

# **The Law of the Judiciary\***

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## PART ONE INDEPENDENCE OF THE JUDICIARY AND ITS GUARANTEES

### **Article 1:**

Judges are independent and, in the administration of justice, they shall be subject to no authority other than the provisions of *Sharee'ah* and laws in force. No one may interfere with the Judiciary.

### **Article 2:**

Judges are not subject to dismissal from office except in the cases set forth herein.

### **Article 3:**

Without prejudice to the provisions of Article 49, judges may be transferred to other positions only with their consent or by reason of promotion, and in accordance with the provisions hereof.

### **Article 4:**

Without prejudice to the provisions of Article 68, judges may not be sued in connection with their job duties except in accordance with the conditions and rules pertaining to the disciplining of judges.

## PART TWO THE SUPREME JUDICIAL COUNCIL

### **Article 5:**

The Supreme Judicial Council shall be composed of a chairman appointed by a royal order and ten members as follows:

- (a) Chief of the Supreme Court,
- (b) Four full-time judges of the rank of chief of the Court of Appeal appointed by a royal order,
- (c) Deputy Minister of Justice,
- (d) President of the General Investigation and Prosecution Commission, and
- (e) Three members who shall meet the conditions applicable to the judges of the court of appeal to be appointed by a royal order. The office

of the chairman and the members under paragraphs (b) and (e) shall be four years, subject to renewal.

**Article 6:**

In addition to the other duties stated herein, the Supreme Judicial Council shall undertake the following:

a. Look into the judiciary's job affairs including appointment, promotion, disciplining, secondment, deputation, training, transfer, leaves, termination, etc. in accordance with the prescribed rules and procedures that ensure independence of the judiciary;

b. Issue bylaws on matters related to the judiciary's job affairs as approved by the King;

c. Issue judicial inspection bylaws;

d. Establish courts in accordance with the designations provided for under article 9 hereof, consolidate or cancel the same as well as determine their local and subject jurisdiction and create divisions therein in a manner that does not contradict the provisions of article 25 hereof;

e. Supervise courts and judges and their work within the limits stated herein;

f. Nominate chiefs of courts of appeal and their assistants from among courts of appeal judges and first degree courts chiefs and their assistants;

g. Issue rules that organize duties and powers of chiefs of courts and their assistants;

h. Issue rules of selection of judges and procedures and rules of their full-time delegation for study;

i. Organize the work of assistant judges;

j. Determine parallel judicial work required for filling judicial ranks;

k. Present proposals related to its authorities; and

l. Prepare a comprehensive report at the end of each year stating the achievements realized and obstacles and its suggestions on how to solve them and present the same to the King.

**Article 7:**

The Supreme Judicial Council shall convene, presided over by the Chairman of the Supreme Judicial Council, at least once every two months and whenever necessary. The convening of the council shall be valid if attended by the majority of members and its decisions shall be

issued by majority votes of the council members. In the absence of the chairman, the Chief of the Supreme Court shall replace him.

**Article 8:**

1. The Supreme Judicial Council shall have its own budget that is issued in accordance with the applicable rules of the general state budget.

2. The Supreme Judicial Council shall have a general secretariat and the secretary general shall be selected from among judges.

3. A sufficient number of researchers as well as technical and administrative staff shall be appointed to the council. Upon a decision issued by the council, it may use any persons it may deem suitable to be supervised by the chairman of the council.

4. The council shall issue internal bylaws that regulate its activities and duties.

## **PART THREE COURTS AND THEIR JURISDICTIONS**

### **Chapter I Hierarchy of Courts**

**Article 9:**

Courts shall consist of the following:

1. The Supreme Court,
2. Courts of Appeal,
3. First Degree Courts which include the following:
  - a. General Courts,
  - b. Criminal Courts,
  - c. Personal Affairs Courts,
  - d. Commercial Courts, and
  - e. Labour Courts.

Each of these courts shall have jurisdiction over cases brought before it in accordance with this law, the Law of Procedure before *Sharee'ah* Courts and the Law of Criminal Procedures. The Supreme Judicial Council may establish other specialized courts as approved by the King.

