

THE HASHEMITE KINGDOM OF
JORDAN

CONSTRUCTION CONTRACTORS LAW

Jordanian Construction Contractors Association

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THE HASHEMITE KINGDOM

Law Amending the Law of Construction Contractors No. (4) of 2014 and shall read along with the law No. (13) of 1987

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We, Abdullah II, King of the Hashemite Kingdom of Jordan

By virtue of article (31) of the Jordanian Constitution and as decided by the Jordanian Senate and House of Representatives,

Approve and pass the following law and to add it to the state laws.

Law amending the Law of Construction Contractors No. (4) of 2014

Article (1):

This law shall be cited "Law amending the Law of Jordanian Construction Contractors of 2014" and shall read along with the Law No. (13) of 1987, hereinafter referred to as the original law, one law and shall come into effect from the date of its publication in the Official Gazette.

Article (2):

The following words and expressions wherever appearing in this Law shall have the meanings thereto hereunder unless the context indicates otherwise:

Ministry: Ministry of Public Works

Minister: Minister of Public Works

Association: The Association of Jordanian Construction Contractors established in accordance with the provisions of this Law.

Council: The Council of the Association

Chairman: Chairman of the Jordanian Construction Contractors Association
Contract: a contract to construct building, roads, structures, and engineering projects of whatever type, commissioning and maintenance.
Contractor: Any person, natural or legal, who practices the profession on contracting, licensed and registered in accordance with the provisions of this Law.

General Assembly: the active members of the Association.

The Active member: The Jordanian contractor registered with the Association who is classified in accordance with the Regulation of Governmental Works in force and the Directions issued in pursuance thereto

The non- active member: The non- Jordanian contractor registered with the Association in accordance with the provisions of this Law.

CHAPTER ONE

LICENSING AND CLASSIFICATION OF CONTRACTORS

Article (3):

A/1- Any person who practices contracting in Jordan must be licensed by the Ministry. The Minister shall issue the directions which prescribe the licensing conditions and the conditions of the contractor are undertaking to fulfill the requirements of practicing the profession, such as: working capital, equipment, technical and managerial staff; according to the scope of works which the contractor intends to perform.

A/2 – the instructions referred to in the clause (1) of this paragraph shall include conditions of professional examinations that shall be passed by the contractor if he is a natural person and the founding partner if he is a legal entity.

(b) The contractor will be licensed upon the recommendation of a committee formed by the Minister for this purpose.

The Minister's resolution shall be served to the concerned party.

(c) The contractor shall, after obtaining the license referred to in para (b) of this Article, register his company or establishment or office with the Ministry of Industry & Trade and with the Association

(d) The license will be given on a temporary basis for a maximum period of one year during which the contractor should be classified

Article (4):

The contractor should be classified after obtaining the license and registration with the Ministry of Industry & Trade and with the Association, in accordance with the Regulation of Governmental Works in force and the directions issued thereunder.

THE ASSOCIATION OF CONSTRUCTION CONTRACTORS

Article (5):

(A) An Association for contractors shall be established in the Kingdom named "The Association of Jordanian Construction Contractors", shall have a legal personality, financial and managerial independence and shall have the right to own the necessary movable and immovable properties to achieve its objects and aims, to sue and to be sued and to appoint on its behalf any attorney – at – law in judicial and legal proceedings.

(B) The main office of the Association shall be in the city of Amman and it may establish branches in any other city in the Kingdom by a Council resolution.

Article (6):

The Association shall endeavor to achieve the following objectives:

(A) To organize the practice of the contracting profession and to up-grade its standard academically and practically.

(B) to cooperate with the concerned parties for the development of the means and

methods of projects planning , tendering , contracts documentation and to perform its own construction works .

(C) to encourage capital investment for establishing supporting industries to contracting works and for supplying same with services

(D) to cooperate with the concerned parties : in matters connected with contracting including up – dating of the unified contract form; solving professional disputes in connection with design and supervision ; and to develop the professional and technical aspects in contracting .

(E) to defend member’s interests and to uphold the traditions and honour of the profession’s practice .

(F) the members shall be provided with social insurance and health care in order to ensure them and their families a decent life through the creation of special funds pursuant to regulations issued in accordance with the provisions of this law.

Article(7):

In order to achieve the objects stated under Article (6) of this Law, the Association shall carry out the following functions and duties:

(A) Strengthen the compatibility and cooperation among members, to prevent unlawful competition among them in accordance with the profession rules of practice and ethics provided for in the Internal Regulations and participate in

solving the professional disputes which may occur between contractor and owner.

(B) Participate with the Ministry in formulating the Directions for the classification and rehabilitation of contractors and for its upgrading.

