

# Law of Antiquities

- The Law No. 21 for the year 1988 promulgated in the Official Gazette, issue No. 3540 dated 17/3/1988.

- The amending Law No. 23 for the year 2004 promulgated in the Official Gazette, issue NO. 4662 dated 1/6/2004.

General Department of Antiquities

P.O. Box. 88 Amman

# Law No.21 for the year 1988<sup>1</sup>

## The law of Antiquities

### Definitions and general provisions

#### Article 1-

This Law shall be called the Law of Antiquities No. 21 for the year 1988 as amended by Law No. 23 for the year 2004 and shall be put into effect as of the date it is promulgated in the Official Gazette.

#### Article 2-

The following words and terms set out in this law shall have the meanings assigned to them below unless the context denotes otherwise.

**1- The Minister**<sup>2</sup>: The Minister of Tourism and Antiquities.

**2- The Department**: The General Department of Antiquities.

**3- The Director**: The Director General of Antiquities.

**4- The Council of Trustees**<sup>3</sup>: The Council of Trustees of the National Museum.

**5- Chairman of the Council of Trustees**<sup>4</sup>: The Chairman of the Council of Trustees.

**6- The Director of the Museum**<sup>5</sup>: The Director of the National Museum.

#### **7-Antiquities:**

a-<sup>6</sup> Any movable or immovable object which was made, written, inscribed, built, discovered or modified by a human being before the year AD 1750 including caves, sculpture, coins, pottery, manuscripts and other kinds of manufactured products which indicate the beginning and development of science, arts, handicrafts, religions, traditions of previous civilizations, or any part added to that thing or rebuilt after that date.

b-<sup>7</sup> Any movable or immovable object as provided for in Clause "a" of this definition which dates back after AD 1750 and which the Minister requests to be considered an antiquity by a decision published in the Official Gazette.

c- Human, animal and plant remains which date back before AD 600.

#### **8- Antique site:**

a- Any area in the Kingdom that was considered as historic site under former laws.

b- Any other area that the Minister decides that it contains any antiquities or that is related to important historical events, provided that his decision shall be announced in the Official Gazette.

**9- Immovable antiquities:** These are fixed antiquities that are connected to the ground whether built on it or existing underground including antiquities underwater, and those in territorial waters.

**10- Movable antiquities:** These are antiquities separated from the ground or from immovable antiquities whose place can be changed without causing destruction to them, to the antiquities connected thereto, or to the place where they were found.

**11- Searching for antiquities:** To carry out the activities of excavation, probing and inquiry aimed at finding movable or immovable antiquities. However, the discovery and finding of antiquities by chance shall not be considered as searching.

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<sup>1</sup>Amended under law No. 23 for 2004/ An amending law of the Law of Antiquities promulgated in the Official Gazette issue No. 4662 dated 1/6/2004, page No. 2703.

<sup>2</sup>Amended under the amending Law No. 23 for 2004.

<sup>3</sup>Added under the amending Law No. 23 for 2004.

<sup>4</sup>Added under the amending Law No. 23 for 2004.

<sup>5</sup>Added under the amending Law No. 23 for 2004.

<sup>6</sup>Amended under the amending Law No. 23 for 2004.

<sup>7</sup>Amended under the amending Law No. 23 for 2004.

**12- Trader:** Any person or entity that carries on trading in antiquities.

**13- Season:** It is a period of the year during which searching is stipulated to be performed continuously pursuant to the provisions of this Law.

**14- "8" Antiquities Protectorate:** An area of land that contains archaeological remains or human or natural remains that have been designated and announced by a decision of the Cabinet. This decision is based on the recommendation of the Minister supported by a recommendation by the Director General. These include the terms and conditions necessary for the preservation of things present therein.

#### **Article 3-**

a- The Department will carry out the following:

1- The execution of archeological policy of the state.

2- The appraisal of the archaeology of objects and antique sites and evaluation of the importance of every piece of antiquity.

3- "9" The administration of antiquities, antique sites and antique protectorates in the Kingdom, their protection, maintenance, repair and preservation, beautification of their surroundings and display of their features.

4- "10" The spread of archeological culture and the establishment of archeological and heritage institutes and museums.

5- Searching for antiquities in the Kingdom.

