

**In the name of the People
The Presidency Council**

Based on what has been passed by the Council of Representatives under the provisions of Article (61) of the Constitution, and pursuant to Articles (110, 114, 115, and 122) of the Constitution, the Presidency Council decided in its session held on / / to issue the following Law:

**Law Number (21) of (2008)
The Provinces that are not incorporated in a Region**

Preamble

Article 1:

The following terms have the indicated meanings – wherever they appear in this Law:

Law: Law of Provinces that are not incorporated in a Region.

Council of Representatives: The Iraqi Council of Representatives.

Province: An administrative unit within its geographic boundaries, which consists of districts, sub-districts and villages.

Council: Provincial Council.

Local Council: The District Council and the Sub-district Council.

Councils: The Provincial Council, the District Council, and the Sub-district Council

Administrative Unit: Province, District, and Sub-district

Head of an Administrative Unit: The Governor, the District Director (Qa'immaqam), and the Sub-district Director.

Senior Positions: General Directors and the Heads of Security Institutions in the province, excluding Presidents of Universities, Judges and Army commanders.

Absolute Majority: Shall be achieved by half +1 of the number of members.

Simple Majority: Shall be achieved by half +1 of the number of the present members after quorum is achieved.

SECTION ONE

COUNCILS AND ESTABLISHING PROCEDURES

Article 2:

First: The Provincial Council is the highest legislative and oversight authority operating within the administrative boundaries of the Province, and has the right to issue local legislations within the provincial boundaries in a way that enable it to run its own affairs in accordance with the principle of decentralized administration and in a way that does not contradict the Constitution and Federal laws.

Second: The Provincial and Local Councils are subject to oversight of the Council of Representatives.

Article 3:

First:

- 1.** The Provincial Council is made up of twenty five seats and an additional seat per every 200,000 people for a population over 500,000 people.
- 2.** The District Council is made up of ten seats and an additional seat for every 50,000 people.
- 3.** The Sub-district Council is made up of seven seats and an additional seat for every 25,000 people.
- 4.** Members of councils are to be elected by direct secret ballot in accordance with the Council Election Law.

Second: The latest official census is to be adopted in order to decide the number of seats to be added to what was stated in item First of this Article.

Article 4:

The electoral term for the Councils is four calendar years commencing with its first session.

Chapter One Conditions and End of Membership

Part One Conditions of Membership

Article 5:

A candidate for membership of a council is to meet the following conditions:

First: Must be an Iraqi, fully qualified and must be over thirty years of age upon candidacy.

Second: Must hold, at a minimum, a secondary school certificate or its equivalent.

Third: Must be of good moral reputation and conduct and free of any conviction of a crime involving moral turpitude.

Fourth: Must be a native of the Province according to the Civil Status Record, or has been continuously residing in it for a period no less than 10 years, provided that his residency is not for the demographic change.

Fifth: Must not be a member of the Armed Forces or Security Agencies at the time of his candidacy;

Sixth: Must not be covered by the provisions and procedures of the De-Ba'athification Law, or any law replacing it.

Seventh: Must not have illegally enriched himself at the expense of the nation and public funds as decided by a judicial order.

Part Two End of Membership

Article 6:

First: The membership of councils will end at the end of the electoral term or in the following cases:

1. Death, permanent disability, or a serious illness that may prevent the member from continuing his work based on a decision issued by a competent medical committee.
2. Resignation:

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- A.** A member of a council may submit a resignation in writing to the Chairman of the concerned council, who in turn presents it during the first following session for making a decision.
- B.** The resignation shall be considered accepted by the absolute majority of the members of the council, or by the insistence of the resigning member, even if the council rejected the resignation by an absolute majority.
- 3.** If a member failed to attend 4 consecutive sessions, or was absent for one fourth ($\frac{1}{4}$) of the total number of council sessions within a period of 4 months, without a legal excuse, he shall be deemed dismissed. The council shall invite the member to hear his statements in a session that shall be held at least seven days after notifying him about the session date. The member shall be deemed dismissed by a council decision taken by an absolute majority of the number of members of councils.
- 4.** A council may terminate the membership by absolute majority of the number of its members for one of the reasons stipulated in item Eighth of Article 7 of this Law.
- 5.** When the member no longer meets one of the conditions of membership.