(C) Submit recommendations to the Ministry for amending the laws, regulations and directions relating to the profession.

(D) Adhere to the use of local resources, materials and expertise in the performance of contracts.

(E) Participate in the training and up-grading programs for the technical and professional personnel involved in contracting.

(F) collect, keep and circulate information relating to the profession and exchange same with all concerned establishments and parties.

(G) take whatever action which would enable the Association to achieve its professional aims.

(H) keep and classify data and statistics about contractors and the works undertaken by them

(I) issue a magazine and other specialized periodicals in construction affairs.

(J) Holding conferences and symposiums and organizing exhibitions in the field of contracting and to participate in any of them.

(K) Cooperation and coordination with Arab, regional and international associations, organizations and unions concerned with contracting profession

Article (8):

(A) No person natural or legal whether Jordanian or non- Jordanian is allowed to practice contracting in the Kingdom without prior registration with the Association and payment of the fees and subscriptions in accordance with the provisions of this Law.

(B) No Ministry or governmental department or a official public establishment or any local authority including municipalities and public shareholding companies or any other entity is allowed to conclude a contract with any contractor to perform works in the Kingdom unless the contractor has been duly registered and classified with the association, otherwise the contract is void.

(C) The provisions of paragraphs (a & b) of this Article shall not apply to contracts signed before the effective date of this Law.

(D) Contrary to the provisions of any other Law a contractor registered with the Association is not obligated to join or to subscribe in the Chambers of Commerce in the Kingdom.

Article (9):

The requirements for obtaining the active membership of the Association are the following:

(A) Applicant, whether a natural or legal person, should be Jordanian.

(B) He should not be less than twenty – one Gregorian yeas old if he is an individual or a member of a company.

(C) should be licensed by the Ministry of Public Works in accordance with the provisions of this Law

(D) should be registered with the Ministry of Industry & Trade for the purposes of practicing contracting.

(E) Should be classified by the Ministry of Public Works in accordance with the Regulation of governmental Works in force.

(F) Should not have been sentenced for a moral crime or a disciplinary penalty for reasons impairing honour and dignity.

(G) the application , if by an individual should be signed by him personally and if

by a company should be signed by its legally authorized representative .

Article (10):

The Council shall issue its resolution with regard to the application for registration within thirty days from the date of submission; the Council is entitled to approve or reject the application, but rejection should be reasoned. An applicant, whose application has been rejected, has the right to contest the Council's resolution before the High court of Justice within thirty days from the date of service. Any person, who has an interest, has the right to contest the Council's resolution before said Court including the Minister or his representative and any member of the Association.

Article (11):

(A) The contractor, whose application for registration was approved by the Council, shall be registered in the Association's registers and a registration certificate shall be issued to him after payment of the due registration and annual subscription fees.

(B) If the application for registration was rejected because it lacked any of the conditions stipulated in this Law such rejection shall not preclude the submission of a new application upon removal of the reasons which led to the rejection.

Article (12):

The Association shall keep the registers necessary for its activities including the

following registers:

(A) Registers of the active members according to their categories of classification in accordance with the Regulation of Governmental Works in force and the Directions issued in compliance thereof.

(B) Register of the non- active members.

Article (13):

A contractor's membership with the Association shall terminate in any of the following cases:

(A) Upon his written request.

(B) If he lost any of the membership conditions in accordance with a Council resolution.

(C) If a disciplinary decision is issued which cancels his membership.

(D) Death of the natural member.

(E) Liquidation of the company for any reason.

(F) Failure to pay the annual subscription fee for a period of two consecutive years.

In this case membership shall terminate by a Council resolution after a written warning.

Article (14):

The member shall pay the annual subscription fee within a period not exceeding the end of February of each year, and if he defaulted he should pay an additional fee of (5%) of the original fee for each month or part of the month of delayed payment. If the contractor was registered for the first time with the Association during any time in the year, he should pay the annual subscription fee in full.

Article (15):

A registered member should submit to the Association within fifteen days a written notice of any amendment which occurs in the registration of the company or in the names of the partners or in the ratio or the amount of their participation or in the names of persons authorized to sign on its behalf.

Article (16):

(A)

1. Performance of construction contracts in the Kingdom is not allowed unless by Jordanian contractors subject to the liability of annulment of the contract and the measures connected with it; but non- Jordanian contractors are allowed to participate in the performance of projects of specialized nature with Jordanian contractors by way of partnership or joint- venture with the approval of the Council of Ministers upon the recommendation of the Technical Committee specified in paragraph (b) of this Article.

2. Diplomatic Missions, accredited in the Kingdom, are allowed to perform and maintain the construction contracts of their own official premises by Jordanian or, subject to reciprocity, by non – Jordanian contractors.