6- Rendering assistance in organizing museums pertaining to Government activities in the Kingdom including historic, technical and popular museums.

7- Co-operation with local, Arab and foreign archeological groups who serve the national heritage and spread archeological awareness in accordance with the laws and regulations in force.

8- The control of possession and disposal of antiquities pursuant to this Law and the regulations, decisions and instructions issued hereunder.

b- The Minister may, on the recommendation of the Director, decide that any antiquities are immovable ones if they are part of immovable antiquities, supplemental thereto, coupled therewith or an ornament thereof.

#### **Article 4-**

a- The Minister may, on the recommendation of the Director and in co-operation with the Department of Land and Survey decide the names and limits of antique sites. These shall be written down in the immovable antiquities register, including the specification of any rights of easement.

b- Notice of such a decision shall be given to all the authorities and departments concerned. Further, such antique sites shall be marked and their rights of easement shall be written in the registers and maps of the Department of Land and Survey.

#### **Article 5-**

a- Ownership of immovable antiquities shall be exclusively vested in the state. No other party may own these antiquities in anyway or challenge the state's right to such ownership by delay or any other means.

b- The proprietorship, possession and disposal of movable antiquities shall be subject to the provisions hereunder.

c- "11" Amateurs shall have the right, with the consent of the Department, to own or collect antiquities from outside the Kingdom with a view to acquisition if this is permitted by the legislation of the country of origin of any such material. The border Customs Centers should be advised upon entry of any such material into the Kingdom. The centers will, in turn, hand them over to the Department through an

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<sup>8</sup>Added under amending Law No. 23 for 2004.

<sup>9</sup>Amended under the amending Law No. 23 for 2004.

<sup>10</sup>Amended under the amending Law No. 23 for 2004.

<sup>11</sup>Amended under the amending Law No. 23 for 2004

employee of the Customs in the presence of the owner to register and document them according to legal procedures within seven days from the date they are received.

d- The ownership of the land will not entitle the landlord to own the antiquities present on its surface or in its subsurface or dispose thereof nor shall it entitle him to prospect for antiquities therein.

e- It is permissible to appropriate or purchase any real estate or antiquities which the Department's interest requires the appropriation or purchase thereof.

f- <sup>12</sup>"All antique sites shall be registered in the name of the Treasury/Antiquities in addition to all the antique sites which are not registered with the Department, which are discovered in the Treasury land or which are appropriated or purchased.

g- <sup>13</sup>"It shall be prohibited to bring into the Kingdom any movable antiquities with a view to export them whether they are held by a person or through transit unless it is proved in writing that his possession of such antiquities is legal.

#### **Article 6-**

The Minister will, on the recommendation of the Director, publish in the Official Gazette a list of the names and borders of the antique sites in the Kingdom provided that such lists will be displayed in the center of the Governorate, province, district, locality or village where the antique site is located. No land in such sites shall be authorized, leased or appropriated to any entity without the approval of the Minister.

#### **Article 7-<sup>14</sup>**

Whoever has or is in possession of any movable antiquities shall provide to the Department a list thereof containing their number, pictures another details thereof as well as a brief description of every one of them.

The Department may, if it deems proper, duly document them.

#### **Article 8-**

a- The Department may, with the approval of the Minister, purchase the antiquities referred to in the preceding Article or any part thereof provided that their value shall be estimated pursuant to this Law. The antiquities not purchased shall remain in the possession of their owner, who shall have no right to dispose thereof in any way without the approval of the Minister on the recommendation of the Director.

b- Any person may donate the antiquities he owns or any part thereof to the Department. Any antiquities presented in this way shall be kept in the names of their donors at the museums of the Department.

c- <sup>15</sup>"The Director may request in writing anybody having antiquities to hand them over to the Department for the purpose of examination or study or for any other purpose related to its duties provided that they shall be returned to their owners after their examination within a maximum period of one year.

#### **Article 9-**

It is prohibited to destroy, ruin, disfigure or cause damage to antiquities including the change of their features, the separation of any part thereof, transformation thereof, affixing of notices thereon or displaying of signs on them.

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<sup>12</sup>Amended under amending Law No. 23 for 2004.

<sup>13</sup>Amended under amending Law No. 23 for 2004.

