

Table of Contents

No.	Subject	Pages
1	Amiri Decree No.8 of 1959 Organizing the use of Telecommunication Devices	2-5
2	Amiri Decree No.36 of the year 1960 The Kuwaiti Law of Small Ships	6-13
3	Law No. 1 of 1970 Organizing Postal Works	14-28
4	Law No. 53 for the year of 1986 Amending some of Law regulations No.1 for the year of 1970 regarding Organizing the Postal Works	29
5	A decree regarding the Specification of Ministry of Communications	30-31
6	Law No. 50 of 1996 Amends some provisions of Amiri Decree No.36 of 1960 in Small Ships Law	32-35
7	Law No. 26 of 1996 To incorporating Companies of Wireless Communication Services	36-40
8	Law No. 9 of 2001 regarding the Misuse of Telephone Communications and Bugging Devices	41-44
9	Law No. 2 of 2007 on Amending some provisions of Law No.26 about establishment of Companies for Wireless Services.	45-46
10	Decree No. 136 of 2008 regarding append of the Central Agency for Information Technology	47-48

AMIRI DECREE NO.8 OF 1959

Organizing the use of Telecommunication Devices

We, Abdullah Al-Salem Al-Sabah

(Kuwait's Ruler)

As a result for the progress of wireless communications and its scope expansion and because it has become necessary to organize this communications to ensure the integrity of the country and to apply the provisions of international agreements.

And based on what has been presented to us from the Head of Post, Telegraph and Telephone Dept.

We have decreed as follows:-

Article (1):-

Installation or use of any wireless device to send or receive signals or correspondence or images by wireless ethereal waves is not permissible, unless getting a license from the head of Post, Telegraph and Telephone dept. and by the decision has determined the terms of this License, taking into account also, the case of every device that is used to capture the private correspondences.

Article (2):-

Installation or use of Wireless Radio Receivers without a license is possible in the present time, the head of the Post, Telegraph and Telephone dept. is also entitled at any time as required to obtain a license for all users of the Wireless Radio Receivers, if for a certain class of them, under the conditions dictated by the chairman in the decision issued in this regard.

Article (3):-

The establishment of Wireless Stations which are prepared for sending or receiving in technical experiments or scientific tests or the education or for amateurs are licensed by the head of the Post, Telegraph and Telephone dept. and it is permissible to the conditions specified by the chairman in the decision issued in this matter.

Article (4):-

The establishment of Wireless Stations which have been prepared for sending or receiving on the ships board or registered aircraft in Kuwait is permissible under the authorization from the head of Post, Telegraph and Telephone dept., and according to the conditions specified

by the chairman in the decision issued in this matter.

Article (5):-

The establishment of Wireless Stations which have been prepared for sending or receiving of private purposes not inconsistent with the management services of Post, Telegraph and Telephone dept. is permissible, and that under the license of the head of Post, Telegraph and Telephone dept. and according to the conditions specified by the chairman in the decision issued in this regard.

Article (6):-

The head of Post, Telegraph and Telephone dept. may to impose an annual fees is designated to grant licenses which are mentioned in Articles 2,3,4,5 and also when they are renewed.

Article (7):-

All wireless devices authorized must be in general conformity with the provisions of the international agreements and regulations, and that workers should be on the operated possess the required qualifications in terms of technical competence according to mentioned texts.

Article (8):-

The importers of devices which have been prepared for wireless communications and the traders and the manufacturers should be notify us about it in the form and manner set forth in the resolution issued by the head of The Post, Telegraph and Telephone dept. and they have to keep records to explain the type of their devices and to show the buyer's name, address and pursuant to the provisions of the resolution issued by the head of Post, Telegraph and Telephone dept. in this regard, and these records are subject to inspection by the Administration delegates of Post, Telegraph and Telephone.

Article (9):-

Prohibited to all commercial vessels anchored in the ports of Kuwait and each aircraft at warehouse in the land of Kuwait to use its wireless stations to send signals, correspondences or communications, whatever, but in the case of distress and emergency.

Article (10):-

It is prohibited to use any wireless device for non-licensed purpose for it.

Article (11):-

It is prohibited to be deliberately sending or trying to send the following:-

- 1) False risk signals
- 2) Signals lead to error
- 3) Signals contrary to public order or social order or public security or public morals.

Article (12):-

Use of secret language or code in the correspondences or signals by licensed devices is not permissible except under special permission from the head of Post, Telegraph and Telephone dept. and that according to the conditions it deems.

Article (13):-

The government does not assume any responsibility back on the devices licensed for use and the devices operation is the responsibility of licensees and them without others are liable for the harm of the others from damage due to operation.

Article (14):-

If it appears to the dept. of Post, Telegraph and Telephone at any time that the wireless device compound in Kuwait is disrupt operation of the other wireless device or contrary to any form of international regulations, the owner should make the adjustments imposed by the dept. of Post, Telegraph and Telephone and that in the period determined by the mentioned department of this purpose.

Article (15):-

The staff of Post, Telegraph and Telephone dept. in charge have to inspect of licensed wireless devices, as well as air navigation officers or other official is appointed for this purpose by a decision issued by the head of Post and Telephone and the mentioned staff are considered as judicial officers, in the case of irregularities on the board of foreign vessel in the waters of Kuwait, it will be send the minutes of these irregularities to the States of its ships and this measure also applies when offenses committed on the board of aircraft flying over Kuwaiti territory or landing on it.

Article (16):-

Staff referred to in the preceding article have the authority to test and examine of all structures and installed wireless devices in any place was, as well as in established wireless stations on the land or on aboard of ships in Kuwaiti waters or descending aircraft, this authority shall be applied also for stored or displayed devices for sale in stores or warehouses, in order to make sure of implementing the stipulated measures in this law or the conditions set out in licenses and they have also authority to control these devices when these devices have been developed or found in the case violation of the provisions of this law or for the conditions described in the licenses with the exception of the machines which were installed or located on the board of ships or foreign aircrafts.

Article (17):-

The head of Post, Telegraph and Telephone dept. can to issue a decision in an emergency case to stop the use of any wireless device or to give an order of lifting or delivering it to any department of government for any purpose it deems necessary.

Article (18):-

Any violation of any provision of this act or the conditions of the license is punishable by a fine not exceeding than 500 rupees and otherwise, it may be following:-

- 1) Confiscation of the device which is the subject of violation.
- 2) Withdraw the license temporarily or permanently.
- 3) Withdrawal of wireless officer certification for a period not exceeding than six months.
- 4) Closure of the factory or the warehouse for a period no exceeding than six months in the case of whether such offense against the provisions of Article (8).

Article (19):-

Provisions of tis law shall apply to devices, structures and wireless stations which are existing in Kuwait now, and their owners or holders should have to respect with regard to their settlement in within sixty days from the date of entry into force of this law and in case of violation, interpreted penalties has been applied to offenders.

Article (20):-

The general manager of the Post, Telegraph and Telephone dept. can act on behalf of the head of Post, Telegraph and Telephone dept. or whom the head deems appropriate to implement and enforce all or some of the provisions of this law.

Article (21):-

The head of Post, Telegraph and Telephone dept. should implement this law and entry into force from the date of its publication in the official newspaper.

Kuwait's Ruler

Abdulla Al-Salem Al Sabah

Issued at Sief Palace, dated on

May 2, 1959 AD, corresponding to

24 Shawwal 1378 AH.

AMIRI DECREE NO.36 OF THE YEAR 1960

The Kuwaiti Law of Small Ships

We, Abdullah Al-Salem Al-Sabah, the Prince of Kuwait.