(B) For the purposes of implementing the provision of paragraph (a) of this Article , a Technical Committee shall be formed of : the Minister as president and the Under – Secretary of the Ministry , the Manager of the Department of Governmental Tenders, the Chairman of Engineers, the Chairman of Contractors and a representative of the department of the respective project as members. This committee shall decide if the project is of a specialized nature and shall specify the basis of the partnership and the conditions of joint – venture between Jordanian and non- Jordanian contractors for performing the project; the Committee shall submit its recommendations to the council of Ministers for issuing the appropriate resolution.

(C) Notwithstanding the provisions of paragraphs (a & b) of this Article , performance of construction contracts may be allowed by non- Jordanian contractors by way of partnership of joint – venture with Jordanian contractors if the projects intended to be performed are financed by external development loans , or solely by non – Jordanian contractors if the public interest so necessitates .

Article (17):

(A) Each of the Jordanian and non- Jordanian contractors is obligated , in the case of partnership or joint – venture for the performance of any construction contract

in the Kingdom , to perform his defined role in the process of performance in accordance with the conditions of partnership or joint- venture as confirmed in an appendix to the contract and particularly the direct and actual use of his equipment and staff; a party is prohibited to conclude any contract or agreement with any other party or with third parties or to make any arrangement to obtain any commission , monies or other material benefit in return for the relinquishment of the project in whole or in part or of any responsibility connected therewith to a third party .

(B) Whoever violates the provisions of paragraph (a) of this Article shall be subject to disciplinary and criminal liability provided for in this Law; the Council of Ministers is entitled to withdraw the performance of the project upon the recommendation of the Technical Committee referred to in paragraph (b) of Article (16).

Article (18):

Subject to the provisions of Articles (8, 16, 17) of this Law, a non – Jordanian contractor is not allowed to perform any contract in the kingdom before abiding with and fulfilling the following:

(A) Should be registered with the official authorities of his country and should have practiced contracting there.

(B) Should be registered with the Ministry of Industry & Trade in the Kingdom in accordance with the provisions of the companies Law in force.

(C) Should be registered with the Association and paid the fees; but the is not obligated to join any other association inspite of the provisions of any other Law.

(D) Should have the financial and technical capabilities , the staff and equipment according to a pre – qualification by the concerned authority .

(E) Should employ a number of Jordanian labourers, technicians and professionals in accordance with the legislation in force.

(F) The laws of his country accord Jordanian contractors reciprocal treatment.

Article (19):

(A) The Association is constituted of:

The General Assembly.

The Council.

(B) The General Assembly is composed of the active members registered in the Association who have paid the due fees .

(C) A member who is a legal person shall be represented in the meetings of the General Assembly by a legally authorized partner or shareholder in managing the company's affairs, such a partner or shareholder is not entitled to delegate another person to attend the meetings of General Assembly or to exercise his right in the elections and nomination

Article (20):

The General Assembly shall have the following powers and functions:

(A) to approve the draft laws and regulations of the Association .

(B) to approve the Association's final annual accounts after perusal of the auditor's report .

(C) to discuss the annual report concerning the activities of the Council .

(D) to elect an auditor for the Association .

(E) to elect the chairman , Vice- Chairman and members of the Council

(F) to consider the matters submitted by the Council and issue to appropriate resolutions relating thereto and to discuss the proposals submitted by the members provided that they had been notified in writing to the Council seven days at least before the date of the General Assembly meeting .

Article (21):

(A) The General Assembly should be summoned to hold its annual ordinary meeting on the date fixed by the Council during the month of March of every year

(B) The General Assembly may, whenever necessary, hold one or more extraordinary meetings during the year by summons from the Council or the chairman or upon a requisition of members not less than one fourth of the members of the General Assembly who had paid the fees to the Association; on discussion is allowed in the extraordinary meeting in matters not listed in the notice of summons.

(C) The council should summon the General Assembly before fifteen days from the date fixed for the ordinary or extraordinary meeting.

(D) The chairman or Vice – Chairman in his absence shall preside the meetings of the General Assembly and in the absence of both the meeting shall be chaired by the member elected by the General Assembly in the manner it deems appropriate.

(E) The Minister or his delegate may attend the meetings of the General Assembly.

Article (22):

(A) Any meeting held by the General Assembly, shall be legal if attended by the absolute majority of the active members who have paid the fees; if after the expiration of one hour from the time fixed for the meeting said quorum was not present, the General Assembly should be summoned to hold another meeting after seven day and the second meeting shall be deemed legal by whatever number of members present.

(B) The General Assembly adopts its resolutions by unanimity or by the absolute majority of its present members and in the case of equality of votes, the side with whom the chairman of the meeting voted shall prevail.

