

Law NO (46) for the year 2006 / Law of Jordan Maritime Authority & Amendments

Article (1):

This law shall be named (Jordan Maritime Authority Law for the year 2002) and shall come into force as of the date of publication in the Official Gazette.

Definitions

Article (2):

The following words and terms used in this law shall have the following meanings unless expressly provided otherwise: -

- The Ministry : The Ministry of Transport.
- The Minister: The Minister of Transport.
- The Authority : The Jordan Maritime Authority established by this Law.
- The Board : The Board of Directors of the Authority.
- The Chairman : The Chairman of the Board.
- Director General : The Director General of Jordan Maritime Authority.
- The Sector : The Maritime Transport Sector.

The Authority

Article (3):

a) An Authority to be named (Jordan Maritime Authority) shall be established in the Kingdom. It shall have a corporate status and enjoy a juridical personality with financial and administrative autonomy. In such capacity, it may acquire movable and immovable properties necessary for the achievement of its objectives, perform all legal acts and shall have the right to proceed in legal proceedings and appoint the public civil attorney general or any other appointed attorney to represent the Authority in any legal proceedings on condition that such proceedings are done outside Jordan .

b) The Authority shall be linked to the Minister.

c) The Authority head office shall be in Aqaba and shall be entitled to establish branches and open offices inside or outside the Kingdom.

Article (4):

The Authority aims to achieve the following objectives:

- a) Regulate, supervise and develop the maritime sector including all transportation modes, stationary and moving equipment, labor force, transport auxiliaries and associated services, and provide guidance according to the Kingdom's economic and social plans in conformity with the provisions of ASEZA Law in force.
- b) Enhance the private sector's role in contribution to improve and develop the maritime sector.
- c) Encourage competition and prevent monopoly in the sector.
- d) Contribute in marine environment protection and boost maritime safety standards.

Article (5):

In order to achieve its objectives, the Authority shall perform the following functions:

- a) License of all maritime activities in cooperation and coordination with the parties concerned and in conformity with the provisions of ASEZA law in force.
- b) Registration of ships under the Jordanian flag.
- c) Issuance of statutory certificates for Jordanian ships.
- d) Issuance of documents and certificates for seafarers in the maritime sector including certificates of competency.
- e) Conducting inspections and surveys on ships and marine equipment in Aqaba Port area and within the Jordanian territorial waters according to related national laws and international conventions.
- f) Control of pilot age, tugboat activities and coastal navigation in the Jordanian territorial waters.
- g) Follow up of search, rescue and salvage operations within and outside Jordanian territorial waters.
- h) Investigating maritime accidents and catastrophes within the Jordanian territorial waters and on Jordanian ships wherever they may be.
- i) Recommending to the Ministry to ratify bilateral, regional and international maritime conventions and follow-up their implementation.
- j) Representing the Kingdom at international and regional maritime commissions, organizations, associations, unions, committees, and follow-up their activities.
- k) Cooperation and coordination with national, regional and international parties related to the Authority functions.

- l) Conducting studies, gathering data and information relevant to the sector, and classify, analyze, issue bulletins, periodicals and reports of the sector's activity.
- m) Conducting the authorities of Aqaba Port Department stipulated in the Commercial Maritime Law in force.
- n) Take the necessary measures to ensure that the ship meets the requirements of maritime security, health security, protection of the marine environment and maritime radio communications between ships and the Authority, coping with the effects of marine accidents and disasters and detention of ships violating the prevailing law taking into account the Aqaba Special Economic Zone Authority Law.
- o) Organization and control of maritime activities within the Jordanian territorial waters, taking into account the provisions of the Aqaba Special Economic Zone Authority Law.
- p) Providing radio communications related to Global Maritime Distress and Safety Network between Ships and beaches and organizing, documenting and controlling these communications.
- q) Issuing leave permits to ships leaving the territorial waters after making sure there are no judicial or technical detention orders on them.
- r) Regulate the entry of ships into the territorial waters and search for things falling into the sea and charge the Fees, wages and allowances under a regulation issued for this purpose.

Article (6):

The Authority shall consist of the following:

- a) The Board.
- b) The Director General .
- c) The executive body .