Second: Replacing members shall occur at the end of membership and in the event that one of the conditions stipulated in this Article is met. The replacement member shall be from the same nominee list, provided that the elections were in accordance to the Lists system, or for the member who received the majority of votes in accordance to the applicable electoral system.

Third: A council member may appeal the termination of the membership decision before the Administrative Judicial Court within (30) days from the date of notification of the decision.

Fourth: The provisions of termination of membership stated in this Article shall be applied to the Local Councils.

Chapter Two
Powers of the Provincial Council and the Local Councils

Part One
Powers of the Provincial Council

Article 7:

The Provincial Council shall be responsible for the following functions:

First: To elect the Council Chairman and his Deputy by an absolute majority of the Council members during the first session of the Council as requested by the Governor

within 15 days from the date of the ratification of the election results. The eldest member is to preside over the first session.

Second: To dismiss the Council Chairman or his Deputy from their posts by an absolute majority vote of the number of the Provincial Council members if one of the reasons stated in Paragraph (8) of this Article was met, and upon a request by one-third (1/3) of the Council members.

Third: To issue local legislation, regulations and instructions to regulate administrative and fiscal affairs to manage the Council affairs in accordance to the principle of decentralized administration and in a way that does not contradict the Constitution and Federal laws.

Fourth: To formulate general policies of the Province in coordination with the concerned ministries in the field of developing plans for the Province.

Fifth:

1. Prepare the Council's draft budget to include it in the Province's general budget.
2. Ratify the draft general budget of the Province submitted to the Council by the Governor, and transfer funds between its chapters, with approval of an absolute majority of the Council members, provided that the constitutional standards shall be taken into consideration in the distribution to Province's center, districts and sub-districts, and send it to the Ministry of Finance in the Federal Government to ensure its uniformity with the federal budget.

Sixth: To oversee all activities of local executive bodies, except for courts, military units, colleges and institutions to ensure the quality of their performance, with the exception of offices of federal jurisdiction.

Seventh:

1. To elect the Governor and his two Deputies by the absolute majority of members of the Council during a maximum period of thirty days from the date of its first session.
2. If none of the candidates receives the absolute majority of Council members vote, the candidates who received the highest number of votes shall compete and the one who receives the majority of votes in the second election shall be elected.

Eighth:

1. To question the Governor or one of his two Deputies at the request of one third of the members, and when the simple majority is not convinced of the answers given by the person being questioned, the dismissal will be voted on in a second session, and he shall be deemed dismissed by the approval of the absolute majority of the members of the

Council. The request or recommendation for dismissal is to be based on one of the following exclusive reasons:

- A. Lack of integrity, or misuse of the position.
 - B. Causing a waste of public funds.
 - C. When the member does not meet one of the conditions of membership.
 - D. Deliberate negligence and dereliction in performing duty and responsibility.
2. The Council of Representatives may dismiss the Governor by an absolute majority of members upon a proposal by the Prime Minister for the same reasons mentioned above.
 3. The Governor shall be considered dismissed when he does not meet one of the conditions stipulated in Article 5 of this Law.
 4. The Governor may appeal the dismissal decision before the Federal Supreme Court within fifteen days of the date of notification of the decision and the Court must adjudicate the appeal within a month from the date of receiving the appeal. In such a case, the Governor will continue in his position to run everyday business of the Province until the appeal decision is issued.
 5. After the end of the period of the above-mentioned appeal in item Fourth, or the ratification of the dismissal decision by the Federal Supreme Court, in the case of appeal, the Provincial Council is to elect a new Governor in accordance to the provisions of item Seventh of this Article during a maximum period of thirty days from the date of the ratification or the end of the appeal period.