Upon the offer of the port's head and the approval of supreme council, we had decided the following law:-

Article No.1

The maritime law of the year 1940 is remaining effective, unless otherwise provided in this decree.

Article No.2

This law shall be effective from the date of 2nd Rabbee' 1380 AH, corresponding to 1st October 1960 AD, all ships that are submitted to this law shall comply to register which the deadline is 14th of Ragab 1380 AH, corresponding to 1st January 1961.

Prince of Kuwait

Abdulla Al-Salem Al Sabah

Issued on 02 Safar 1380 AH. corresponding to

27th July 1960 AD.

Ports Authority

The law of small ships No. 36 of the year 1960 amended by the decree of law no. 30 of the year 1987 and the decree of law no. 46 of the year 1988 and the law no. 50 of the year 1996

Article No.1:

The regulation of this law shall be implemented on all marine structures that are located in the Kuwaiti regional water and unregistered according to the commercial maritime law that is issued in the Decree No.28 of the year 1980 AD, whatever its identification “stable or moveable”, the ships that are mentioned in the first and the second paragraphs of the Article No.1 of the Decree No.28 of the year 1980 shall be excluded.

Article No.2 The Registration Obligations:

All ships which are linked to this law shall be registered in the commercial ships records.

Article No.3 Registration Procedures:

The ship’s owner shall deliver the registration application according to the form which is prepared by the registrar, and it should be included “the owner’s name, his nationality, his address in Kuwait, and all data that are linked to the ship”.

Article No.4 The Acknowledgement of the Owner:

The registration of any ship will not be accepted unless the permission of the owner that is made on the form by the registrar and admit the concerned ship which is fully equipped with the navigation lights, methods and tools for sending voice signs and danger signs according to international crash alert system 1998 which are forming the attached schedule ‘A’ with this law.

Article No.5 Measuring the Ship and its Survey:

The marine surveyor should observe the ship before registering to measure its tonnage according to International Measurement Systems, and to ensure that ships are fully equipped, registering application shall be enclosed with the results of the observation.

Article No.6 Registration details:

While proceeding the primary procedures before the registration, the registrar should mention the following data about the vessel in a register named “small vessels register”:-

- 1) The name of the vessel.

- 2) The data that are related to the vessels according to the application and the permission that are provided by the owner and it should be saved with the registrar.
- 3) The name of the place that the vessel belongs to.
- 4) The name of the owner, his work, and his address.

Article No.7 Certification of Registration:

1. When finishing the vessel's registration, the registrar shall give the owner "the registration certificate" with two copies included the special data of the ship which are included in the "small vessels register" and the number of registration as well.
2. In case of losing the certificate or damaging it, the registrar may issue a new certified copy upon the request of the owner.

Article No.8 Putting signs on the vessel:

The owner should type the number of registration on a clear and well seen place on the vessel's body to satisfy the surveyor.

Article No.9 Transferring the property of the vessel:

The owner of the vessel has to authorize the original copy for any change of the vessel's property. The new owner should deliver a new application for registration by his name according to the Articles No.3 and 4 of this law.

Article No.10 Informing the competent authorities in the case of losing or selling the vessel:

In the case of burning, losing, damaging any of the registered vessels by any way, or in case of selling the vessel out of Kuwait, or getting the vessel out of the original water of Kuwait to use it outside Kuwait permanently, the registered owner should inform the registrar immediately after occurring these events, attached with the approval documents. The registrar should enclose this in "the small vessels register". In these cases the registration of this vessel will be expired.

Article No.11 Informing about any changes:

The registered owner of the vessel should deliver to the registrar a notification about any change may happen to the vessel, may differentiate the specification that demonstrated in the small vessel register, the notification should verify these changes from the vessel's surveyor to enclose these changes in the records and mention in the registration's certificate what refer to this change.

Article No.12 **Periodical Inspection:**

The owner of these vessels should preserve the equipments that is mentioned in article no.4 of this law and keep it on the deck of the ship if these equipment are valid to be used permanently.

The registrar may be entitled to assign an employee or more to observe and inspect any ship are submitted to this law any time. The owners should provide the employee that is assigned to inspect the ship with proper assistance to manage his works.

All the registered vessels should be submitted to the annual inspection which will be made by the competent maritime administration according to the regulations and deadlines that are stated in the resolution of the competent minister.

Article No.13 **The Nationality and the Flag:**

All the registered vessels shall have entitles to raise the flag of Kuwait upon this law.

Article No.14 **The Identification of “Owner”:**

The word ‘Owner’ is mentioned in this law which refers to the owners of companies, and dealing with the restriction of these rules, in the case of having many owners for one vessel, the owner will be the first mentioned member in the form of registration application to be considered as the owned partner.

In the case of being the owner non-resident in Kuwait regularly, it is needed to mention another person who is living in Kuwait in the registration application to represent him and to execute the regulations of the law. This will be attached with undertaking from the authorized person regarding his acceptance of such responsibility.

Article No.15 **The Crew of the Vessel:**

The vessel’s owners have to ensure that every vessel is in accordance with the law and it is valid for navigation, and it is fully equipped with steamer to guarantee souls’ safety in the sea, particularly to be equipped with experienced persons in sailing and fit to the vessel’s size as it is shown as follows:

- a) The board of a sailing ship shall have prominent length above the water line by 75 feet or more and each steamer shall have prominent length above the water line by 40 feet

or more in addition to a captain with wide experience and assistant captain bearing necessary licenses.

- b) The board of sailing ship shall have prominent length above the water line less than 75 feet or more than 40 feet and each steamer shall have prominent length above the water line less than 40 feet, a captain with license A.
- c) The board of a sailing vessel shall have prominent part above the water line in the limit of 40 feet, a captain with a license A or B.

Article No.16 **Captain Licenses:**

Licenses are two types, any license certifies that its holder is familiar with International Clash Systems. License A entitles its holder to be responsible for any vessels valid for this law.

License B entitles its holder to be responsible for any sailing vessel that shall have prominent part above the water line in the limit of 40 feet, in addition to perform as an assistant captain in any vessel valid for this law.

Article No.17 **The Owner's responsibility towards the Seafarers:**

The owner of any vessel has to ensure that all members of the crew are qualified for their duties given to them, and that the vessel's captain and his assistants (in the cases that required the existence of an assistant under Article 15 of this law) with previous experiences in sailing and hold the indicated licenses in Article 16 of this law.

Article No.18 **License Applications:**

An application of license request shall be submitted on the form prepared by the registrar and attach a certificate from the Public Health Circulation concerning the applicant's sharp vision with two photographs.

License shall be valid for five years from its issuance date.

Article No.19 **Examination of the License Applicants:**

The applicant shall be examined by an employee delegated by the registrar concerning its knowledge as follows:-

- (a) International Clash System concerning:
 - 1. Lights and shapes that shall be lifted by all steam vessels and ships.
 - 2. The rules of leadership and crew.
 - 3. Sound signals and danger signals.

- (b) The rules and the applied 10 Cal systems in the port concerning navigation that shall be valid at the time of examination.

Article No. 20 **Marine Navigation Clubs:**

All navigation clubs in Kuwait shall have to be registered and submit a list of what vessels they own and will be done on the first of every January from each year or any of its members. Navigation clubs shall be considered responsible for investigation that these ships are equipped with steamer and in accordance with the texts of International Clash Systems.

Article No. 21 **Safety Systems:**

The registrar may allow to issue from time to time some systems concerning ship load to which it applies the law, rescue equipment, radio and other devices of safety equipment.

Article No. 22 **Accident Reports:**

The owner of any registered vessel under this law, which is exposed to an accident, shall inform the registrar as early as possible after an accident happened, and the registrar shall assign a surveyor to investigate.