Article (23):

The Council shall be composed of the Chairman, the Vice – Chairman and eight members: four from the active members classified in the first three categories in accordance with the Classification Directions in force, three of those who are classified in the highest fourth and fifth categories and one from the sixth category who shall be elected in accordance with Article (27) of this Law..

Article (24):

(A)A candidate for the post of Chairman or Vice – Chairman should satisfy the following conditions:

1- he should be a natural person not less than (30) years old; but if the candidate is a partner or a shareholder in a company he should be the individual authorized to attend on its behalf the General Assembly meetings in accordance with the provisions of Article (19) of this Law.

2- He should have practiced the profession of contracting in the Kingdom for a period not less than (10) years which may include his practice through a

contracting company.

3- He should be from the first category if he is nominated for the post of Chairman and he should be from the first or second category if he is nominated for the post of Vice – Chairman.

4- He should have been registered in the Association as an active member for a period not less than (3) consecutive years.

(B) A candidate for membership of the Council should satisfy the following conditions:

1- He should be a natural person not less than (30) years old, but if the candidate is a partner or a shareholder in a company he should be the individual authorized on its behalf to attend the General Assembly meetings in accordance with the provisions of Article (19) of this Law.

2- He should be classified in any of the categories.

3- He should have practiced the profession of contracting in the Kingdom for a period not less than (5) years which may include his practice through a contracting company.

4- He should have been registered in the Association as an active member of a period not less than (2) consecutive years.

Article (25):

(A) Nominations for the posts of Chairman, Vice – Chairman and for membership of the Council from amongst representatives of the first five categories should be opened before 14 days from the date fixed for convening the ordinary meeting of the General Assembly and shall remain opened during the first seven days and should be closed at five o'clock of the evening of its last day.

(B) Nomination should be made on the form prescribed by the council and should be submitted to the Association together with a fee of one hundred Dinars for the post of chairman or vice – Chairman and of fifty Dinars for a membership of the Council.

(C) The Council shall form during two days after closure of nomination , a Verification Committee of five members of the General Assembly from amongst those not nominated in the elections; the committee shall ascertain if the mandatory conditions for nomination are complied with in accordance with the provisions of this Law and the regulations issued in pursuance thereof and shall submit to the Council a report of the outcome of its examination within three days from the date of its appointment; the report shall be considered final .

(D) The Council shall announce the names of the candidates on the notice board of the Association in accordance with the findings of the Verification Committee provided for under paragraph (c) of this Article ; the announcement should be made on the day following the day of the Council's receipt of the Committee's report.

Article (26):

(A) Elections for the Chairman, Vice – Chairman and Council members representing the first five categories shall be effected by secret ballot in the presence of the Minister or his delegate on the

seventh day which falls after the day fixed for the meeting of the General Assembly convened in the year in which the elections should take place; the ballot – boxes should be opened at nine o'clock in the evening of the same day.

(B) The General Assembly shall, in its ordinary meeting which precedes the elections, appoint from amongst its non – candidate members a Supervision Committee for the elections composed of five substantive members and two reserve members and shall also appoint one of them as president ; the Committee shall conduct the process of the elections including distribution and collection of ballot – papers, counting the votes , announcement of the elections results and making a record of its work ; copy of said report should be sent to the Minister .

(C) The chairman, Vice – Chairman and Council members representing the first five categories shall be elected in one ballot by the proportionate majority of voters from the General Assembly members who are classified within the first five categories.

(D) The elections shall be considered final if the number of voters on the first day of elections constituted (51%) at least of the General Assembly members of the first five categories ; if the number of voters was less than that percentage the ballot- boxes- should be closed and opened on the following day at the same hour for the resumption of elections and the result in this case shall be legal regardless of the number of voters.

(E) Counting of votes should start, in the presence of the Supervision Committee, immediately upon completion of voting in the site where the election took place ;

the results should be announced in the presence of the Minister or his representative.

(F) If there were only one candidate for the post of Chairman or for the post of Vice – Chairman the candidate for the respective post shall be considered the winner; likewise candidates for the membership of the Council shall be considered winners by acclamation if their number is equal to the fixed number of the Council members.

Article (27):

(A) The election of the Council member who represents the sixth category should be by secret ballot by members of the General Assembly classified in this category at a time preceding the date of the ordinary meeting of the General Assembly specified in paragraph

(a) of Article (26) of this Law, the Council shall fix that time provided it will not exceed (30) days from that date; nomination for membership should take place on the election day provided that it will be postponed for a period not exceeding (7) days if the absolute majority of the members classified in this category were not present; the second meeting and the election which takes place in it shall be legal regardless of the number present; the winner shall be the one who obtains the majority of votes from amongst the candidates.