## Chapter Two Supreme Court

### Article 10:

1. The seat of the Supreme Court shall be in Riyadh.
2. The chief of the Supreme Court shall be appointed by a royal order at a rank of a minister, and his services shall only be terminated by a royal order. The chief of the Supreme Court shall meet the conditions required to hold the rank of the chief of the court of appeal. In his absence, the most senior chief of a division of the Supreme Court shall replace him in his absence.
3. The Supreme Court shall be composed of a chief and a sufficient number of judges with the rank of chief court of appeal who shall be appointed by a royal order upon the recommendation of the Supreme Judicial Council.
4. Without prejudice to the provisions of article 13 hereunder, the Supreme Court shall carry out its duties through specialized divisions in the number required, each of which shall consist of three judges except the criminal division which considers judgments of capital punishment, cutting off, stoning or retaliation for murder or lower crimes which shall consist of five judges. Each division shall have a chief.
5. The chief of each division of the Supreme Court and its members shall be nominated by the Supreme Judicial Council upon the recommendation of the Supreme Court Chief.
6. The Supreme Court shall have a sufficient number of researchers, technical and administrative staff, clerks, registrars and others as needed.

### Article 11:

In addition to the duties provided for under the Law of Procedure before *Sharee'ah* Courts and the Law of Criminal Procedure, the Supreme Court shall monitor sound application of the provisions of the Islamic *Sharee'ah* and the regulations issued by the ruler that do not contradict *Sharee'ah* provisions on cases that lie within the general jurisdiction of the judiciary as related to the following responsibilities:

1. Review judgments and decisions issued or ratified by the courts of appeal on capital punishment, cutting off, stoning, retaliation for

murder or lower crimes;

2. Review judgments and decisions issued or ratified by the courts of appeal on cases not provided for under the above paragraph, declaration cases and the like without looking into the details of cases as long as the subjects of objections to the judgment include the following:

a. Violation of the provisions of the Islamic *Sharee'ah* and the regulations issued by the ruler that do not contradict the provisions of the Islamic *Sharee'ah*,

b. Judgments issued by courts that have not been properly formed in accordance with the provisions of this law and other relevant laws,

c. Judgments issued by a court or a division having no jurisdiction to consider the case in question, and

d. Errors in presenting the circumstances or improper description of the case.

**Article 12:**

Each division of the Supreme Court shall convene under the chairmanship of its chief and in the presence of all its members. If any member is absent or fails to attend the session, the Chief of the Supreme Court shall appoint a substitute for him from among the members of the other divisions of the court.

**Article 13:**

1. The Supreme Court shall have a general panel under the chairmanship of the court chief and the membership of all its judges.

2. The general panel of the Supreme Court shall undertake the following duties:

a. Establish general principles on matters related to the judicial system; and

b. Consider issues which this law or other laws state that they should be considered by the general panel;

3. The convening of the general panel shall only be valid if attended by at least two thirds of the members including the chairman or vice chairman.

4. The decisions of the general panel shall be passed by the majority of votes of the present members. In case votes are equal, the chairman will have a casting vote. The decisions of the general panel shall be final.

**Article 14:**

If any division of the Supreme Court, on any case under consideration, decides to supersede any precedent it or any other division has adopted on any previous cases or if any division of the court of appeal decides to supersede any precedent adopted by any division of the Supreme court on previous cases, the issue shall be presented to the Chief of the Supreme Court to refer it to the general panel of the Supreme Court to decide on.

**Chapter Three  
Courts of Appeal**

**Article 15:**

1. Each region shall have one court of appeal or more which shall undertake its duties through specialized divisions, each of which consisting of three judges except the criminal division which looks into cases of capital punishment, cutting off, stoning and retaliation for murder or lower crimes which shall consist of five judges. The judge of the court of appeal shall be of a rank not less than that of a court of appeal judge. Each division shall have a chief.

2. One specialized appeal division or more may be established in the provinces of the region which has a court of appeal.

3. The chief and members of each division shall be appointed by the chief of the court of appeal. The court chief or his deputy from among the court members shall preside over the division in the absence of its chief.

**Article 16:**

The court of appeal shall consist of the following divisions:

1. Rights divisions,
2. Criminal divisions,
3. Personal affairs divisions,
4. Commercial divisions, and
5. Labour divisions.