Ninth:

1. To ratify the nomination of three individuals to occupy the senior positions in the Province by absolute majority of the Council members upon a proposal from the Governor for at least five nominees, and the competent Minister is to appoint one of them.
2. Relieving of individuals in senior positions in the Province by absolute majority of the Council members upon a request from one fifth of the Council members or upon a proposal by the Governor. The Council of Ministers shall have the right of dismissal by a proposal from the competent Minister, in accordance to the reasons stipulated in the above mentioned item Eighth of this Article.

Tenth: To ratify local security plans submitted by the security institutions in the Province through the Governor, coordinating with the Federal security offices and taking into consideration their security plans.

Eleventh: To ratify by absolute majority of the number of the Council members the administrative changes in districts, sub-districts and villages by merging, establishing, changing names and centers and their administrative reorganization, within the boundaries of the Province based on a proposal by the Governor or one-third (1/3) of the Council members.

Twelfth: To issue a gazette, in which all decisions and orders issued by the Council are published.

Thirteenth: To select an emblem for the Province inspired by the historical and cultural legacies of the Province.

Fourteenth: To approve the by-laws of the Council's work, within a month from the date of the first session of the Council, and shall be ratified by an absolute majority.

Fifteenth: To decide the priorities of the Province in all fields, formulate its policy, and draw up its strategic plans to develop the Province in a way that does not contradict the national development.

Sixteenth: To approve by absolute majority of the number of the Council members whether to accept or reject donations and grants that the Province is due to receive.

Seventeenth: To exercise any other competencies stipulated in the Constitution or laws in force.

Part Two Powers of the Local Councils

First: Powers of the District Council

Article 8:

First: To elect the Chairman of the District Council by absolute majority of District Council members during the first session, the District Council convenes by a request from the District Director (Qa'immaqam) within fifteen days from the date of ratification of the election results. The eldest member is to preside over the first session.

Second: To dismiss the Chairman of the District Council from the position by an absolute majority of District Council members upon occurrence of one of the reasons mentioned in item Eighth of Article 7 of this Law, based on the request of one-third (1/3) of the members.

Third:

1. To elect the Qa'immaqam by absolute majority of the District Council members. If none of the candidates receives the required majority of votes, those with the highest

number of votes shall compete over the position and the candidate who receives the majority of votes shall be elected for the position in the second round of elections.

2. To dismiss the Qa'immaqam by absolute majority of members at the request of one-third (1/3) of the members, or the request of the Governor, in the event that one of the reasons stipulated in item Eighth of Article 7 occurred.

Fourth: To oversee the progress of the local administration operations in the District.

Fifth:

- 1.** To prepare the draft budget of the District Council.
- 2.** To ratify budget plans for District departments and to forward them to the Governor.

Sixth: To approve streets names and planning of roads.

Seventh: To approve the basic designs of the district in coordination with the Provincial Council and within the general outline of the Federal Government.

Eighth: To oversee and evaluate educational activities within the District's boundaries and submit recommendations in this regard through the Provincial Council.

Ninth: To control the regulation of public lands in the geographical area of the District and work to develop its agriculture and irrigation.

Tenth: To ratify the security plan submitted by the heads of local security institutions and through the Qa'immaqam.

Eleventh: Any other powers delegated to the District Council by the Provincial Council in a way that does not contradict laws in force.

Twelfth: To establish a bylaw for the District Council.

Article 9:

To make its work a success, the District Council is to:

First: Submit scientific studies and research in all areas related to the development of the District and forward them to the Provincial Council.

Second: Cooperate, coordinate, and consult with the Sub-District councils associated with the District to ensure public interest.

Article 10:

The Head of an Administrative Unit, Heads of security institutions and Directors of offices shall have the right to attend the ordinary meetings of the District Council based on an invitation by the District Council without having the right to vote.

Article 11:

In the event of conflict between the decisions of the District Council and the decisions of the Province, the priority shall be for the Province if the decision taken was related to the entire Province.