Article No. 23 **Fees:**

The registrar may take reasonable fees for issuing any certificate, reissuing, renewing, attesting, or extending, and for performing any service, inspection, investigation, or any survey under this law or needed to achieve its purpose.

Article No. 24 **The Registrar's Power:**

The registrar may exempt any vessel or any person from all texts of this law or any term of it in case of convinced for any reason, where applying this law is unreasonable or impractical.

Article No. 25 **Penalties:**

1. Whoever violates the provisions of this law or the resolutions issued to perform a fine not exceeding to One Hundred Kuwaiti Dinar.
 - Reconciliation may be accepted in this violation, and the accused who desires in reconciliation to pay 30K.D in any office of the concerned department in the Ministry of Communications during one week from the date of issuing a record to prove the violation or from the date of informing him in case of absence. The penal claim and all its impact shall require to accept reconciliation and to pay the specified amount. The Director of the concerned department shall be allowed to refuse reconciliation if he sees what justifies it by any the accuser's conduct or various violations to the rules of this law and the issued resolutions to execute it.

Article No. 25 (repeated)

The use of Cruisers and Jet Ski and other similar shall be accordance with terms and conditions which the Minister of Communications issues a decree about that. And without prejudice to any more severe penalty stipulated by another law. Anyone violates the regulations of this decree will be punished through the following penalties:-

- a. Fine which not exceed One Thousand Dinars, if he uses unregistered cruiser or jet ski in the transport sector in the Ministry of Communications.
- b. The fine shall not exceed Five Hundred Dinars, if the user does not abide by the scheduled regulations or using cruisers and jet ski.

In all cases, the violated cruiser or the violated jet ski shall be taken and seized until the final verdict in the claim, if the authority of investigation or the competent court does not decide to release it.

Reconciliation may be accepted in such violations provided that the violator has to pay Three Hundred dinars in the violations set forth in item (a) and One Hundred Dinars in the violations set forth in item (b), and the reconciliation shall be applied to the provisions of the previous Article.

Article No. 26 Definitions:

Unless the text otherwise requires, in this Decree or in any systems issued under it,

Vessel: It means and includes all type of ships used in navigation.

International Clash Systems: It means the International Systems to avoid clash in the Sea for 1948, in case amending or modifying to these systems to be executed. The meaning of every indicator to "International Clash Systems" means the decree and the amended "ICS" otherwise the text requires that.

The Registrar: It means the Port Chief of Kuwait or any one assigned by his Highness the ruler of Kuwait to be occupied as a registrar.

Vessel Surveyor: It means every person assigned by the registrar as a vessel surveyor.

Article No. 27

1. In this decree and in any systems which are issued upon it, every word points to plural or singular may indicate one person or one thing or more than one person or more than one thing, the word that refers to masculine may indicate feminine.

2. Anything referred to something in this decree or any other system and indicates who occupies a certain occupation, the referring is including every person officially authorized to do the tasks of this occupation through authorization from its occupant.

S.No.#	Offenses (Violations	The related Article	Fine Limit K.D	Fine Limit after every day of offense K.D
1.	If the owner does not apply for registering his vessel	3	500	10
2.	If the owner submit false data in registration application	3,4	250	-
3.	If the owner does not print the register number on the ship	8	250	5
4.	If the owner does not report on any new change happens to the vessel ownership	9	250	5
5.	If the owner does not report or any order must be reported as per the Article No.10	10	250	-
6.	If the registered owner does not report on any basic change in a registered vessel or submit a false description to any change happened.	11	250	-

Law No. 1 of 1970
As to Organizing Postal works

We, Sabah Al-Salem Al-Sabah, Prince of Kuwait
upon perusing Article 39 and 69 from Constitution, National Assembly approved
the hereinafter provided law, which we attested and issued:-

Chapter (1)

Monopolizing Postal Services by the State

Article No. 1

The State shall dominate the Post Facility and monopolize postal services in all State territories according to provisions of this law and International Post Conventions applicable.

Establishing and organizing ministry concerning with Postal affairs, shall be upon a decree.

Article No. 2

The competent ministry shall have the only right by way of privilege in the following:-

1. Issuing stamps, transfers, permissions, postal stationery, envelope vouchers with their different classes and types and forms and colors. And this right includes the process of printing, selling and releasing.
2. Accepting, collecting, distributing and transporting postal correspondences to all entities with their different proper ways and methods.
3. Opening and cancelling postal offices and branches.
4. Installing and removing letters deposit boxes.

Article No. 3

State monopoly to postal services shall include different postal correspondences (whether open or closed), from which the following is excluded:-

1. Correspondences sent to places outside the distribution territory.
2. Correspondences exchanged between the sender and the recipient through a special message.

3. Documents concerning works of a transportation contractor working on a line he invests.
4. Authorization documents carried by the message servant and transportation service providers with intention to deliver the goods they transport or receive goods they are charged to transport.
5. The post of ministries, administrations and governmental institutions.

Article No. 4

The following shall be considered a violation for provisions of state monopoly to postal services:-

1. Practicing the privilege right referred to in Article (2) with no authorization from competent ministry.
2. Keeping, by any employee or officer, in any ship or aircraft or boat, with what he possess of postal correspondences and delivering them once being received to the nearest post office.
3. Sending a postal correspondence containing another correspondences addressed to person (s) other than recipients or those living with him, or putting postal correspondences inside printed materials or parcels or otherwise so as to evade clearance fees due on each of them.

Article No. 5

Postal correspondences referred to in the previous article shall endure a fine equal to 10 times the internal clearance assigned for every correspondence of the seized correspondences.

Article No. 6

The confidentiality of postal correspondences are guaranteed, and no letters may be controlled or disclosed unless in the cases indicated and procedures provided hereunder.

Article No. 7

Exception from provisions of the previous article, postal correspondences may be viewed in the following cases:-

- a). Postal correspondences found in waste basket
- b). Postal correspondences seized upon resolution from competent authorities to investigate misdemeanors or felonies.
- c). Postal correspondences addressed to a merchant who is declared bankrupt.
- d). In other cases in which the law allow to view or control materials of postal correspondences.

Article No. 8

Correspondences at the postal authority may not be seized and official documents and administrative books may not be viewed and so copies thereof may not be extracted, unless, upon a request from the competent judiciary authorities.

Article No. 9

Judiciary authority shall return the postal correspondences and official documents and administrative registers to competent authorities marked in case of being opened by competent judiciary authorities that they were opened by such authorities after completing the objective it was requested for.

Article No. 10

Confidentiality of postal correspondence shall be deemed violated in the following cases:-

- a). On-purpose viewing in any way the content of postal correspondences.
- b). Disclosing contents of any other postal correspondences set in the postal authority or disclosing what is provided therein.
- c). Provide information or copies of official documents or books or administrative documents or prove sending or receipt of any postal correspondences in cases other than those allowed.

Article No. 11

1. Each postal employee shall give oath upon the following:-

“ I swear to Allah, to be faithful in duties of my job and maintain the secrecy of correspondences”.

“ And to inform my directors with violations that occur against postal system I might know”.

2. Competent minister shall define procedures of fulfilling this oath as to employees and personnel and others whether current or to be assigned.

Chapter 2: Materials of Postal Correspondences

Article No. 12 **Postal correspondences refer to:**

- a). Messages, postal cards, printed materials, blind scripts, sample of goods, small batches and postal audio materials (phonopost) approved in the International Postal Convention.
- b). Postal parcels approved by International Convention related to postal parcels.
- c). Telegrams going through posts.