(B) The General Assembly of the contractors of the sixth category should appoint a committee of three members which shall supervise the nomination, voting, counting of the votes and the announcement of the result of the elections referred to in paragraph (a) of this Article.

Article (28):

(A) If the names of the candidates listed in the ballot paper exceed the required number which should be elected, said number shall be taken from the serial sequence of the names in the ballot paper starting from its beginning and the remaining names should be disregarded.

(B) A ballot paper shall be considered void if it contained at may signify the identity of the voter or any symbol by which he is recognized or if it included any morally inappropriate word, phrase or sign or anything which impairs the decency or honour of the profession; the Election Committee is entitled to exclude said paper from the scope of secrecy, to recommend investigations in order to identify the voter and to institute the appropriate disciplinary proceedings against him.

Article (29):

With the exception of what is stipulated in this Law, the procedural and other organizational matters relating to the meetings of the General Assembly and the elections of the Council should be determined in accordance with the Internal Regulation of the Association.

Article (30):

The Council should in its first meeting, elect from amongst its members a Secretary and a Treasurer for the Association and a deputy for each one of them, it may also appoint from the members of the General Assembly, any other committees which it deems necessary for administering and running the affairs of the Association or such committees provided for under this Law or under regulations issued in pursuance thereof which shall have the jurisdiction in matters as stated thereunder.

Article (31):

The Minister or any active member of the Association who has interest is entitled to contest the legality of the elections before the High Court of Justice during fifteen days from the date of its performance. If the Court decided that the elections were not legal wholly or partly, the Minister should summon the General Assembly to a meeting during thirty days from the date of delivery of the Court's judgement for re-election in compliance with the content of the judgement. Measures taken by the Council, before the delivery date of the Court's judgment which nullified its election, should be considered legal in all respects.

Article (32):

(A) The term of office of the council shall be (three years) from the date of its election.

(B) Re-election of the Chairman or his deputy is not permitted for more than two consecutive terms unless one term at least lapses after the expiration of the second term.

(C) Re-election of a member of the Council for more than three consecutive terms is not permitted unless one term at least lapses after the expiration of the third term.

(D) The provisions of paragraph (A) of this article shall be applied to the next council when provisions of this amended law are enforced, and this council shall continue to exercise its powers until the end of the period of three years from the date of its election

Article (33):

The Chairman shall carry out the resolutions and agreements approved by the Council; his deputy shall, in his absence, exercise all his duties and powers.

Article (34):

(A) The council shall hold its meetings periodically at the fixed dates on a summons by the chairman; the Council may hold extraordinary meetings whenever necessary or upon the requisition of the majority of the members provided they state in their requisition the subjects which they want the Council to discuss.

(B) The Council's meeting shall be considered legal if attended by five members at least provided that the Chairman or his deputy (in case of his absence) is one of them. The Council's resolutions shall be Adopted by majority and in the case of equality of votes the side with whom the Chairman of the meeting voted shall prevail.

(C) The Secretary of the Association shall supervise the preparation of agenda of the Council's meetings, the record of its minutes and resolutions in the respective registers and its signature by the Chairman and the members who were present at the meeting.

Article (35):

The Council shall exercise the following powers and functions:

(A) To preserve the ethics of the practice and the rules of the profession and to defend the rights of the Association, its interests, the dignity of its members and all of its employees.

(B) To consider the applications for membership and to take the suitable resolutions relating thereto.

(C) To manage the Association's administrative and financial affairs in accordance with the provisions of this Law and the regulations issued in pursuance thereof, to

collect the fees and other revenues due to the Association and to manage and invest its properties and assets.

(D) to prepare the annual budget of the Association and the balance sheet of the expired year and to submit same to the General Assembly attached with the necessary reports which show the financial position of the Association.

(E) to summon the General Assembly for meetings and to implement its resolutions.

(F) to resolve the professional disputes which occur between members of the Association and to participate in resolving the professional conflicts which occur between the members from one side and the owners from the other side.

(G) to take the necessary disciplinary action against the members in accordance with the provisions of this Law and the regulations issued in pursuance thereof.

(H) to prepare the draft laws and regulations relating to the Association in connection with the contracting profession and to submit same to the Minister upon its approval by the General Assembly.

Article (36):

The Council shall in accordance with directions issued for this purpose:

(A) appoint the employees in the Association and enter into agreements with experts and consultants in order to perform works connected with the interests of the Association for the achievement of its objectives.

(B) provide the Association with supplies through purchase , perform the works which it may need including performance of beneficial construction projects or which would help in achieving its objectives and approve of contracts and measures necessary for this purpose .