Second: Powers of the Sub-District Council

Article 12:

The Sub-District Council is responsible for the following functions:

First: To elect the Chairman of the Sub-District Council by an absolute majority of the Council's members in the first session held by the Council as requested by the Sub-District Director within fifteen days from the date of ratification of the results of election. The eldest member shall chair the first session.

Second: To relieve the Chairman of the Sub-District Council by an absolute majority of the Council's members in the event that one of the reasons stipulated in item Eighth of Article 7 of this Law based on a request of one-third of the Council's members.

Third:

1. To elect the Sub-District Director by an absolute majority of the Sub-District Council's members and if none of the candidates receives the required majority of votes, the members receiving the highest number of votes shall compete and the member who receives the majority of votes shall be elected.

2. To dismiss the Sub-District Director by an absolute majority of the Sub-District Council's members upon a request by one-fifth of the members or by the Qa'immaqam for the reasons stipulated in item Eighth of Article 7.

Fourth: To oversee the progress of the operations of the administration in the Sub-District.

Fifth: To oversee local offices and to bring up the required recommendations in this regard to the District Council.

Sixth:

1. To prepare the draft budget of the Sub-District Council.
2. To ratify the budget plans of the Sub-District offices and forward it to the District Council.

Seventh: To ratify by a simple majority the local security plan submitted by the Sub-District Police administration through the Director of the Sub-District.

Eighth: To submit scientific studies and research in all areas related to the development of the Sub-District and forward them to the District Council.

Ninth: To cooperate, coordinate, and consult with the other Sub-District councils and the District Council to ensure public interest.

Tenth: To establish by-Laws for the Sub-District Council.

Eleventh: The Provincial Council or the District Council may have the right to grant any other powers to the Sub-District Council in a way that does not contradict the laws in force.

Article 13:

The Qa'immaqam shall have the right to attend the ordinary sessions of the Sub-District Council based on an invitation by the Sub-District Council without having the right to vote.

Article 14:

In the event of conflict between the decisions of the Sub-District Council and the decisions of the District Council, the priority shall be for the District Council if the decision taken was related to the entire District.

**Part Three
Rights and Privileges**

Article 15:

First: Members of the Councils shall enjoy the freedom of expressing their views in discussions.

Second: The Local Councils shall have the right to decide by a majority of the present members to remove one of the members from one or more of its sessions if his conduct in the Local Council undermines the reputation of the Local Council, in which he is a member.

Article 16:

Members of the Council or Local Councils shall be considered, for the duration of their membership, as members charged with performing civil service for the purposes of applying the Penal Code.

Article 17:

First: The Council member shall be entitled to a monthly remuneration in return for his service in the Council equivalent to the salary and allowances received by a Director General.

Second: The members of the Local Councils shall be entitled to a monthly remuneration in return of their service in the Local Council equivalent to the salary and allowances received by a Deputy Director General.

Third: The provisions of this Article apply to members of the Councils, who occupied their positions after 9 April, 2003.

Article 18:

First: It is not permitted to combine membership in the Councils with any work or other official position and the member shall have the right to return to his former position after the expiration of his term. The relevant official authorities must facilitate the approval on full time secondment from his office and return to it at the expiry of membership of the Council.

Second: The term of membership in the council shall be considered for the purpose of a salary raise, upgrading, and retirement.

Third:

1.

A. The Council members, Heads of an Administrative Unit, and the two Deputies of the Governor, who occupied their positions after 9 April, 2003, shall be paid a pension of at least 80% of the monthly remuneration determined under this Law; provided that the actual service not less than one year, or in the case of disability that prevents him from performing his duties during the membership term.

B. The Council members, Heads of an Administrative Unit, and the two Deputies of the Governor, who occupy their positions under the provisions of this Law, shall be paid a pension of at least 80% of the remuneration they receive under with this Law, after the end of the election cycle or in the case of disability that prevents him from performing his duties.