<sup>14</sup>Amended under amending Law No. 23 for 2004.

<sup>15</sup>Added under amending Law No. 23 for 2004.

**Article 10-**

The Cabinet may, on the recommendation of the Minister, lend, exchange or present antiquities if the Department has similar ones provided that lending, exchange or presentation shall be made to official, scientific or archeological authorities in addition to museums.

**Article 11<sup>16</sup>**

a- The prices of books, printed matter, publications, pictures, maps, molds, modern mosaic works and models issued by the Department, supervised by it or related to its program shall be fixed by a decision of the Director.

b- The Director may present any of the materials mentioned in Paragraph "a" of this Article to any scientific institution, university or institute, following a recommendation by the Minister.

**Article 12-**

The Minister may, on the recommendation of the Director exempt persons, institutes and institutions from all the fees and prices stated herein.

**Article 13<sup>17</sup>**

a- It is prohibited to license the establishment of any structure including buildings and walls unless it is about 5-25 meters away from any antiquities, against a fair compensation.

b- It is permissible, by a decision of the Minister on the recommendation of the Director, to increase the distance mentioned in Paragraph "a" of this Article if necessity requires in any of the following cases: -

1- The protection or maintenance of the antique site.

2- The expansion of the antique site.

3- To secure that the antique site is not obscured by any construction.

c- It is prohibited to set up any heavy or dangerous industries, lime furnaces or stone quarries at a distance less than one kilometer from the location of the antique sites. In all cases, prior approval of the Department shall be given before inviting offers or awarding tenders for engineering services, designs and sketches and preparing the documents of public and private projects tenders.

**Article 14-**

Despite the provisions of any other law, no person or entity will be allowed to carry out any excavations in antique sites in search of gold or other hidden treasures.

**Article 15<sup>18</sup>**

a- Any person not having an excavation permit who discovers, finds or knows of the discovery of any antiquities shall announce the discovery to the Director or the nearest Public Security Center during ten days from the date of discovery, finding or knowing of the discovery of such antiquities.

b- The Director may, subject to the approval of the Minister, pay to the one who discovered or found the antiquities appropriate cash reward pursuant to this Law.

**Article 16-**

a- The Department alone will have the right to carry out the work of surveying or excavating antiquities in the Kingdom. Further it may, with the approval of the Minister, allow scientific institutions, commissions and societies as well as archeological expeditions to survey for or excavate such antiquities by a special

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<sup>16</sup>Amended under amending Law No. 23 for 2004.

<sup>17</sup>Amended under amending Law No. 23 for 2004.

<sup>18</sup>Amended by amending Law No. 23 for 2004.

license pursuant to this Law after ascertaining their ability and efficiency, provided that the work will proceed pursuant to the conditions specified by the Director.

b- Subject to the provisions of Paragraph "a" of this Article, no person or entity shall be permitted to search for antiquities in any place in the Kingdom, even if such place is owned by him.

#### **Article 17-**

a- The Department or the party licensed to excavate, may do so in the state's domain and other property provided that it shall be restored to its natural and previous condition before the excavation. The said party shall compensate the landlords for the damage they sustain due to the activities of excavation. The Department shall warrant the compensation and guarantee its payment.

b- The estimation of the compensation set out in the preceding Paragraph of this Article shall be made by a committee to be formed by the Minister on the recommendation of the Director of three specialists, one of whom shall be from the private sector.

#### **Article 18-**

The parties licensed to survey for or excavate antiquities in the Kingdom, as well as the bodies and expeditions provided by such parties, shall comply with the instructions issued by the Minister, carry out their functions pursuant to the arrangements and shall abide by the procedures provided for in those instructions.

#### **Article 19-<sup>19</sup>**

a- If the licensee for excavation or the excavation entity delegated thereby violates the instructions issued under this Law, the Department may, in addition to the measures provided for herein, suspend the excavation activities immediately until the violation is removed. The Minister may, on the recommendation of the Director, cancel the license.' "

b- The Minister may, on the recommendation of the Director, suspend the work if he believes that the safety of the expedition or security exigencies so require.

#### **Article 20-**

If survey or excavation work is not commenced during one year from the date of granting the license or during two seasons in two consecutive years without an acceptable excuse, the Minister may, on the recommendation of the Director, cancel the license. The minister; however, may grant a license for work in the same area to any other party and the first party shall have lost all rights.