Article No. 13

Postal costs and fees approved shall be satisfied through postal stamps issued by the competent ministry and such stamps shall be affixed to postal correspondences when sent to the post except for telegrams referred to paragraph (c) in the previous material.

Article No. 14

The competent authority shall allow using a special seal stating the satisfaction of fees and postal correspondences deposited at the postal authority, this is instead of the postal stamps and in this case all postal fees value for these correspondences in cash for an official receipt.

The competent ministry may allow using stamping machine special for clearance on the postal correspondence instead of postal stamps by way of issuing a special license stating terms of using these machines.

Article No. 15

If postal correspondences came to Kuwait stating what denotes decrease in cost approved, postal administration by way of affixing special fining stamps to be achieved from the sender or the receiver according to provisions of International Postal Convention. Yet as to material of postal correspondences without costs issued from Kuwait to countries abroad, postal administration shall satisfy the decreased value and export it according to provisions of International Postal Convention.

Article No. 16

1. The competent ministry shall seize postal correspondences entitled with the following:
 - a). Deceased person.
 - b). Incapacitated person.
 - c). Bankrupt person.
 - d). Dissolved or bankrupt company.
 - e). Person or company that their postal correspondences are levied a judiciary sentence of seizure.
2. Seizure of correspondences shall continue till the issuance of a judiciary resolution for how to dispose thereof.

Article No. 17

1. Postal correspondences shall be deemed a charge with the ministry till they are delivered to the recipient or be returned to the sender and may not be withdrawn, or their address is amended except upon request of the sender and upon the approval of the ministry.
2. Postal correspondences delivered to the address stated thereupon, and this delivery is correct to the recipient.

Article No. 18

The following correspondences shall be exempted from postal fees:-

1. Correspondences entitled with the phrase "To His Excellency Prince of Kuwait".
2. Official correspondences issued from postal administration to individuals, ministries, establishments and government administrations within the State of Kuwait and to the Arab Postal Union and the Universal Postal Union and postal depts. inside and outside.
3. Scripts used by blind people to be deposited to post under provisions of International Postal Convention.

4. Official correspondences exchanged between Arab States members in the Arab Postal Union from one side and the general secretariat of the Arab League and their affiliated offices working at these states from another.
5. Other correspondences specified by a decision of the competent minister.

Article No. 19

The ministry may issue licenses to sell postal stamps and define conditions and terms of these licenses.

Article No. 20

The competent ministry shall organize the following issues:-

1. Procedures and communications required as to different postal services.
2. Process of issuing stamps, transfer, permissions, postal stationery, post voucher and services for details.
3. Define and amend costs and postal fees as to different postal services.
4. How to deposit, collect, transfer and distribute different postal correspondences and their times and define terms of insurance and registration and all what is related to organization of postal services workflow.
5. Establish private post offices and define terms and rental fees and any other fees or costs.
6. Define responsibility or non-responsibility as to losing different postal correspondences or manipulation in contents and define volumes indemnification classes in cases requiring responsibility according to provisions of Universal Postal Conventions.
7. All other procedures that may improve the postal facility workflow.

Chapter 3: Postal Parcels

Article No. 21

The ministry shall define how are terms, weights, specifications, systems, costs and fees related to regular or secured parcels.

Article No. 22

The competent ministry shall organize the following issues according to provisions of the following postal conventions:-

1. How to deliver and receive postal parcels.
2. Define the period for keeping postal parcels and fees of storing and collect thereof.
3. Define and collect other fees approved internationally.
4. The way of disposing neglected or un-distributable parcels.
5. Other different procedures approved internationally as to postal parcels.

Article No. 23

Postal administration shall collect due custom fees on correspondences and parcels on behalf of custom administration.

Article No. 24

1. Postal correspondences shall be subject to custom procedures and inspection in terms of international conventions containing or may contain any forbidden items, by way of import licenses or custom dues.
2. Excluded from provisions of the previous para, different postal correspondences or consignments coming to Kuwait by mistake or to be forwarded abroad.

Chapter 4: General Forbidden Items

Article No. 25

The following items may not be sent or imported inside different postal correspondences:-

- A. Materials that are due to their nature, packaging or stacking may present risk for postal personnel or may pollute other correspondences or damage them
- B. All types of drugs and other materials prohibited from custom administration or that may be prohibited by applicable laws and regulations, excluded from this what is sent for medical or scientific purposes from competent authorities.
- C. Materials banned in terms of acceptance and trade in the recipient country.
- D. Alive animals.
- E. Samples sent in multiplicity so as to avoid collecting custom fees.
- F. Explosives or flammables or dangerous materials.
- G. Materials that are immoral and material that encompass propaganda for Israel or may harm the reputation of Arabs and Muslims.

- H. Platinum, gold, silver, jewelry and any other valuable things, but what is send and import them by insured posts.
- I. Other materials declared by the competent ministry.

Article No. 26

Banned materials coming through post shall be dealt with as smuggled materials and shall be disposed according to custom procedures and systems or according to provisions of any other law in this concern.

Chapter 5: Cash Materials and Postal Transfers

Article No. 27

Competent ministry shall define the value of fees and terms of issue and disposal as to different postal transfers.

Article No. 28

Postal administration shall be responsible for values of postal transfers till they are paid to the concerned person or his legal representative

Article No. 29

Postal administration may take over the other postal services and as to monetary and financial materials to be determined by announcement issued.

Article No. 30

Postal administration shall settle accounts related to postal works in different local and international administrations and establishments and companies, this is under provisions of International Postal Conventions and in cooperation with Ministries of Finance and Oil.

Chapter 6: Penalties

Article No. 31

The competent minister shall, upon a resolution he issues, the applicable procedures taken upon seizing crimes provided hereunder and so data to be provided in the seizure report and their representatives shall have the capacity of judicial officers as to these crimes.

Article No. 32

Without prejudice to any more severe sanctions provided by any other law, he shall be sentenced to a fine of 10K.D for any person who commits one of the violations provided in Article 4 from this law, and the fine shall be doubled in case of recidivism.

Article No. 33

He shall be sentenced to a fine not more than 100K.D for any person who puts a banned material in one local or international consignment without prejudice to any more severe sanctions provided by other law.

Article No. 34

A Public Officer who violates the secrecy of correspondences or who facilitates for third parties or concealed correspondences or damage or manipulate thereof and facilitated the same for third parties, shall be sentenced to imprisonment for a period not more than 3years and a fine not more than 200K.D and discharge.

If the offender is not a Public Officer he shall be sentenced to imprisonment for a period not more than 6months and a fine not more than 100K.D or one thereof.

Article No. 35

Without prejudice to any more severe sanctions provided by any other law, he is sentenced to imprisonment for a period not more than 6months and a fine not more than 100K.D or to one of these sentences:-

- A. Any person who manipulates boxes of depositing messages so as to damage or steal their contents.
- B. Any person who manipulates bags of posts while being transported to another place so as to damage or steal thereof.
- C. Any person who steals a postal correspondence or any of their contents after being deposited to the postal office and before being delivered to their recipient.
- D. Any person who accepts a postal consignment or disposed thereof or of their contents and he is knowing that they are stolen.

Article No. 36

He is sentenced to life imprisonment any person who put on purpose explosives in any postal consignments aiming to harm any person at state or individual properties, and if this resulted in killing one or more persons, sentence shall be capital punishment.