2. In accordance with the Uniform Retirement Law, the legal heirs shall be entitled to the pension paid to the Council members, Heads of an Administrative Unit, and the two Deputies of the Governor, in case of death or martyrdom during the membership term.

Article 19:

First: Quorum for the Councils shall be achieved by an absolute majority of its members.

Second: Decisions in the sessions of the Provincial Council and the Local Councils shall be made by a simple majority unless otherwise stipulated.

Article 20:

First: The Council and the Local Councils may be dissolved by an absolute majority of members of a council upon the request of one-third of the members in the following cases:

1. Gross violation to duties and tasks assigned thereto.
2. Violating the Constitution and the laws.
3. One-third of the members of a council do not meet the conditions of membership.

Second: The Council of Representatives shall have the right to dissolve the Provincial Council by an absolute majority of the number of the Provincial Council members upon a request from the Governor or one-third of the Provincial Council members for one of the above mentioned reasons.

Third:

1. The Provincial Council shall have the right to dissolve the Local Councils by an absolute majority of the Provincial Council members upon a request by the Qa'immaqam for the District Council, Sub District Director for the Sub District Council or one-third of the Local Council members for one of the above mentioned reasons.

2. The dissolved Local Council or one third of its members may appeal the decision in front of the Federal Supreme Court within fifteen days from the date the decision is issued, and the court must adjudicate it with regard to the appeal within thirty days of receiving it.

Article 21:

First: Upon the ratification of the decision to dissolve a council or at the end of the appeal period, the Governor shall call elections for the Provincial Council.

Second: The work of a council shall end on the date of holding the first session of the new elected council.

Third: The provisions stipulated in this Article shall be applied to the Local Councils provided that the call for new elections of the District Council shall be submitted by the Qa'immaqam and the elections of the Sub-District shall be submitted by the Sub-District Director.

SECTION TWO HEADS OF ADMINISTRATIVE UNITS

Article 22:

Every Administrative Unit shall have a juridical personality and financial and administrative independence. For the purpose of exercising its functions, it shall have the following responsibilities:

First: Collection of taxes, fees and wages pursuant to the Federal Laws in force.

Second: Exercising the powers granted to it under the Constitution.

Third: Performing duties and functions assigned pursuant to the laws in a way that does not contradict the Constitution.

Article 23:

The Governor, the Qa'immaqam, and the Sub-District Director shall be considered as the Chief Executive Officers in their Administrative Units and to their staff and shall be subject to the provisions of the Civil Service Law in terms of the position and its rights in a way that does not contradict this Law.

Chapter One The Governor

Article 24:

The Governor shall be considered the Chief Executive Officer in the Province and shall be at the same level as a Deputy Minister in terms of rights and career service.

Article 25:

First: The candidate for the position of the Governor must meet the required conditions for a member of the Provincial Council and must hold a university degree, or its equivalent.

Second: The conditions stipulated in item First of this Article shall apply to the two Deputies of the Governor.

Article 26:

First: A Presidential decree for the appointment of a Governor shall be issued within fifteen days from the date of his election. The Governor shall then assume his duties.

Second: The Provincial Council may elect the Governor from the Council or non-Council members.

Article 27:

First: The Governor shall have two Deputies at the grade of a Director General elected by the Provincial Council from the Council or non-Council members and the order of their appointment shall be issued by the Governor within fifteen days from the date of their election by the Provincial Council.

Second: The two Deputies of the Governor must meet the required conditions for a Provincial Council member stipulated in Article 5 of this law. They are also to have a university degree.

Article 28:

In case the Governor is unable to perform his duties for health reasons for a period of more than three months, he is to be retired and the Council must elect a new Governor through the same mechanism of the election stipulated in item Seventh of Article 7 of this law. The first Deputy shall assume the duties of the Governor until the election of a new Governor.