#### **Article 21-<sup>20</sup>**

a- The state shall be the proprietor of all the antiquities found during any work carried out by any entity or person in the Kingdom.

b- Further, the state shall be the proprietor of all the antiquities found during the excavation work carried out by any licensee in the Kingdom. It is permissible, by a decision of the Minister on the recommendation of the Director, to grant the said licensee some of the movable antiquities found, if there are others that are similar.

#### **Article 22-**

The Department may, solely or in conjunction with any other scientific entity, carry out excavation work in any Arab or foreign country if the Cabinet, on the recommendation of the Minister, finds that the national interest requires so.

#### **Article 23-**

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<sup>19</sup>Amended by the amending Law No. 23 for 2004.

<sup>20</sup>Amended by the amending Law No. 23 for 2004.

Trading in antiquities shall be prohibited. All licenses for trading in antiquities shall be considered as cancelled upon the execution of this Law.

**Article 24-**<sup>21</sup>

Subject to Article 23 hereof, no transport, export or sale of movable antiquities outside the Kingdom shall be permitted without the approval of the Cabinet on the recommendation of the Minister based on the commendation of the Director.

**Article 25-**

a- The Department, subject to the approval of the Minister, may purchase some of or all the antiquities in the possession of their owner provided that their price shall be estimated in agreement with the Minister. If no agreement is reached, the price shall be estimated by two experts, one to be appointed by the Department and the other by the owner of the antiquities. In the case the two experts differ they shall appoint a third expert who will cast a tie-breaking vote.

b- If the Department does not purchase the antiquities, their possessor may transfer their ownership to a third party provided that this shall be made with the knowledge of, and under the supervision of the Department.

**Article 26\_**<sup>22</sup>

a- A punishment of not less than one year and not more than three years imprisonment and a fine not less than three thousand diners, in proportion to the value of the antiquities, shall be imposed on anyone who:

1- Prospects for antiquities without obtaining a license by virtue of this Law.  
2- Trades in antiquities, assists, participates in, interferes with or incites others to do so.  
3- Fails to provide the Department with a list of the antiquities that he owns or possesses when this law takes effect.

4- Destroys, ruins or disfigures any antiquities including any change of their features, separating a part thereof, or transforming them.

5- Makes fake any antiquities or makes an attempt to do so.

6- Refrains from or is in default of handing over the antiquities which he discovered or came across to the Department, whether or not he holds license, within the prescribed period of time.

7- Moves or disposes of any antiquities in violation of this Law including hiding or smuggling them.

8- Steals pieces of antiquities.

9- Trades in imitation antiquities alleging that they are genuine ones.

b- The antiquities seized as a consequence of the commission of the acts mentioned in Paragraph "a" of this Article shall be confiscated and handed over to the Department.

**Article 27\_**<sup>23</sup>

A punishment of imprisonment for a period not less than two months and not more than two years or a fine of not less than five hundred diners in proportion to the value of the antiquities shall be imposed on anyone who: -

a- Attaches notices on any antiquities or puts signs or any other things thereon.

b- Carries out without a license from the Department any of the following acts:

1- Creating fake antiquities or dealing with fake antiquities.

2- Manufacturing and use of molds or samples of antiquities.

c- Discovers or finds any antiquities by chance or if he knows of their discovery or finding and fails to inform about them pursuant to the provisions of this law.

d- Presents any false statements or information or any incorrect documents to obtain any license or permit pursuant to the provisions of this law.

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<sup>21</sup>Amended under amending Law No. 23 for 2004.

<sup>22</sup>Amended under amending Law No. 23 for 2004

<sup>23</sup>Amended under amending Law No. 23 for 2004.

**Article 28.**<sup>"24"</sup>

a- In addition to the penalties provided for in Article 26 and 27 of this Law:-

1- The antiquities for which the violation was committed shall be confiscated. Moreover, the apparatuses and tools shall also be confiscated and become the property of the Department.

2- Any construction, buildings or other things which were erected, made or planted in violation of the provisions of this law or any system issued hereunder shall be removed at the expense of the offender including the cost of repair of any damage caused to the antiquities.

b- The expenses and cost payable under this Article shall be estimated by the Committee provided for in Article" 17" hereof.