**Article 17:**

The courts of appeal shall look into judgments subject to appeal issued by first degree courts. They shall issue their judgments after

hearing litigants in accordance with the procedures set forth in the Law of Procedure before *Sharee'ah* Courts and the Law of Criminal Procedure.

## **Chapter Four** **First Degree Courts**

### **Article 18:**

First degree courts shall be established in regions, provinces and centres as needed.

### **Article 19:**

General courts in regions shall be composed of specialized divisions including executive, declaration and similar divisions to look into cases that are outside the duties of other courts and notaries and to consider cases resulting from traffic accidents and traffic violations provided for under the Law of Traffic and related Implementing Rules. Each division shall consist of a single judge or three judges as determined by the Supreme Judicial Council.

### **Article 20:**

The criminal court shall be composed of specialized divisions as follows:

- a. Retaliation (*qisaas*) and Qur'anic prescribed punishments (*hudud*) divisions,
- b. Discretionary cases divisions, and
- c. Juvenile cases divisions.

Each division shall consist of three judges except for the cases determined by the Supreme Judicial Council to be considered by a single judge.

### **Article 21:**

The personal affairs court shall be composed of one division or more, each of which shall consist of one judge or more as determined by the Supreme Judicial Council. Specialized divisions may also be formed if required.

**Article 22:**

The commercial court and the labour court shall be composed of specialized divisions, each of which shall consist of one judge or more as determined by the Supreme Judicial Council.

**Article 23:**

The general court in the province or centre shall be composed of one division or more, each of which shall consist of one judge or more as determined by the Supreme Judicial Council. Criminal, commercial, labour and personal affairs courts may be composed within the courts established in centres and provinces unless specialized courts are established therein whenever needed. The said divisions shall have the jurisdictions of specialized courts.

The Supreme Judicial Council shall determine the cases which the general courts consisting of a single judge have the jurisdiction to consider.

**Article 24:**

The chief and members or the judge of each division shall be appointed upon a decision by the chief of the court. The chief of the court, or his deputy from among the court members, shall preside over the division in the absence of its chief.

**Chapter Five**  
**Jurisdiction of Courts**

**Article 25:**

Without prejudice to the provisions of the Law of the Board of Grievances, courts shall have jurisdiction to decide with respect to all cases in accordance with courts jurisdiction rules set forth in the Law of Procedure before *Sharee'ah* Courts and the Law of Criminal Procedure.

**Article 26:**

1. In cases other than those requiring a visit to the site of dispute, the courts may not hold their hearings in places other than their respective seats.

However, by a decision of the Supreme Judicial Council, courts may,

when necessary, hold their hearings elsewhere and even outside their areas of jurisdiction.

2. When necessary, by a decision of the Supreme Judicial Council, it shall assign one division or more to look into cases related to pilgrims and *Umrah* (lesser pilgrimage) performers. The council shall issue the required implementing rules that regulate the duties and responsibilities of the said division and its local and subject jurisdiction.

**Article 27:**

If a suit is brought before a court subject to this Law and the same suit is also brought before a court of the Board of Grievances or another body having jurisdiction to decide on certain disputes, and if both courts do not relinquish [jurisdiction over] the suit, or both decide to abstain from hearing it, a petition shall be submitted to the Jurisdictional Conflict Committee of the Supreme Judicial Council for designating the competent body. The Committee shall be composed of three members: one member from the Supreme court to be selected by the chief of the court, one member from the Board of Grievances or the other body to be selected by the Chief of the Board of Grievances or the chief of the other body, as the case may be, and one member from among the full members of the Supreme Judicial Council to be selected by the chairman of the council who shall act as the chairman of the said committee. This Committee shall also have jurisdiction to decide the dispute which arises in respect of enforcement of two conflicting final judgments, one of which is rendered by a court subject to this Law and the other by a court of the Board of Grievances or the other body.