The Board

Article (7) :

- a) The Board shall be chaired by the Minister with the membership of:
1. The Director General ---Vice-Chairman.
 2. Commander of the Royal Navy Force.
 3. Four Jordanians of experience and competence in maritime transport, two of whom shall be from the private sector and appointed by the Council of Ministers pursuant to the Minister's recommendation for four renewable years. Any changes in membership thereof may be conducted in the same manner by appointing a replacement for the remaining period of the membership term.
- b) The Vice- Chairman shall assume the Chairman's authorities during the Chairman's absence and shall assume any authority delegated thereto by the Chairman, provided that such delegation shall be specific and in writing.
- c) The remuneration of the Board members shall be determined pursuant to a resolution by the Council of Ministers upon the Minister's recommendation.

Article (8):

- a) Neither the Board members nor their spouses or their ascendants or descendants should have any direct or indirect interest in any investment in the sector throughout the term of their membership.
- b) If the Board member violates the provisions of this Article, he shall be pursued for the crime of job exploitation and distrust, and shall be obliged to return all the amounts gained subsequent to this violation in addition to any indemnity due to any party damaged as a result of that violation.

Article (9):

The Board shall conduct the following functions and authorities:-

- a) Executing the Ministry's general policy relating to the sector according to the state's economic and social plans and to approve the plans, programs and projects necessary thereto.
- b) Investing the Authority's funds in the fields and by the means approved by the Council of Ministers.
- c) Concluding loan agreements necessary for the work of the Authority with the approval of the Council of Ministers.

- d) Concluding contracts and agreements with other parties and authorize the delegated party to sign on behalf of the Authority.
- e) Approving the Authority's organizational structure.
- f) Specifying the Board members authorized to sign on behalf of the Board in matters stipulated thereby for that purpose.
- g) Accrediting one or more of the banks operating in the Kingdom or abroad to deposit the Authority's funds.
- h) Approving the Authority's annual budget draft, balance sheet, final statement of account and the final annual report in respect of the Authority's functions and activities and submit to the Council of Ministers for accreditation.
- i) Appointing the Authority's auditor and specifying his fees.
- j) Preparing the draft regulations and bylaws necessary to enforce the provisions of this law and submitting them to the Council of Ministers.
- k) Preparing the instructions for the Authority's procedures and operations.
- l) Establishing the committees necessary to assist the Board to conduct its functions.
- m) Any other functions which the Chairman elects to submit thereto.

Article (10):

- a) The Board shall meet upon the Chairman's call, or that of the vice-chairman on the absence of the Chairman, once in two months or whenever the necessity dictates. The meeting shall be convened if attended by at least two thirds of its members including the Chairman or the vice-chairman. The Board shall pass its resolutions at least by the majority votes of those present. The dissent member should record his dissent in the minutes of the meeting.
- b) The Chairman shall call the Board to meet within a period not exceeding seven days upon receiving a written request from at least three Board members.
- c) The Board may decide to invite any person of experience and competence to attend its meetings for consultation and opinion without the right to vote.
- d) The Director General shall appoint an Authority staff member as a Board Secretary to present the meetings agendas, write the minutes, keep files, records and follow-up the enforcement of its resolutions.

Article (11):

a) The Board membership shall terminate in any of the following cases:-

1- Resignation.

2-Absence for two consecutive sessions or four non-consecutive sessions throughout any one year without acceptable excuse to the Board.

3- Loss of any of the membership requirements.

b) If the Board membership of any of the members appointed by virtue of sub-paragraph (4) of paragraph (a) of Article (7) of this Law becomes vacant due to any of the reasons stipulated in paragraph (a) of this Article, a new member shall be appointed to complete the vacant membership remaining term.

The Director General and the Executive Body

Article (12):

The Director General shall be appointed, from those of competence and experience, by the Council of Ministers resolution upon the recommendation of the Minister, and his service shall be terminated through the same process.