Its estimation shall be legal evidence acceptable to all parties.

c- The Director may request the court to impose attachment on the apparatuses, tools and machines used during encroachment upon the antique sites until it passes its related decision.

d- The court may impose a fine of not less than five hundred Dina sand not more than one thousand diners on the owner of the machine used in committing the encroachment if it is proved that he knew of same.

**Article 29-**

For the purposes of executing this Law and the regulations issued hereunder, the Director, his assistants, Section Heads, inspectors of antiquities and museum managers of the Department, shall be vested with the powers of judicial police provided for in the Law of Penal Procedures in force.

**Article 30-**<sup>"25"</sup>

Despite the provisions of any other law, there shall be no application of the discretionary commuting reasons below the minimum limit prescribed for any of the violations provided for herein.

**Article 31**<sup>"26"</sup>

a- There shall be established in the Kingdom a museum named "The National Museum" which shall enjoy the status of a legal entity with financial and administrative independence.

b- The museum shall have a council of trustees and a management committee whose method of formation, duties and functions as well as all the matters related to either one of them shall be determined pursuant to a system to be laid down for this purpose.

c- The museum shall have a director whose way of appointment, duties and powers shall be determined pursuant to the system referred to In Paragraph "b" of this Article.

d- The museum is aimed to be: -

1- A comprehensive heritage center for the history, civilization and culture of the Kingdom.

2- A national center of the Kingdom's historic, antique and heritage property.

3- A developing educational and touristic instrument.

4- A center to support authorship in the field of antiquities and heritage.

e- The financial resources of the museum shall consist of the following: -

1- The amount appropriated for it in the general budget.

2- Admission fees which shall be fixed pursuant to a system to be created for this purpose.

3- Charges for the services and activities it renders.

4- Gifts, aids, donation and any other resources accepted b the Council of Trustees subject to the approval of the Cabinet if they are of non-Jordanian source.

5- The museum shall be subject to the auditing and control of the Accounting Bureau.

**Article 32-**<sup>"27"</sup> A suitable financial reward shall be granted to any person who:

a- Assists in confiscating any antiquities which are found and circulated in violation of this Law, the regulations, instructions and decisions issued hereunder.

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<sup>24</sup>Amended under amending Law No. 23 for 2004.

<sup>25</sup>Added under amending Law No. 23 for 2004.

<sup>26</sup>Added under amending Law No. 23 for 2004.

<sup>27</sup>Renumbering of the Article under amending Law No. 23 for 2004.



b- Provides any information which leads to the disclosure of any violation of this Law, the regulations, instructions and decisions issued hereunder.

**Article 33-**<sup>28</sup>

a- The rewards provided for in this Law shall be paid as follows: -

1- By a decision of the Director if the reward does not exceed one hundred dinars and by a decision of the Minister on the recommendation of the Director if it exceeds one hundred up to two hundred dinars.

2- By a decision of the Prime Minister on the recommendation of the Minister if the reward exceeds two hundred dinars.

b- The estimation of a reward shall be made, in all cases, by the Committee provided for in Article" 17" hereof or by any other committee which the Minister decides to form for this purpose.

**Article 34-**<sup>29</sup> "

The Cabinet may issue the regulations necessary for the execution of this law including the prospecting fees conditions, fees of admission into museums and antique sites, museum guide licensing and formation of consultative councils and bodies.

**Article 35-**<sup>30</sup>

The Law of Antiquities No. 26 for the year 1968 shall be repealed.

Further any other law or legislation shall be repealed as far as it is in conflict with this Law provided that the regulations, instructions, decisions, lists and procedures which were issued or taken pursuant to any former law or legislation shall remain in effect until they are amended, cancelled or replaced by virtue of this Law.

**Article 36-**<sup>31</sup>

The Prime Minister and the Ministers shall be charged with the execution of the provisions of this Law.

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<sup>28</sup>Renumbering of the Article under amending Law No. 23 for 2004.

<sup>29</sup>Renumbering of the Article under amending Law No. 23 for 2004.

<sup>30</sup>Renumbering of the Article under amending Law No. 23 for 2004.

<sup>31</sup>Added under amending Law No. 23 for 2004.