**Article 28:**

In the cases mentioned in Article 27, a petition shall be submitted to the Secretariat General of the Supreme Judicial Council. Such petition shall include a sufficient description of the suit in which the conflict, abstention or conflict between two contradicting final judgments occurred, in addition to particulars related to the names of respondents, their respective capacities, places of residence and the subject of the petition. The petitioner shall file as many copies of this petition as there are litigants, along with the documents supporting his petition. The Chairman of the Jurisdictional Conflict Committee shall designate one of its members to prepare the case and present it for litigation. The

Secretariat shall notify the litigants by serving them with copies of the petition and summoning them to appear at the hearing set for the preparation of the suit. Following such preparation, the suit shall be presented to the Chairman of the Committee, who shall set a hearing before the Committee for the parties to litigate the subject matter of the case.

**Article 29:**

Submission of the petition to the Committee referred to in Article 27 shall stay the proceeding of the suit in respect of which the petition was submitted. If the petition is submitted after a judgment has been rendered in respect of the suit, the Chairman of the Jurisdictional Conflict Committee may stay the execution of either conflicting judgment or both.

**Article 30:**

The decision of the Jurisdictional Conflict Committee on the petition shall be passed by majority of votes and shall not be subject to appeal.

## **PART FOUR JUDGES**

### **Chapter I**

#### **Appointment, Seniority and the Promotion of Judges**

**Article 31:**

To be appointed as a judge, a candidate shall fulfil the following requirements:

- a. He shall be of Saudi nationality,
- b. He shall be of good character and conduct,
- c. He shall be fully qualified to hold the position of judge in accordance with the *Sharee'ah* provisions.
- d. He shall hold the degree of one of the *Sharee'ah* colleges in the Kingdom of Saudi Arabia or any equivalent certificate, provided that, in the latter case, he shall pass a special examination to be prepared by the Supreme Judicial Council,
- e. He shall not be less than forty years of age if he is to be appointed to the rank of a court of appeal judge, and not less than twenty two if

he is to be appointed to any other rank in the judiciary,  
f. He shall not have been sentenced to a *hadd* ('Qur'anic prescribed punishment') or a *ta'zeer* ('discretionary punishment') or for a crime affecting honour, or punished by a disciplinary action dismissing him from a public office, even though he may have been rehabilitated.

**Article 32:**

Ranks in the judiciary are as follows:

Assistant Judge, Judge "C", Judge "B", Judge "A", Deputy Chief of a Court "B", Deputy Chief of a Court "A", Chief of a Court "B", Chief of a Court "A", Court of Appeal Judge, Chief of Court of Appeal and Chief of Supreme Court. These ranks shall be filled in accordance with the provisions of this Law.

**Article 33:**

To hold the rank of Assistant Judge, a candidate shall, in addition to the requirements listed in Article 31, be a holder of a BA degree with a general rating not lower than "Good" and with a rating of at least "Very Good" in both Islamic Jurisprudence (*Fiqh*) and the Principles of Islamic Jurisprudence (*Usul al-Fiqh*).

**Article 34:**

To hold the rank of Judge "C", a candidate must have spent at least three years in the rank of Assistant Judge.

**Article 35:**

To hold the rank of Judge "B," a candidate must have spent at least one year in the rank of Judge "C," or worked in comparable judicial positions for at least four years, or taught the subjects of Islamic Jurisprudence and its Principles in one of the *Sharee'ah* colleges in Saudi Arabia for at least four years, be a holder of MA degree from the High Judiciary Institute or from one of the *Sharee'ah* colleges in Saudi Arabia or be a holder of Legal Studies Diploma from the Institute of Public Administration and had been a holder of a BA degree from one of the *Sharee'ah* colleges in Saudi Arabia with a general rating not lower than "Good" and with a rating not lower than "Very Good" in both Islamic Jurisprudence (*Fiqh*) and the Principles of Islamic Jurisprudence (*Usul al-Fiqh*).

**Article 36:**

To hold the rank of Judge "A", a candidate must have spent at least four years in the rank of Judge "B", or worked in comparable judicial positions for at least six years, or taught the subjects of Islamic Jurisprudence and its Principles in one of the *Sharee'ah* colleges in Saudi Arabia for at least eight years, or be a holder of Ph.D. degree from the High Judiciary Institute or from one of the *Sharee'ah* colleges in Saudi Arabia with a major in Islamic Jurisprudence (*Fiqh*) and the Principles of Islamic Jurisprudence (*Usul al-Fiqh*).