Article 29:

The Governor and his two Deputies are to take the following legal oath prior to assuming their duties and functions:

“I swear by God Almighty to preserve Iraq, protect its interests and safety, and safeguard the people, respect the Constitution and laws, uphold the affairs of the Province, and to carry out my duties with integrity, honesty, faith and neutrality. God is my witness.”

Article 30:

The Governor and the Heads of the Administrative Units shall continue to run the everyday business after the end of the electoral term of the Councils until the election of their successors by the new Councils.

Article 31:

The Governor shall exercise the following responsibilities:

First: To draft the general budget of the Province in accordance with the Constitutional standards, except those within the Federal government jurisdiction to forward it to the Provincial Council;

Second: To implement the decisions of the Provincial Council in a way that does not contradict the Constitution and the laws in force.

Third: To implement the public policy made by the Federal Government within the boundaries of the Province.

Fourth: To oversee and inspect public facilities within the Province except for Courts, military units, universities, colleges and institutes.

Fifth: To represent the Province at conferences, symposiums and forums to which he is invited and which are related to the affairs of the Province and its local administration. The Governor may delegate this responsibility to the Province staff in accordance with the law and the norms of the country.

Sixth: To establish new universities, colleges and institutes in the Province in coordination with the Ministry of Higher Education and Scientific Research within the Province budget and upon the ratification of the Council by absolute majority of its members.

Seventh:

1. To issue orders appointing local staff in the Province of those at grades five and below within the job hierarchy stipulated in the law, upon the competent departments nomination, in accordance with the staff plan approved by the Provincial Council.

2. To appoint local staff in the Province at grade four and above within the job hierarchy stipulated in the law except senior positions upon the competent departments nomination in accordance with the guidelines prepared by the Provincial Council.

Eighth: To undertake administrative and legal procedures for the Directors General and staff working in the Province upon the ratification of the Provincial Council by simple majority.

Ninth: The Governor may:

1. Order the police to conduct the investigation of crimes that fall within the administrative boundaries of the Province in accordance with the law and submit the

investigative documents to the competent judge, provided that the Governor shall be informed of the outcome of the investigation.

2. Establish and abolish police stations, upon the ratification of the Provincial Council by the absolute majority of the number of the Provincial Council members, in accordance with the conditions stipulated in the relevant laws and the guidelines of the Ministry of Interior.

Tenth:

1. The Governor shall have direct authority over local security institutions and all departments charged with the duties of protection and maintaining security and order operating in the Province, except for the armed forces (Units of the Army).

2. If the Governor deems that the security institutions in the Province are unable to accomplish its duties in maintaining security and order, he shall bring the matter immediately to the Minister of Interior, indicating the size of the force sufficient to perform those duties.

Eleventh:

1. The Governor may object to the decisions of the Provincial Council or the Local Council in the following cases:

A. If the decisions are in violation of the Constitution or laws in force.

B. If the decisions are not within the powers of a council.

C. If the decisions are in violation with the general plan of the Federal Government or the budget.

2. The Governor shall forward the decision back to the relevant Council within a period not to exceed fifteen days from the date of the notification, accompanied with his notes and reasons for his objection.

3. If the relevant Council insists on its decision or amends it without removing the violation pointed out by the Governor, the Governor must refer it to the Federal Supreme Court to adjudicate the matter.

Article 32:

The Ministries, and the departments not associated with a ministry, should notify the Governor of all correspondence with their respective departments and facilities within the Province for his information and to monitor implementation. The Heads of Departments and public facilities within the Province must adhere to the following:

First: To inform the Governor of their official correspondences with their respective departments at the office center.

Second: To report to the Governor on matters referred to them.

Third: To brief the Governor about their work involving security and important matters or issues involving more than one department in the Province or the conduct of their staff.

Fourth: To inform the Governor of their assumption of duties and when leaving their jobs.

Fifth: To complete the tasks and the committees' work assigned to them.

Article 33:

First: The Governor shall have a number of Assistants for the administrative and technical affairs, not to exceed five, to perform the tasks assigned to them by the Governor, and shall work under his supervision.