(C) dispose of the movable properties not required by the Association either by sale or by donation to organization of humanitarian aims and objectives .

Article (37):

The Council should not:

(A) accept any gift or donation in money or in kind or nay aid whatsoever from any foreign party except with the prior approval of the Council of Ministers .

(B) dispose in any way whatsoever of the immovable properties owned by the Association except with the prior approval of the General Assembly if such disposal divests the Association of its ownership.

Article (38):

If the General Assembly was unable to hold any of the meetings summoned for electing a new Council because of force majeure then the old Council shall continue in performing its activities and in exercising its powers until the General Assembly would be able to meet and elect a new Council . This Article applies in the cases where it would not be possible to summon the General Assembly to meet for

electing the Council because of force majeure .

Article (39):

(A) A member of the Council shall lose his post in any of the following cases :

1- if he lost any of the conditions which qualifies him to be a member in the Council or if it was proven to the Council that any of these conditions was missing when he was elected ; the Council shall declare the nullity of his membership . but in case of alteration of the category classification of a member during the term of the Council such a change shall not affect his position in the Council and shall continue in his post till the end of the term .

2- if he resigned or died .

3- if he absented himself from three consecutive or seven non – consecutive meetings without an excuse accepted by the Council.

(B) This Article applies to the Chairman and Vice – Chairman.

Article (40):

(A) If the Chairman resigns or dies or becomes incapable of discharging his duties by reason of illness or any other reason then his deputy shall perform his functions until the end of the term and the Council shall elect a Vice – Chairman from amongst its members . But if the Chairman and his deputy resigned or their posts became vacant for any reason , then the General Assembly should be summoned to meet during thirty days from the date of the vacancy to elect the Chairman and the Vice – Chairman . The oldest member of the Council shall be the acting Chairman during said period .

(B) If the member of the Council lost his representative capacity of the legal person whom he represents or if he resigned from the Council or lost his membership for any other reason, then the legal person and his representative shall lose their membership in the council.

(C) If the post of any member in the council became vacant for any reason including the case where the Vice- Chairman became Chairman or where the member was elected Vice- Chairman in accordance with the provisions of paragraph (a) of this Article, then the candidate who obtained the highest votes after the candidates who won in the election shall become a member in the Council; he shall be notified accordingly by the chairman during seven days from the date of the vacancy and shall be summoned to attend the council's meetings provided that he should be of the same category of the replaced member regardless of his number in the serial of the unsuccessful candidates; but in case of non – availability then the first candidate in the serial number will be the member irrespective of the category of his classification.

(D) If it was impossible to fill any vacancies in the Council in accordance with the provisions of paragraph (c) of this Article because of the non – availability of a previous candidate then the Council will choose for the vacant post one of the members of the General Assembly of those who meet the conditions and the classification of the vacant membership.

Members appointed in this way should not be more than three otherwise the General Assembly must be summoned during thirty days from the date of the

fourth vacancy to fill all the vacant posts.

Article (41):

A member must abide by the rules and ethics of the practice of the profession ; he should in the course of conducting his business , maintain relations with his fellow contractors , the citizens and the owners on the basis of trust , cooperation and the customary rules and ethics ; he should abide by the agreements and contracts executed by him with others ; he is prohibited for these purposes , from :

(A) violating the Association's Law and the regulations, directions and resolutions issued in pursuance thereof .

(B) breaching of the obligations and commitments imposed on him by the contracts concluded with owners including cheating in materials or workmanship .

(C) disclosing the secret and information which came to his knowledge by dint of his profession and in the course of its practice with the exception of cases required by the Law .

(D) defaming or slandering any of his colleagues or any other persons connected with the profession or with his business or entering into dishonest competition with them .

(E) concealing errors or information in the contracts under performance by him; he is required to inform owners or other concerned parties of these errors immediately upon noticing or discovering same.

(F) advertising himself in a way which differs from his classified category.

(G) Offering grants or rewards to those not working with him in order to obtain any contract or for the purpose of its improper performance .

Article (42):

(A) If a member committed violation or breach in the performance of his professional duties prescribed in this Law or any regulation issued in pursuance thereof or carried out any action which impaired the honour of the profession , he shall be liable to any of the following disciplinary penalties .

1- notice

2-warning

3-final warning

4-prohibition from practicing:

a- for a period not exceeding one year if the contractor commits any violation of the provisions of this Law and the regulations issued in pursuance thereof.

b- in case he violates the provisions of Article (17) of this Law he shall be prohibited from practicing for a period not exceeding two years and shall be deprived from participating in tenders during said period in addition to a financial fine at the rate of one percent of the total value of the contract.