**Article 37:**

To hold the rank of Deputy Chief of Court "B", a candidate must have spent at least three years in the rank of Judge "A", or worked in comparable judicial positions for at least eleven years, or taught the subject of Islamic Jurisprudence or its Principles in one of the colleges in Saudi Arabia for at least eleven years.

**Article 38:**

To hold the rank of Deputy Chief of Court "A", a candidate must have spent at least two years in the rank of Deputy Chief of Court "B", or worked in comparable judicial positions for at least thirteen years, or taught the subject of Islamic Jurisprudence or its Principles in one of the colleges in Saudi Arabia for at least thirteen years.

**Article 39:**

To hold the rank of Chief of Court "B", a candidate must have spent at least two years in the rank of deputy chief of Court "A", or worked in comparable judicial positions for at least fifteen years, or taught the subjects of Islamic Jurisprudence or its Principles in one of the colleges in Saudi Arabia for at least fifteen years.

**Article 40:**

To hold the rank of Chief of Court "A", a candidate must have spent at least two years in the rank of Chief of a Court "B", or worked in comparable judicial positions for at least seventeen years, or taught the subject of Islamic Jurisprudence or its Principles in one of the colleges in Saudi Arabia for at least seventeen years.

**Article 41:**

To hold the rank of a Court of Appeal Judge, a candidate must have spent at least two years in the rank of Chief of Court "A", or worked in comparable judicial positions for at least nineteen years, or taught the subject of Islamic Jurisprudence or its Principles in one of the colleges in Saudi Arabia for at least nineteen years.

**Article 42:**

To hold the rank of a Chief of Court of Appeal, a candidate must have spent at least two years in the rank of a Court of Appeal Judge.

**Article 43:**

The MA and Diploma degrees stated herein are equal to four years experience in comparable judicial work and the Ph.D. degree stated herein is equal to six years experience in comparable judicial work.

**Article 44:**

1. The probation period of an assistant judge shall be two years from the date of commencement of work following the decision of appointment to this position by the Supreme Judicial Council. If, during this period, he is found unfit for judicial work, the Supreme Judicial Council shall issue a decision to dismiss him from the ranks of the judiciary.

2. A judge shall initially be appointed on probation for a period of one year. If, during this period, he is found unfit for the post, his services shall be terminated by a royal order.

3. A judge who joins the ranks of the judiciary for the first time shall receive an allowance equal to three months pay.

**Article 45:**

Without prejudice to the provisions of this Law, members of the judiciary shall enjoy the rights and guarantees stipulated in the Civil Service Law and Retirement Law. They shall fulfil the duties provided for in the Civil Service Law that are not inconsistent with the nature of judicial office.

**Article 46:**

Except for the assistant judge and a judge initially appointed on

probation, the member of the judiciary may not be dismissed except for the reasons stated in paragraphs f, g and h of article 69 hereunder and in accordance with the procedures stated under the same article.

**Article 47:**

Appointment and promotion in the ranks of the judiciary shall be effected by a royal order based on a decision of the Supreme Judicial Council stating that the statutory conditions in every individual case have been fulfilled.

In the matter of promotion, the Council shall follow the order of absolute seniority [in the service]. In case of equal [periods of service], the qualified candidate shall be given priority on the basis of the proficiency reports. In case of equality [of proficiency reports] or if there are no proficiency reports, priority shall be given on the basis of age seniority. No member of the judiciary subject to check may only be promoted if his performance is checked at least twice while he was in the rank from which he is to be promoted and the last two reports preceding the promotion action rated his proficiency as being not less than average.

**Article 48:**

Salaries of the members of the judiciary in all ranks shall be in accordance with the judges' salary scale.

## Chapter II

### Transfer, Assignment and Vacations of Judges

**Article 49:**

Members of the judiciary may not be transferred or assigned [to another position] within the judiciary except by a decision of the Supreme Judicial Council. Likewise, they may not be transferred, assigned or seconded outside the judiciary except by a royal order based on a decision of the Supreme Judicial Council, in which the remuneration due to the assigned or seconded judge shall be specified. The period of assignment or secondment shall be one year renewable for another year. However, the Chairman of the Supreme Judicial Council may, in exceptional cases, assign a member of the judiciary to another position within the judiciary or outside the judiciary for a period not

exceeding three months per year.