Article No. 37

He is sentenced to imprisonment for a period not more than 3years and a fine not more than 200K.D or to one thereof:-

1. Any person who forges or imitates postal stamps or envelope vouchers with intention to use them in an illegal aspect.
2. Any person who deals in imitated or forged postal stamps in any way whatsoever knows the same.
3. Any person who makes or printed materials or forms similar in terms of the outer form their counterparts of postal administration and any person who sells or buys or distributes or transports thereof knowing the same.
4. Any person who uses clearance equipments without the permission from postal administration, or who debases in using these equipments or imitates the prints of clearance equipments.
5. Any person who removes words or signs provided on a stamp used denoting it's used before, so as to use them again.

Article No. 38

In all cases of forgery or imitation, the court whether decide conviction or innocence of the accused person shall decide to confiscate all imitated or forged items and so all equipments and machines and materials may be used in forgery or imitation process.

Article No. 39

Provisions of International Postal Conventions shall apply in the State, unless otherwise provided hereunder.

Article No. 40

Competent minister shall issue regulations and resolutions required to execute provisions of this law.

Article No. 41

Ministers – each in his field – shall execute this law, which shall be applicable as of the date being published in the official gazette.

**Prince of Kuwait
Sabah Al-Salem Al Sabah**

Issued on:

- 4 Thu Al Qi'dah 1389 AH
- 11 January 1970 AD.

Explanatory Memo
For the Draft Law
Regarding Organizing Postal works

Whereas the State supervises by itself the postal facilities, and since this facility provides public services that diversify and multiply to satisfy the increasing needs for corresponding due to spread of fast various means of communications, and since the project want to arrange the facility in what guarantees good provision of mail services regularly and constantly, and so as to enable cooperation between it and other mail facilities in this field whether inside the Arab World or Internationally so as to execute Conventions and Treaties the State made in this concern.

Pursuant to provisions of Constitution as to guaranteeing the freedom and secrecy of correspondences.

So, it becomes a necessity to prepare a draft law for facilities where the State shall dominate the mail facility and monopolize their services in all the territory through the way provided in Article 1 thereof and the next Article 2 and 3.

Article 4 from the draft law showed what is deemed violation to provisions of monopoly of the State to postal services.

Article 5 provided for levying a fine that equals 10 times the fees of internal clearance approved for each correspondence seized in violation to provisions of postal exclusively.

Article 6 expressly provided that secrecy of postal correspondences is guaranteed and decided that they may not be controlled and their secrecy may not be disclosed unless as provided in Article 7.

Article 8 provided that postal correspondences at the post office may not be seized or viewed, and so the administrative books, and so copies may not be extracted thereof unless upon a request from the competent judiciary authority.

Article 9 obligated this judiciary authority with retuning postal correspondences and official documents and administrative books to the postal administration titled with what denotes that they were opened by this authority if any.

As for Article 10 provided the cases in which secrecy of these postal correspondences are deemed violated, and hence the Article No.33 provided the sentence for infringing the

secrecy of correspondences of facilitating the same to third party, and made the sentence more aggravated if the offender is a public officer, and so as to maintain the secrecy of correspondences

Article 11 obligated any employee to give an oath with the same.

Chapter 2 from the draft tackled the materials of postal correspondences, where Article 12 provided definition of postal correspondences.

Article 13, 14 and 15 organized the method of satisfying the postal costs and fees.

Article 16 authorized postal administration to seize postal correspondences in the cases provided in this article where they shall remain seized till judicial is issued for how to dispose thereof.

Article 17 considered postal correspondences a charge with the ministry till they are delivered to the recipient or be returned to the sender, and the sender may not withdraw the same or amend their address, and delivering the postal correspondence shall be deemed valid if done to the address provided thereupon.

Article 18 provided for the correspondences exempted form postal costs.

As exception from the State monopoly to postal services, Article 19 allowed the ministry to issue licenses for selling postal correspondences in cases and with conditions it defines.

And so Article 20 authorized the ministry to issue resolutions that assure good workflow of post facility.

Chapter 3 from the draft included the provisions defining terms and weights and specifications and systems and costs related to regular or secured postal parcels.

As for Article 22 authorized the competent authority to organize how to receive and deliver postal parcels, defining terms of maintenance and fees for storing thereof and collecting the same and collecting any other internationally approved fees, and so disposing neglected or un-distributable parcels, all this within the limits of International Conventions and Treaties.

Article 23 authorized postal administration to collect custom dues on the parcels and postal correspondences for the custom administration and so Article 24 subjugated for inspection and custom procedures within the limits of what is provided by International Conventions, the postal correspondences that contain and may contain anything banned subject to importation license or custom dues.

Chapter 4 from the project provided the general items banned from being sent or imported within different postal correspondences. And so Article 26 decided to consider these banned items as if smuggled and shall be disposed thereof according to law provisions.

And so **Chapter 5** from the draft organized mail financial services, and Article 27 authorize competent ministries to define the value of fees and terms of issuing and releasing different postal transfers.

And so Article 28 approved the responsibility of postal transfers and also approved the responsibility of postal administration for the amounts of postal transfers till their value are paid to the recipient of his legal representatives.

And Article 29 also authorized the postal administrative to handle other postal services as to the cash and financial materials defined through a notice issued from them.

Chapter 6 provided crimes in terms of violating provisions of law and limits of proper penalties.

Article 31 authorized the competent minister to define procedures to be taken upon seizing crimes provided in this law and so data to be provided in the seizure report and granting the judicial officer capacity for their representatives of ministry officers to seize these crimes.

Article 32(1) levies a fine on any person commits any of the violations provided in the Article 4 in terms of committing a violation against provisions of State monopoly to postal services and doubling this fine in case of recidivism.

Without prejudice to other more severe sanctions provided by any other law, Article 34(2) provided for a sentence of imprisonment for a period not more than six months and a fine not exceed 500K.D or one of these two sentences, and this for manipulating boxes of depositing mail with intention to damage their contents or steal them, and so manipulating mail bags, and so any person who steals mail correspondences or any of their contents after being deposited at the mail office and before being delivered to their recipients and so for any person who accepts or disposes the postal correspondence of their content knowing they were stolen or forged.(3).

The draft staged with sanction in terms of severity of crime, where he aggravated sentence for the one who puts on purpose explosives in one of the mail correspondences with intention to harm any person or the means of transporting mails, and Article 35 provided the sentence of temporary imprisonment, and if one or more persons were killed, sanctions shall be capital punishment (4).

Article 36(5) and 37 tackled crimes of imitation and forgery for seals or bags or logos or stationery and otherwise related to mail works and equipment of clearance with intention to be used by way of swindling and so imitation or forgery for postal stamps or transfers or mail

permission or envelope vouchers with intention to be used or treated in an illegal way and so dealing imitated or forged knowing the same or removing words or signs on a stamp used

denoting they were used before with intention to be used in trading a new, whereas these two articles left the issue of sentences for these crimes to sanctions provided by Penal Code (6).

Lastly, Article 38 provided obligation of confiscation, in all cases of limitation or forgery whether the court decided to conviction or innocence of the accused person, for all imitated or forged items and all equipment and machines and materials that may be used in limitation or forgery.

Minister of Post, Telegraph and Phone

**Law No. 53 for the year of 1986 regarding
Amending some of Law regulations No.1 for the year of 1970 regarding
Organizing the Postal works**

**After acquaintance on the Article 73 of the Constitution, and Law No.1 for the
year of 1970 regarding Organizing the Postal works**

**The National Assembly has agreed on the following and authorized as well as
issued.**

Article No. 1

The text of the first paragraph from Article No.17 of Law No.1 of 1970 will be replaced:-

1. The postal correspondences considered as deposited in trust in the ministry's responsibility until delivering it to the consignee or back to the sender, and it may not withdraw or amend the address except upon a request from the sender and approval from the ministry.

Article No. 2

The Minister of Communications shall execute this law, and to be effective from the date of publishing in the official newspaper.