5-cancellation of his name finally from the Association register if he was convicted twice for a violation which requires his prohibition from practicing in accordance with the provision of item 4/b of this paragraph; the decision of

cancellation should be notified to all the concerned Ministries , Departments , Establishments and Local Authorities during 15 days from the date of its issuance.

(B) A member temporarily prohibited from practicing is not allowed to perform any new work which falls within the scope of the contracting profession; he shall remain in the meantime subject to the provisions of this Law; the period of prohibition shall not be considered part of the qualification periods for candidacy to the council.

Article (43):

(A) A complaint may be submitted to the Council by an application in writing from :

1- the Minister ,or 2- the chairman ,or

3- a member of the Association ,or 4- any other person who has interest

(B) If the council decided that the complaint should be followed — up, it should be referred to the Investigation Committee provided for under paragraph (c) of this article ; a copy of the complaint shall be served to the defendant who has a right to submit a written answer during the period fixed by the Investigation Committee.

(C) The Investigation committee should be composed of three members form the General Assembly two of them will be appointed by the Council from outside

its members and the third member will be appointed by the Minister; members of the Committee should be from those who practiced the profession of contracting for at least ten years; the council should appoint a president for the Committee from amongst its members.

Article (44):

(A) The Investigation Committee should fix a date to start hearing the complaint immediately upon the expiration of the period fixed for defendant's answer; the defendant should be notified of the hearing date in order to appear before the Committee whether he submitted his answer or not; he has the right to attend the hearings by himself or he can appoint an attorney – at – law to attend the hearings with him.

(B) The Investigation Committee should adopt the procedure which it considers would guarantee the right of defence and the implementation of justice whether the defendant was present at the hearings or absented himself.

The committee may summon witnesses, hear their sworn statements and examine all other evidence. If any person fails to appear before the Committee for giving his testimony after being served it may order his presence through the competent security authorities.

(C) The Committee should complete the investigation in any referred case and submit the results of its investigation to the . council within a period not exceeding forty – five days from the date of reference. The Council may upon the request

of the Committee extend the period for a further period deemed necessary for the requirements of the investigation .

Article (45):

(A) The Council should commence hearing the disciplinary case within a period not exceeding fifteen days from the date of receipt of the results of investigation ; it shall notify the date of the first hearing to the defendant who has the right to appoint an attorney – at – law to attend the hearings with him.

(B)The Council should hear the disciplinary case in secret sessions and shall deliver its final decision within a period not exceeding forty – five days from the date of commencement of hearing the case after giving the defendant adequate opportunity of defence and submission of his evidence . The Council may or may not publish its disciplinary depending upon what the Council considers compatible with the interest of the profession, the Association and their dignity.

(C) Service of summons, papers and all decisions delivered by the Council and the Investigation Committee should be made by the Association’s employees in accordance with the instructions issued by the Council .

Article (46):

(A) The Council should take disciplinary action against a member convicted by a final judgement with a felony or a moral misdemeanor or one which violates

honour; such a judgement should be considered as a recommendation which requires direct conviction by the Council and the imposition of the suitable disciplinary punishment without referring him to the Investigation Committee.

(B)A judgement of innocence or non- responsibility will no preclude taking disciplinary action against the defendant in accordance with the provisions of this Law if there are justifying reasons.

Article (47):

A disciplinary decision of conviction is subject to contest before the High court of Justice by the convicted person during thirty days form the date of the decision if delivered in his presence or form the date of service if delivered in his absence .

Article (48):

The financially year of the Association begins on the first day of January and ends on the thirty first of December of the same year.

Article (49):

(A) The Association revenues are composed of :

1-the registration and re- registration fees, the annual subscription fees, certificate fees issued by the Association , fines and the election nomination fees , as well as fees for services provided by The Association

2- one half of one thousand of the value of nay tender awarded to a

Jordanian or non- Jordanian contractor Provided that the amount levied from any contractor for any tender shall not exceed the amount specified in the rules of procedure of the Association.

3-Investment profits of the Association's properties .

4-Donations , aids , grants and all other local resources approved by the Council .

5-The fines arising out of the disciplinary penalties imposed and collected in accordance with the provisions of this Law.

(B) The amounts of fees, fines and allowances provided for in paragraph (a) of this article and how to collect and dispose them shall be determined in accordance with the rules of procedure of the Association.

Article (50):

Each person, who engaged in contracting profession without being registered in the association as a member, shall be condemned after being found guilty by a competent court, by a fine not less than one thousand Jordanian dinars and not more than five thousand Jordanian dinars, and the penalty is doubled based on its upper limit if the crime is repeated; however, the contractor shall be punished by imprisonment for a period not less than six months, and not more than one year if he was convicted of this crime for the third time.