**Article 50:**

Upon a decision from the Chairman of the Supreme Judicial Council, judges may take vacations in accordance within the limits of regulating provisions.

**Chapter III  
Duties of Judges**

**Article 51:**

A person may not hold the position of a judge and simultaneously engage in commerce or in any position or work which is not consistent with the independence and dignity of the judiciary. The Supreme Judicial Council may enjoin a judge from engaging in any work which, in its opinion, conflicts with the duties of the position and the proper performance of such duties.

**Article 52:**

Judges shall not violate the confidentiality of their deliberations.

**Article 53:**

A judge shall reside in the city where his place of work is located. The Supreme Judicial Council may, in view of exceptional circumstances, give a judge permission to reside temporarily in a town near his place of work.

**Article 54:**

A judge may not absent himself from his place of work, nor may he stop going to work for a non-emergency reason before he obtains written permission to do so.

**Chapter IV  
Inspection of the Work of Judges**

**Article 55:**

1. A Department for Judicial Inspection shall be formed at the Ministry of Justice consisting of a head and a sufficient number of members who shall be selected from among the Judges of the court of

appeal and first degree courts.

2. The Judicial Inspection Department at the Ministry of Justice shall undertake the following:

a. Inspect the work of judges of courts of appeal and first degree courts for the purpose of collecting information which would lead to determining their level of efficiency and their endeavours to perform the duties of their office; and

b. Investigate the complaints submitted by and against judges on matters related to their work referred to the department by the Supreme Judicial Council.

The inspection and investigation provided for under a and b hereinabove shall be made by a member with a rank higher than that of the judge whose work is being inspected, or by a member having seniority [in the service], if both of them are in the same rank.

Inspection and investigation shall take place either at the Judicial Inspection Department or at the court, as may be determined by the Chairman of the Supreme Judicial Council.

3. Inspection of the members of the judiciary shall be made at least once and not more than twice a year.

**Article 56:**

The following ratings shall be used in evaluating the proficiency of a judge: outstanding, above average, average and below average.

**Article 57:**

1. The Judicial Inspection Department shall inform the judge of the report and the performance rating as well as of all documents entered in his file. The concerned judge may submit his objection to the rating given to him to the Judicial Inspection Department within thirty days from date of notification except for an acceptable excuse.

2. The Judicial Inspection Department shall forward the objection to the Supreme Judicial Council accompanied by a recommendation statement within fifteen days from the date of the submission of the said objection.

3. The Supreme Judicial Council shall decide on the objection after reviewing the papers and the objecting judge shall be informed of the council's decision in writing. The council's decision in this respect shall be final.

## Chapter V Disciplining of Judges

### **Article 58:**

Without prejudice to the impartiality of the judiciary and its independence in administering justice and the right of the Supreme Judicial Council to supervise courts, judges and their work, the chief of each court has the right to supervise the judges of his court and to notify them of all acts violating their duties or the requirements of their positions after hearing their statements. The notification may be made verbally or in writing, and in the latter case, a copy of the notification shall be sent to the Supreme Judicial Council. In case the judge objects to the written notification issued to him by the chief of the court, he may request, within two weeks from the date of notification. If the violation recurs or continues, a disciplinary action shall be instituted.

### **Article 59:**

The authority of disciplining judges is vested in a panel formed within the Supreme Judicial Council consisting of three members of the council. The decisions of the panel shall be passed by majority of votes and shall only be final after they are approved by the council.

### **Article 60:**

The disciplinary action shall be instituted by the head of the Judicial Inspection Department or his designee before the disciplinary panel at the demand of the Chairman of the Supreme Judicial Council, acting on his own or on the recommendation of the chief of the court to which the judge belongs. Such request shall be submitted only on the basis of a criminal or administrative investigation conducted by a judge not lower than the rank of a court of appeal judge assigned by the Chairman of the Supreme Judicial Council.

The disciplinary action shall be instituted by a memorandum including the allegation and supporting evidence, and shall be brought before the disciplinary panel, which shall decide on summoning the judge to appear before the panel.

The panel, upon the approval of the Supreme Judicial Council, may conduct such investigations as it may deem necessary, and it may assign

any of its members to carry out such investigation.