The Prince of Kuwait

Jaber Al-Ahmed

A Decree regarding the Specifications of Ministry of Communications

After acquaintance on the Article No.73 of the Constitution, Decree with Law No.77 to the year of 1986 concerning organizing authorities, public institutions, and independent departments.

And after acquaintance issued on 8th Safar 1399, corresponding to 7th January 1979 concerning the specialization of Ministry of Communication, and on the decree to formulate the ministry issued on 6th of Thu Al-Qi-dah, 1404 AH, corresponding to 12th of July 1986 AD, and on the Decree issued on the 7th of Thu Al-Hijjah, 1406 AH, corresponding to 12th August 1986 AD, concerning the specialization of the State Minister for services, and upon a display of the Prime Minister, and after the approval of Ministerial Cabinet

Article No. 1

The Ministry of Communications shall provide the postal, wire, wireless services and facilitate the transport movement to meet the citizen's needs and the development requirements.

Article No. 2

The ministry is concerned by the following:-

1. Provide the postal services, wire and wireless communications and what related to it locally and abroad.
2. Supervision on Radio frequencies used in the State of Kuwait and specialize it.
3. Supervision on the affairs of road transport.
4. Organize the movement of marine navigation with consideration to what mentioned in the decree text issued on 7th Thu Al-Hijjah AH, corresponding to 12th August 1986 concerning the State Minister specialization for services.

5. Supervision on protection of valid navigation water from pollution, and cooperation with the concerned authorities to protect the marine environment according to the rules of laws and regulations.
6. Cooperate with the Arab and Foreign countries and organizations in the fields of post, transport, wire and wireless communications.

Article No. 3

The cabinet chief shall execute this decree and work by it from the issuance date and it shall be published on formal newspaper.

Amir of Kuwait

Jaber Al-Ahmad

Cabinet Chief

Saaed E.S.Al-Sabah

Issued in Al-Sief Palace on : 7th Thu Al-Hijjah 1406 AH corresponding to

12th August 1986 AD

Law No. 50 – 1996
Amends some provisions of
Amiri Decree No. 36 – 1960 in Small Ships Law

After reviewing the Constitution,

and the Amiri Decree No.36 of 1960 about the law of Small Vessels, as amended,

and Legislative Decree No.28 of 1980 about promulgating the Law of Maritime Trade, and The National Assembly approved the following Law, was ratified and promulgated.

Article No. 1

The Article 1 of the Amiri Decree No. 36 of 1960 is replaced by the law of small vessels, the following text:-

“The provisions of this law shall apply to all facilities drift located within the Kuwait territorial waters and non-registered according to the maritime trade law promulgated by Law No.28 of 1980, whatever its form or its shape, and whether fixed or mobile, with the exception of the vessels provided for in items 1,2 from the Article 1 of Law Decree No. 28 of 1980 which was referred”.

Article No. 2

The Amiri Decree No.36 of 1960 has been added the law of small ships a new Article No.(25 repeated) the following text:-

(Article No. 25 repeated):-

The use of Naval Cruisers and Motorcycles and the Bike according to the conditions and controls established by a decision of the Minister of Communications, and without prejudice to any severe penalty stipulated by another law, and whoever contravenes the provisions of this resolution, the following penalties:-

- A.** A Fine not exceeding One thousand dinars if the use of naval cruiser or bike is not registered with transport sector of the Ministry of Communications.
- B.** A Fine not exceeding Five hundred dinars, if not complied with the regulations for the use of naval cruisers and bikes.

And in all cases, the cruiser bike or marine in the violation, adjusts and reserves till issuing the final verdict in the case, and that unless the investigating authority or the competent court as the case released

And may accept the magistrate in such violations provided that the offender must to be paid Three hundred dinars in the violations set forth in item A and One hundred dinars in the violations set forth in item B and this magistrate shall applies for this reconciliation with the provisions set forth in the preceding article.

Article No. 3

Ministers – each in his field, shall execute provisions of this law, and shall be effective from the date of publication in the official gazette.

Prince of Kuwait

Jaber Al-Ahmad Al-Sabah

Issued at Bayan Palace on

24 Rabee' Al-Thani 1417 AH

8th September 1996.

**Explanatory Memorandum of the
Draft Law No. 50 – 1996
Amending certain provisions of
Amiri Decree No. 36 – 1960 on the Law of Small Vessels**

Authorities based on the implementations of the provisions of Amiri Decree No.36 of 1960, The Law of Small Vessels, has been faced several difficulties were the most prominent of the scope of application of this law on the existing vessels in Kuwaiti territorial waters and non-registered under the Law of Maritime Trade,, and small boats that are part of the equipment, ships or vessels larger ones which can be brought on board the ship or its affiliates, and ships for which the visible part above the water line 15 feet below, and which are used for a picnic, and not to sail.

If the scope of application as set forth in this text has led to these authorities was unable to subjugate many of drift facilities to the provisions of the law, including water aviation vessels, air bag ships, submarines, fixed and floating platforms, and floating devices of different kinds and Aldobe as well as boats and each naval boat whatever this boat would not listed in any of the countries of the world with the necessity of assuming all of the control, supervision, regulation and registration after the varied marine accidents which resulted in heavy losses in lives and money, and everyone was able to go to sea by any of those means that frequented the more willing, without any organizing or supervision or control.

Since it was passed by the issuance of small vessels law a long period of time, which the country has witnessed significant development in this field and was developed during this period many ways to riding the sea in various forms, also the international conventions and charters witnessed a remarkable expansion in its provisions, which is a major source of maritime law, and that in order to keep pace with the revolution in the field of marine life and multiple methods of frequenting the sea and its means and in order to respond various risks associated with this and to ward off the responsibility. And if so in international and conventions and treaties, which Kuwait has acceded to many of them, and which is considered a major source of marine legislation sources which draws certain ones and was able to meet the rapid developments in this field.

Therefore, it has become to be to interfere with the project to reform national laws to keep pace with this development and so as not to be an obstacle existing texts towards the achievement of that goal.

To achieve this purpose the draft of law has been prepared associated with the amendment text to Article 1 of the Amiri Decree No.36 of 1960 on small vessels law in which to apply the provisions of this law on all floating maritime facilities located within the territorial waters of Kuwait and non-registered according to the Maritime Trade Law issued by Decree Law No.28 of 1980, whatever the form or nature whether fixed or mobile, with the exception of vessels provided for in items 1, 2 of Article 1 of Decree Law No.28 of 1980 which are, war ships and vessels owned by the government or one of the public person which allocated by the facility in a non-commercial, and so, the bodies which based on the implementation of the provisions of Amiri Decree No.36 of 1960 on the Small Vessel Laws to extend its control and supervision of all floating marine facilities, that were beyond the scope of application of this law and became a duty to extend to them the control and supervision bodies to face developments in the means of riding the sea and the multiplicity of floating marine facilities

Law No. 26 of 1996
To incorporating Companies of
Wireless Communication Services

After reviewing the Constitution:-

Law No.8 of 1959 as to using equipments of Wireless Communication and amending laws,

Law No.15 of 1960 issuing law of commercial companies and amending laws,

Law No.19 of 1976 as to misusing phone communication equipments, and Decree Law No.68 of 1980 issuing commercial code,

Decree dated 22-6-1983 as to incorporating a KSC called Mobile Telecommunications Company,

National Assembly approved the following law which we attested and issued.

Article No. 1

The government shall within a year from effective date of this law- incorporate a KSC or more located in Kuwait, which object is to submit mobile phone services and call system, and other wireless services.