Second: The Assistants must have at least ten years of experience in their specialization and must meet the conditions required for a Deputy Governor.

Third: The Governor's Assistant shall be appointed at the level of a Deputy Director General.

Article 34:

First: A Consultative Commission consisting of not more than seven experts selected by the Governor shall be formed in each Province, who are specialists in legal, technical, financial affairs as required, and shall report directly to the Governor and shall work under his supervision and guidance.

Second: Each member of the Commission must have at least ten years of experience in his specialization and shall be at a rank of Deputy Director General.

Third: The Commission referred to in Item First of this Article shall study subjects referred to it by the Governor, each according to his specialization and submit relevant written recommendations.

Article 35:

The Governor may delegate some of his responsibilities to his Deputies and Assistants but he may not delegate the powers delegated to him. [exclusively given to him].

Article 36:

The services of the Governor's Assistants and his advisors from the Consultative Commission and Heads of an Administrative Unit, if they were public officers, shall be transferred to the staff of the administrative units for which they were elected or appointed for a position therein throughout the term of the position or the job.

Article 37:

First: The Governor, his two Deputies and the Heads of an Administrative unit may submit their resignations to the council that elected them. The resignations are deemed accepted as of the date of their submission.

Second: Their replacements shall be elected pursuant to the procedures stipulated in this Law.

Article 38:

The provisions of dismissing the Governor, which are stipulated in this Law, shall apply to his two Deputies.

Chapter Two
The District Director (Qa'immaqam), and
The Sub-District Director (Mudir al-Nahiyah)

Article 39:

First: The District Director and the Sub-District Director shall be deemed as the Chief Executive Officers in their administrative units and shall be elected under the provisions of item Third of Article 8 and Article 12 of this Law.

Second: The District Director and the Sub-District Director must meet the conditions stipulated for the Provincial Council member stipulated in Article 5 of this Law and hold a university degree.

Third: The Governor shall issue an administrative order to appoint the District Director and the Sub-District Director and they shall be under his supervision and guidance.

Fourth: The District Director shall be at the grade of a Director General, and the Sub-District Director shall be at the grade of Deputy Director General.

Article 40:

First: In the absence of the District Director, the Governor is to appoint one of the Sub-District Director from the District to assume his duties.

Second: In the absence of the Sub District Director, the District Director is to appoint one of the Sub-District Director from the District to assume his duties.

Third: The District Director must notify the Governor and the Sub-District Director must notify the District Director about their absence before an appropriate period in order for them to appoint a replacement during their absence.

Part One
Powers of the District Director (Qa'immaqam)

Article 41:

The District Director (Qa'immaqam) shall have the following powers:

First: To carry out the decisions taken by the District Council which are consistent with the Constitution and laws in force.

Second:

1. To directly supervise and inspect the official departments and their staff in the district, excluding the Army, courts, universities and institutes. The District Director is to impose punishment prescribed by law against violators, with the ratification of the District Council.

2. The District Director may order the police to conduct the investigation of crimes fall within the district boundaries and submit them to a competent judge, provided that the District Director is informed of the outcome of the investigation.

Third:

1. To maintain security and order and protect rights, lives and properties of the citizens.

2. To preserve State's rights, and protect its properties and collect its revenues according to the law.

Fourth: To prepare the local draft budget for the District and to send it to the District Council.

Fifth: The Qa'immaqam may order the formation of police stations and patrols in the District temporarily for maintaining security as needed.

Article 42:

Heads of official departments in the Province shall send to the Qa'immaqam copies of orders and decisions sent to the branches of their departments in the District for his review and to follow-up their implementation as far as the District is concerned.

Part Two
Powers of the Sub-District Director

Article 43:

The Sub-District Director shall exercise the following powers:

First:

1. To directly supervise and inspect the official departments and their staff in the Sub-District, excluding the Army, courts, universities and institutes.
2. The Sub-District Director may order the police to conduct the investigation of crimes fall within the sub-district and submit them to a competent judge, provided that the Sub-District Director shall be informed of the outcome of the investigation.