Article (13):

The Director General shall be the head of the Authority's executive body and be responsible for the appropriate performance of its administrative, financial and technical functions, representing it with third parties and shall assume the following functions:-

a) Implementing the Authority's general policy and programs, and enforcing the Board's instructions and resolutions.

b) Preparing programs, plans and projects in respect developing the sector and submitting the same to the Board to study and approve.

c) Administrating the executive body, and supervising the of functions of staff and employees.

d) Suggesting the Authority's organizational structure for the executive body, including classes of jobs and job description and availing the human and technical resources necessary for the Authority to perform its duties.

e) Coordinating between the Authority and other parties concerned.

f) Preparing the Authority's draft for the annual budget, balance sheet, financial final statements of accounts and the annual report in respect of the Authority's functions and submitting the same to the Board.

g) Assuming the Director General authorities stipulated in the Maritime Commercial Law in force.

h) Conducting any functions or authorities delegated to him by the Board relating to the Authority's activities.

Article (14):

The Director General may delegate any of his authorities stipulated in this law and the bylaws issued by virtue thereof to any of the of the Authority specialized staff provided that such delegation is specific and made in writing according to work requirements.

Financial matters

Article (15):

The Authority shall have its independent budget, and the fiscal year of the Authority shall commence on the first day of January of each year and shall end on the thirty first of December of the same year save for the first fiscal year of the Authority which shall commence on the date of its operation and shall end at the end of the same year.

Article (16):

The Authority's revenues shall be derived from the following resources:

- a) Any support the government advances to the Authority in the public budget.
- b) The charges, taxes and returns due for the Authority by virtue of this law and bylaws issued according thereto and related legislation in force.
- c) Dues and service charges for services the Authority advances to third parties.
- d) Fines derived from penalties enforced by virtue of legislations in force related to the Authority functions stipulated in this Law.
- e) Proceeds of investing the Authority's funds. f) Aids, donations, grants, loans and any other revenues accepted by the Board and approved by the Council of Ministers if made by non-Jordanian sources.

Article(17):

- a) The Authority shall adopt the approved International Accounting Standards to regulate its accounts which shall be audited by a legal auditor.
- b) The Authority shall keep financial reserves, the maximum of which shall not exceed the Authority's annual gross expenses as stipulated in the previous year budget, to cover the cost of projects not scheduled in the budget. The remaining surplus shall be transferred to the Treasury.

Article (18):

- a) The Authority's funds shall be considered public funds, and shall be collected pursuant to the provisions of the Public Funds Collection Law in force.
- b) The Authority shall enjoy the exemptions and facilities availed to the ministries and governmental departments.
- c) The Audit Bureau shall audit the Authority's accounts.

General Rules

Article (19):

- a) By a resolution of the Council of Ministers and upon the Board recommendations, the ownership of movable and immovable properties, assets including land, estate, buildings, structures, instruments, equipment, machinery, automobiles and documents owned by the Ports Corporation necessary for the Authority to perform its duties and responsibilities shall be descended to the Authority.
- b) The staff and employees employed by the Ministry of Transport and the Ports Corporation who are needed by the Authority shall be transferred to the Authority with all their own rights, privileges and obligations attached thereto, and their previous service at any of these two organizations shall be considered part of their service at the Authority.

Article (20):

- a)The Authority shall collect the wages, charges and revenues for the services rendered thereby, and the amount due shall be stipulated by regulations to be issued accordingly.

b) The Council of Ministers shall issue the bylaws necessary to enforce this Law including the Personnel affairs, returns, fines and additional dues charged by the Authority from the violators of this law or by-laws or regulations issued in accordance with this law, and conducting conciliation thereupon.

c) The bylaws and regulations issued according to the Ministry of Transport Law No.(42) of 1971 and the Ports Corporation Law No. (36) of 1985 related to the Authority's functions and duties as stipulated by this Law shall remain in force until amended or replaced according to the provisions of this Law during a period not exceeding one year from the date of enforcement. The Authority and Director General thereof shall replace the Ports Corporation and the Director General thereof wherever stipulated on both in any of these by laws and regulations.

Article (21):

For the purposes of implementing the provisions of this law, the Director-General or the employee Commissioned by him and any of them shall be considered a Judicial Police, and accordingly they can set any violation of the provisions of this law and rules and regulations issued there under, inspect and enter anywhere in the ports, board ships and review the documents and express reservation on any of them.

Article (22):

Non of the provisions of any other legislation shall be operative to the extent that those provisions are in contradiction with the provisions of this law.

Article (23):

The Prime Minster and the Ministers are entrusted to enforce the provisions of this Law.