The legal persons may participate in incorporation and their share percent - allocated to citizens in each company - may not be less than 75% from the total shares published for subscription. This company shall be – in issued not provided by this law – subject to provisions of law of commercial companies referred.

Article No.2

New companies and existing telecommunications company at the time of effectiveness of this law – shall be - in their works and business – to supervision of Ministry of Communication, and all what is related to operation procedures and specifications of equipments and fittings used in all aspects of their business for which a resolution from competent minister is used with rules regulation thereof.

Ministry of Communication shall provide technical specifications applicable for providing services in these companies and so by allocating frequencies in the same packages, and distributing them between them all equally.

Article No. 3

Defining subscriptions and service prices provided by the companies referred to in the previous article and according to regulations issued with a resolution from the competent minister.

These rules shall define the maximum level of subscription and service prices and what to be entertained by subscribers in the service of mobile phones.

Upon a resolution from the competent minister, value of subscriptions and prices may be reviewed annually.

Article No. 4

Competent minister shall issue resolutions required to execute provisions of this law within two months from their effective date.

Article No. 5

Ministers, each in his field, shall execute provisions of this law.

Prince of Kuwait

Jaber Al-Ahmad Al-Sabah

Issued at Bayan Palace on
4 Rabee' Al-Thani 1417 AH
19th August 1996 AD

Suggestion for a Law for incorporating Companies for Wireless Communications Services

Wired and wireless means of communications within the last phase a great advancement, encompassed all aspects of audio and video communications with their all types. These home phones and mobiles and communication equipments and mutual call systems and other aspects of modern age, whether in the scientific, cultural or commercial aspect or in achieving communication and international relations, and their effects and services extended to cover a great deal of social and economic relations which became the basis of modern life.

Despite the importance of services made by the company assigned to this activity, it remained all long this period working alone in the field of communication with no competition and away from supervision of Ministry of Communication or any other competent entity and so defined and increased prices of services or facilitations they provide for citizens and the Ministry of Communication shall not have the right to amend terms of agreement or classes or prices of company services and this led them make use of this situation in addition to continuous and periodical increase in the value of subscriptions and costs of their services.

Whereas the Amiri Decree issued on 12/8/1986 as to the competencies of Ministry of Communications, competent minister is assigned to provide these works, especially wired and wireless services and related activities, as to satisfying customer needs and development requirements.

On the basis of what is noticed that the executive authority represented in Ministry of Communications has failed to supervise the performance and development of these services in a way that breaks monopoly and opens the door for investment and financing cadres and national companies for this type of vital business, and so the ministry did not execute what is assigned to her by law; so this is a suggestion for a law to open the door for national companies to participate in performing and developing services of wireless communications under the supervision of Ministry of Communication and their directions for a value and prices that accommodate the real facts and type of services, provided and their costs. And so this suggestion achieves satisfaction to the needs of Ministry of Communications in terms of financial resources required to provide capital and financing investments to support this service sector and insure financial resources required to cover them.

This draft aims to obligate the government to do within a year from the effective date of this law to establish a KSC or more from specialized companies working in the field of wireless communications, and it shall direct and execute what it deems proper to provide these services for subscribers and citizens in a better way, defining the levels of prices and fees and value of services provided in a flexible form coping with the nature of the business.

Article 1 of this suggestion provides the government shall within a year from effective date of this law work on incorporating a KSC or more, located in the City of Kuwait and the object of which shall be providing services of communications and mobile phones and call systems, and other wireless services.

Legal persons may participate in incorporation given that their percent of shares – allocated to citizens in each company – are not less than 75% from the total share published by for public subscription.

These companies are subject – unless otherwise specially provided hereunder – to provisions of commercial companies law referred.

Article 2 provided the new companies and existing Mobile Telecommunications Company at the time this law is effective – in their business – shall be subject to supervision of Ministry of Communications, and so what is related to procedures and specifications of equipments and machines used in all aspects of their business to a resolution from competent minister with regulating rules.

This article is concerned with extending supervision of Ministry of Communications to companies subject to this law, and especially obligating the ministry to provide technical facilities applicable within the limits required for good performance of companies referred to in this article for services they provide, and achieving equality among them all in resources available at the ministry such as connection circuits and areas rented and cable and trans lines used for communication services and researches and training etc. Frequencies are allocated equally among all companies in the same back. And this may lead to establish and independent supervisory system at the Ministry of Communications under the minister to supervise the safety of applying what is provided by this article.

Pursuant to rules achieving goals of this law and accommodate the reformation policy it adopts and balance of current subscription loads in terms of mobile phones and call systems collected by the existing company at the time this law is effective. Article 3 provided that the competent minister shall define the value of subscriptions and price of services and ability to reconsider these values and prices annually. It is also provided for the competent minister to define prices and value of subscriptions provided by any company working with them in accordance with that the administrative resolution is the proper method of achieving this objective since it features flexibility and easy for amendments applicable in facing the economic changes and market conditions in contradiction with the legal texts which had to feature permanency and stability. So the issue of defining the value and prices is left to the

executive authority to execute upon a resolution issued from the Cabinet or the competent minister.

Article 4 provided that the competent minister shall issue regulations and executive resolutions to set provisions of this law subject to execution given that this is done within two months and this term is set as an interim period in which current performance aspects are studied for this type of business and their aspect and negative and positive effects and setting solutions and suggestions required for treatment in a way that guarantees for the law to achieve its objective as referred.

Article 5 provided that the effective date of this law is the first month next to date of being published in the official gazette pursuant to rules of dealing with subscribers and beneficiaries from the company services assigned to provide this service.

Law No.9 of 2001 regarding the Misuse of Telephone Communications and Bugging Devices

After reviewing the Constitution:-

- Law No.16 of 1960 the issuance of the Penal Code, and amended laws.
- Law No.17 of 1960 the issuance of the Law of Criminal Procedures, and amended law.
- Law No.19 of 1976 on the misuses of Telephone Communications Devices.
- And on the Decree Law No.38 of 1980 regarding the issuance of Civil and Commercial
- The National Assembly approved the following law and it has been approved and enacted. which we attested and issued.

Article No. 1

Without prejudice to any severer penalty shall be punished by imprisonment for not more than a year and a fine not exceeding One thousand dinars, or either of deliberately abused the use of means of phone calls.

The punishment shall be imprisonment for a term not exceeding two years and a fine not exceeding Two thousand dinars, or one of these two, if the act in the preceding paragraph includes words of obscene, breach of modesty, incitement to immorality and debauchery, or the threat of prejudice to self or money or honor.

And in all previous cases, the devices which are used in commission of the crime shall be seized.

Article No. 2

It is prohibited to circulate any kind of wiretapping devices, and it is also prohibited to sell or offer the devices for sale. The determined unofficial competent authorities may not possess any of wiretapping devices, nor any of these entities shall use these devices without obtaining prior permission from the Attorney General.

This is in cases and in accordance with procedures and provision forth in the code of procedure and trial.

The penalty of violating the provisions of preceding paragraph, imprisonment for a term not exceeding One year and a fine not exceeding One thousand dinars, or both for anyone who possess or uses these devices of any kind, besides doubling the penalty for everyone who uses these devices in the registration or transfer any conversations held through the telecommunications devices.

In all cases; the devices shall be seized and other devices which have been used in the crime. And the collecting recordings shall be destroyed.

Article No. 3

The International calls may not be transferred to and from Kuwait only after obtaining prior authorization from the Ministry of Communications as per the terms and conditions and through the means prescribed by the regulations of this law.

Without prejudice to any greater penalty, the person who violates the provisions of this Article shall be punished through imprisonment for a period not exceeding Two years and a fine not exceeding Three thousand dinars, or by one of them.