Article (51):

Each person, who engaged in contracting profession during the period in which he was temporarily prohibited to practice the profession under the disciplinary decision, shall be condemned after being found guilty by a competent court, by a fine not less than two thousand five hundred Jordanian dinars and not more than

ten thousand Jordanian dinars, and the penalty is doubled based on its upper limit if the crime is repeated.

Article (52):

If any person proceeded to practice contracting profession after the final cancellation of his name from the association's records in accordance with the provisions of this law, he shall be condemned after being found guilty by a competent court, by a fine not less than five thousand Jordanian dinars and not more than ten thousand Jordanian dinars, and the penalty is doubled based on its upper limit if the crime is repeated; however, the contractor shall be punished by imprisonment for a period not less than one year, and not more than three years if he was convicted of this crime for the third time.

Article (53):

Any person, who violates the provisions of Article (17) of this Law, shall be punished by imprisonment for a period not less than three months and not more than one year as well as by a fine not less than ten thousand Jordanian dinars and not more than thirty thousand Jordanian dinars or shall be punished by both penalties; this penalty is doubled based on its upper limit if the crime is repeated.

Article (54):

(A)The Council of ministers may issue the necessary regulations for the implementation of the provisions of this law including the Internal Regulation of the Association .

(B) Until the issuance of the Internal Regulation of the Association , the Internal Regulations of the Contractors of Public Works & Buildings issued in accordance with the Labour Law shall remain in force for a period not exceeding six months form the effective date of this Law with the exception of cases provided for hereunder.

Article (55):

The Council of Ministers , upon the recommendation of the Minister may dissolve the council for security and public safety purposes or if the Council violated the objectives for which the Association was established and appoint a Committee composed of seven persons who are not members of the dissolved Council to carry out all the powers and functions of the Council if the remaining period of the dissolved Council is less than six months but if the remaining period exceeded six months then the committee should carry out new elections during thirty days form the date of the resolution of dissolving the council.

Article (56):

The existing Council upon the issuance of this law shall continue to transact its business and exercise its powers until the expiration of its term of two years with effect from the date of its election.

Article (57):

The Prime Minister and the Ministers shall be responsible for the implementation of the provisions of this Law .

<u>Minister of Foreign Affairs and Expatriates</u> <u>Nasser Judeh</u>	<u>Minister of Education</u> <u>Dr. Muhammad Thunaibat</u>	<u>Minister of Higher Education and Scientific Research</u> <u>Dr. Amin Mahmoud</u>	<u>Prime Minister and Minister of Defense</u> <u>Dr. Abdullah Nsour</u>
<u>Agriculture Minister</u> <u>Dr. Atef Al Zoubi</u>	<u>Minister of Water and Irrigation</u> <u>Dr. Hazem Nasser</u>	<u>Minister of Industry and Trade and Supply</u> <u>Dr. Hatem Halawani</u>	<u>Interior Minister</u> <u>Hussein Hazaa Al Majali</u>
<u>Minister of Public Sector Development</u> <u>Dr. Khalif Khawaldeh</u>	<u>Minister of Finance</u> <u>Dr. Umayya Toukan</u>	<u>Minister of Environment</u> <u>Dr. Tahir Al Shakhshir</u>	<u>Minister of Municipal Affairs</u> <u>Engineer Walid Al Masri</u>
<u>Minister of State for Prime Ministry Affairs</u> <u>Dr. Ahmed Zraiqat</u>	<u>Minister of Labour And the Minister of Tourism and Antiquities</u>	<u>Minister of Social Development</u> <u>Reem Mamdouh Abu Hassan</u>	<u>Minister of State for Media Affairs</u> <u>Dr. Mohamed Hussein Al Momani</u>

Dr. Nidal Al
Qatamin

Minister of
Planning and
International
Cooperation
Dr. Ibrahim Saif

Minister of
Justice
Dr. Bassam
Samir
Talhouni

Minister of
Public Works
and Housing
Engineer Sami
Halsah

Minister of Energy
and Mineral
Resources
Dr. Mohammad
Hamed

Minister of
Islamic Awqaf
Trust Affairs
Dr. Hayel Abdul
Hafeez Dawood

Minister of
State
Dr. Salamah
Alenaimat

Minister of
Health
Dr. Ali Alnahla
Hiyasat

Minister of
Communications
and Information
Technology
Dr. Azzam Talal
Tawfiq Saleet

Minister of
Transport
Dr. Lina Shabib

Minister of
Culture
Dr. Lana
Muhammad
Mamkegh

Minister for
Political and
Parliamentary
Affairs
Dr. Khalid Al

		<u>Khalaldeh</u>	
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