured into **17 chapters** that cover all aspects of port police within the port areas.

In this context, the first chapter of this Act has been dedicated to the definitions and scope of this Law.

Port Police subject of the second chapter deals with the duties of such officers in charge of the port police, their hierarchy and the attributions they have been delegated. The goal of this chapter is to set up a clear-cut definition of legal and administrative status of the port police officers to enable them to exercise their authority functions swiftly, efficiency and coordinately.

The police of water is the subject of provisions of the third Chapter, which includes particularly the organization of berthing, calling, un-berthing and movements of vessels, boats and floating structures. In order to improve the admission and residence of vessels at the port, it was introduced in this chapter the principle of electronic reporting in an information system for data exchange related to vessels calling in the port conducted by shipping agent.

Then, one chapter was reserved for hazardous goods (Chapter 4) focusing on the terms and conditions of notification, handling, storage and transit of such goods in order to mitigate risk and preserve the safety and the environment in the port area.

The provisions of Chapter 5 on the police of maritime lighting are intended to protect the aid of navigation.

Chapter 6 covers the aspect of port security by transposing certain provisions of Chapter XI-2 of the SOLAS Convention, which establishes the International Code on the security of ships and port facilities, commonly known under the name ISPS Code.

Chapter 7 sets down the provisions for the protection of the port infrastructure and superstructure against any average or damage caused by vessels, operators and any user of the port, and to enable their operations under the best conditions of safety and efficacy.

Chapter 8 is entirely was devoted to measures to preserve the marine environment and to protect the port environment. The aims behind the provisions of this chapter articulate around:

- (i) Awareness of the importance of the port environment;
- (ii) Liability of the vessel's master, operator and port users producing any prejudicial act to the port environment and by the introduction of the polluter / payer.

Port safety subject of Chapter 9 focuses on the prevention and response organization against any sinister that may compromise the safety of the port.

The provisions of Chapters 10 determine the terms and conditions relating to the construction, repairing and demolition of vessels in ports.

All aspects related to the issue of stranded, abandoned or arrested vessels in ports are the subject of Chapters 11, 12 and 13.

Chapter 14 aims to derogate from the provisions of Art 124 of the Moroccan maritime commerce code on the limitation of liability of the ship-owner.

Chapters 15, 16 and 17 respectively, are reserved to the offenses, procedures, and penalties, special and final provisions.

This is the purpose of this law project on the port police.