In all cases, the devices shall be seized and any other devices used in the crime with compensation for any loses happened to the ministry.

Article No. 4

The competent minister shall issue the necessary regulations and decisions for implementing this law, maximum 6months from the date of issue.

Article No. 5

The referred Law No.19 of 1976 is cancelled.

Article No. 6

The ministers, each in his respective capacity, have to implement this law.

Prince of Kuwait

Jaber Al-Ahmad Al-Sabah

Issued at Bayan Palace on

23 Muharram 1422 AH corresponding to

17th April 2001 AD

Explanatory Memorandum to the Draft Law No.9 regarding the Misuse of Telephone Communications and Bugging Devices

The Law No.19 of 1976 issued to face the abusers who misuses the telephones. Others went further in using it in hazing and disturbing families and the issue is extended to threaten what prejudice life or property.

Through looking to the technology and the development in communications means besides using Satellites and Fiber Optics...and so on. The telecommunications network becomes complicated and the misusing of these devices extended to use bugging devices which allow to overhead, monitor, and record calls and use these recordings to exploit the callers and defamation of them.

Furthermore, others are trafficking in transferring the International calls to and from Kuwait which lead to huge losses up to millions of dinars on the Ministry of Communications side because of this illegal trade of modern technology.

The absence of law terms regarding the illegal use of International calls transfer operation not through the Ministry's exchanges and its devices to issue new articles which are dealing with severe penalty on misusing telephone communications devices and facing the illegal usage of bugging devices and transfer the International calls.

- The First Article stated to severe the punishment through imprisonment for a period not exceed One year and a fine not exceeding One thousand dinars or one of them, besides doubling the penalty to imprisonment for a period not exceeding Two years and a fine not exceeding Two thousand dinars or one of them, if the disturbance includes obscenity or breach of modesty or contains incitement to immorality and debauchery, or threaten to life or property.

And in all cases, the devices shall be seized.

- The Second Article includes an addition to the prohibition of trading or selling the bugging devices and its all different kinds, there is a difference between having bugging devices related to licensed official authorities and determined by a decree, and between using the licensed authorities to such devices. As the Article stated that; the authorities may not using these devices before obtaining prior permit from Attorney General, as it is considered as the authority of investigation, disposal, and the prosecution. But there is no need to obtain a permit in case of buying or

possessing. The permission of bugging from the Attorney General will be through the regulations of the law and bound by the regulations.

- The Third Article is stipulated on crimination the operation of transferring the International calls to and from the State of Kuwait without license, or through another body other than the exchanges of MoC or without obtaining prior permission from MoC as per the terms and conditions stated by the regulations.

Who violates this procedure will be punished through imprisonment for a period not exceeding Two years and a fine may exceed Three thousand dinars or one of them, and this is without prejudice to any severer penalty stated by any other law.

In all cases, the devices shall be seized and a compensation to MoC.

- The Fourth Article stipulated that the competent minister shall issue the necessary laws and decisions to implement the regulations of this law through a maximum period of six months from the date of issue.
- The Fifth Article stipulated that Law No.19 of 1976 regarding the misuse of telephone devices shall be cancelled.

**Law No.2 of 2007 on amending some provisions of
Law No.26 of 1996 about establishment of companies for Wireless Services.**

After reviewing the Constitution:-

- And the Amiri Decree No.8 of 1959 to organize the use of wireless communications devices, as amended,
- Law No.15 of 1960 issuing the Law of Commercial Companies, as amended,
- And the Social Insurance Law issued by Amiri Order No.61 of 1976, as amended,
- Law No.47 of 1982 about establishing the General Authority for Investment,
- Law No.26 of 1996 about establishment of companies to Telecommunications Services,
- Law No.9 of 2001 on the Misuse of Communication Devices and Telephone Interception Devices,

The National Assembly approved the following law, and was ratified and enacted:-

Article No. 1

Added to the Law No.26 of 1996 referred to a new article repeated with the same order of the first article, reading as the following:-

First Article repeated:-

Exception of the provisions of the preceding Article, The Government is committed to the establishment of a Kuwaiti Shareholding Company based in Kuwait, its purpose is to provide all services of Mobile Communications and Paging Systems and Wireless Services, which is not consistent with the provisions of Islamic Sharia Law provided that to allocate its shares as follows:-

- A. 24% (Twenty four percent) for the Government and its Public Bodies.
- B. 50% (Fifty percent) offered for Public Subscription of the Kuwaitis, and allocated to each as a numbers is subscribed to it, and in the case that the numbers of shares subscribed exceeds the numbers of offered shares, it shall allocate all the shares offered equally among all the subscribers, as for, if the full subscription does not cover

- C. the shares offered, will be put up for sale unless its subscribed shares in a public auction in accordance with the general provisions of Subsection (C) of this Article.

It is permissible for retirees and their beneficiaries who wish to subscribe to request of the General Organization for Social Insurance subscription to meet them with the value of shares subscribed by the self-employed pensioner.

- D. 26% (Twenty six percent) put up for sale in an auction General Public, involving the Joint Stock Companies listed in the Kuwait Stock Exchange and Foreign Companies specialized in communications with the exception of Mobile telecommunications companies based on the date of putting this auction, where it shall not contribute directly or indirectly in this company.

The Ministry of Communications puts terms and conditions of this auction due to the increase in the price of the stock sold at auction price of the stock in a subscription to the State General Reserve.

Article No. 2

Government is committed to establishment of the company referred in the preceding Article within one year from the date of this law, The Government may then establish that the company or more, according to the provisions of Law 26 of 1996 referred to.

Article No. 3

The Prime Minister and Ministers – each in his field to implement this law.

Prince of Kuwait

Sabah Al Ahmad Al-Jaber Al-Sabah

Issued at Al-Seif Palace, on

1 Safar 1428 AH

19th February 2007 AD

Decree No.136 of 2008 regarding append of the Central Agency for Information Technology

- After acquaintance on the Constitution,
- And on the Decree of Law No.15 of 1979 regarding the Civil Service and the amended laws for it,
- And on the Decree of Law No.116 of 1992 regarding Administrative Regulation and identify the function and authorize it,
- And on the issued Decree on 7 Jumadah 1399 corresponding to 4th April 1979 regarding Civil Service System and the amended decrees for it,
- And on the issued Decree on 7 Thu Al-Hijjah 1406, corresponding to 12th August 1986 regarding the functions of MoC and the amended decrees of it,
- And on the Decree No.266 of 2006 regarding establishing the Central Agency for Information Technology which amended through the Decree No.322 of 2006.
- And on the Decree No.133 of 2008 regarding forming the Ministry,
- And upon the offer of Premier,
- And after the approval of the Cabinet,

We decreed the followings:-

Article No. 1

The Central Agency of Information Technology shall be attached to the Minister of Communications, and he will handle the presidency of its Administration Council and the authorized functions of the minister.

Article No. 2

The text of Article No.6 from the Decree No.266 of 2006 will be replaced by:-

“The body shall have private letter of credit with graduating independent program of the ministry’s budget, and it shall be determined through coordination with the Minister of Finance.

The necessary procedures shall be taken to transport the allocated amounts for the body with the budget of the financial year 2008/2009 to the program which is allocated to the body within the MoC's budget.

Article No. 3

The Prime Minister and the Ministers shall implement this decree and to be effective from the date of issue, and to be published in the official Gazette.

Prince of Kuwait

Sabah Al Ahmad Al-Jaber Al-Sabah

Prime Minister

Nasser M. A. Al-Sabah

Issued at Al-Seif Palace, on

30 Jumadah 1429 AH corresponding to

4th June 2008 AD