Second:

1. To maintain security and order within the Sub-District boundaries.
2. To preserve State's rights, properties and collect its revenues according to the law.

Part Three
Financial Resources

Article 44:

The financial resources of the Province shall consist of the following:

First: The Fiscal Budget granted to the Province by the Federal Government in accordance with constitutional standards prepared by the Ministry of Finance and ratified by the Council of Representatives.

Second: Revenues obtained from services provided and investment projects undertaken by the Province.

Third: Revenues obtained from taxes, fees and local fines imposed in accordance with the Constitution and federal laws in force.

Fourth: Donations and grants obtained by the Province in a way that does not contradict the Constitution and the federal laws in force.

Fifth: Revenues obtained from the sale and lease allowances of State movable and immovable assets in accordance with the Law of selling and leasing State properties and other laws in force.

Part Four Final Provisions

Article 45:

First: A High Commission shall be formed for coordination between the Provinces headed by the President of the Council of Ministers and the membership of the Governors, and shall be competent to consider the affairs of the Provinces, their local administrations, and means of coordination between them. It shall address the problems and obstacles and all the inter-provincial affairs.

Second: The Commission shall meet upon the call of its Head every sixty days or whenever it is necessary.

Third: The Head of the Commission may invite any person whose presence is deemed necessary to the sessions of the Commission.

Article 46:

The Province and its Provincial Council shall follow the adopted accounting systems in accounting operation.

Article 47:

The departments of the Province and the Councils shall be subject to oversight and audit by the Board of Supreme Audit and branches of the independent commissions formed under the Constitution provisions.

Article 48:

The term of the Governor, his Deputies, Assistants, advisors and Heads of Administrative Units shall be considered to be actual service for purposes of raises, upgrading and retirement.

Article 49:

The Chairman and members of the Provincial Council and Local Councils, the Governor, his Deputies and Heads of the Administrative Units shall take the legal oath stipulated in Article 29 of this Law before the highest judicial authority in the administrative unit prior to assuming their duties.

Article 50:

The Provincial Council and the Local Councils shall decide the authenticity of membership of its members by absolute majority of its members within thirty days from the date of the first session.

Article 51:

Any order regarding the end of or dismissal from office stipulated in this Law must be preceded by a questioning session for the relevant person.

Article 52:

The budget allocated to the Province as part of the federal budget shall be directly provided to the Province by the Ministry of Finance after deducting strategic expenses.

Article 53:

The following shall be annulled after this law entering into force:

First: Law of Provinces No. 159 of 1969 and its amendment.

Second: People's Local Councils Law No. 25 of 1995 and its amendment.

Third: Provisions stipulated in the Law of Municipality Administration No (165) of (1964) amended concerning the formations and powers of the Municipalities Councils.

Fourth: CPA Order No (71) on April 6, 2004, and its amendment.

Fifth: Laws, Resolutions, and Regulations that contradict the provisions of this Law.

Article 54:

First: The Council of Representatives shall enact the Electoral Law of the councils which will be formed in accordance with this Law, within 90 days from the date of passing this Law by the Council of Representatives.

Second: The next council elections will take place no later than 1 October, 2008.

Article 55:

First: This Law shall enter into force as of the date of its publication in the Official Gazette and shall not apply to the Provinces not incorporated in a Region until after the next council elections with the exception of what was stipulated in Paragraph (Second) of this Article.

Second: The provisions of the Articles related to occupational grades and retirement rights stipulated in this Law are applicable to those who have held the positions of council members, Heads of Administrative Units, and the two Deputies of the Governor, since 9 April, 2003.

Justifying grounds

Justifying Reasons

Due to the wide scope of competencies and powers granted to the Provinces and their administrations by the Constitution of the Republic of Iraq, and in order to organize these competencies and powers in accordance with the form of the new State that is based on the Federal System and the decentralized system, and because current legislations lack such a situation, this law was promulgated.