**Article 61:**

If the disciplinary panel finds justification to initiate trial proceedings for all or some of the allegations, it shall summon the judge to appear at a suitable time. The writ of summons must include a sufficient statement of the subject matter of the action and the evidence of the allegation.

**Article 62:**

When the disciplinary panel decides on the initiation of trial proceedings, it may, upon the approval of the Supreme Judicial Council, suspend the judge from performing the duties of his position until the trial is completed. The panel may at any time reconsider the suspension order.

**Article 63:**

The disciplinary action shall come to an end by the resignation of the judge. The disciplinary action shall have no effect on the criminal or civil suit arising from the incident itself.

**Article 64:**

The hearings of the disciplinary panel shall be in closed session. The disciplinary panel shall render its judgment after it has heard the defence of the defendant judge, who may submit his defence in writing or entrust a member of the judiciary to defend him. The panel shall always have the right to summon the judge to appear in person. If the accused does not appear in person, or empower somebody on his behalf, a judgment by default may be rendered after ascertaining the validity of the case.

**Article 65:**

The judgment rendered in the disciplinary action must include the grounds on which it is based, and such grounds must be stated upon pronouncing the judgment in closed session. The judgment of the disciplinary panel shall be final and unobjectionable.

**Article 66:**

The disciplinary penalties which may be imposed on the judge shall be reprimand and dismissal from service.

**Article 67:**

A royal order shall be issued for the implementation of the dismissal from service, and a decision of the Chairman of the Supreme Judicial Council shall be issued for the implementation of the reprimand.

**Article 68:**

In cases where the judge is caught in criminal act, the matter shall, upon arrest and imprisonment of the judge, be reported to the Supreme Judicial Council within twenty four hours from the time of arrest.

The Council may decide whether the judge shall continue to be imprisoned or whether he shall be released on or without bail. The judge may request that his statements be heard before the Council, upon bringing the case before it. The Council shall specify the term of imprisonment in the decision ordering either imprisonment or the continuation thereof. The aforementioned procedure shall be followed whenever the continuation of protective custody is deemed necessary after the expiration of the term fixed by the Council.

Except in the foregoing cases, the judge may not be arrested nor may investigation proceedings be instituted against him, nor may he be criminally prosecuted except with the permission of the council. Imprisonment of judges and punishments restraining their freedom shall be implemented in separate places.

## **Chapter VI Termination of the Judges' Service**

**Article 69:**

The service of a member of the judiciary shall be terminated for any of the following reasons:

- a. Reaching the age of 70,
- b. Death,
- c. Resignation,
- d. Acceptance of his request for retirement in accordance with Retirement Law,

- e. Unfitness to work as a judge as per the provisions of article 44 hereof,
- f. Inability to carry out his work duties after the end of his sick leave or showing any signs at any later time of inability to carry out his work duties in the proper manner due to his sickness,
- g. Obtaining below average rating in three consecutive performance reports, or
- h. Termination for disciplinary reasons.

**Article 70:**

In cases other than death, placement on retirement for having reached the statutory age or demonstration of incompetence during the probation period with regard to an assistant judge, the service of a member of the judiciary shall be terminated by a royal order upon the recommendation of the Supreme Judicial Council.

## **PART FIVE MINISTRY OF JUSTICE**

**Article 71:**

1. Without prejudice to the provisions of this law, the Ministry of Justice shall assume the administrative and financial supervision over the courts and notaries.

2. The Ministry of Justice shall submit such proposals and projects as may secure the proper standard for the justice system.

3. A research centre shall be established at the Ministry of Justice composed of an adequate number of specialist members, each of whom shall hold a certificate not less than a university degree. The centre shall undertake publication of selected judgments as approved by the Supreme Judicial Council.

## **PART SIX NOTARIES PUBLIC**

### **Chapter I Notaries Public and their Jurisdictions**

**Article 73:**

Notaries public shall be established and their powers and compositions shall be determined by a decision from the Minister of

Justice. The head of each notary public shall supervise the notaries public under his department.

**Article 74:**

Notaries public shall have the power to notarize contracts and record declarations except endowments and wills. Some of these powers may be entrusted to other departments under bylaws issued by a decision from the Minister of Justice based on the approval of the Supreme Judicial Council.

**Article 75:**

In cities where there are no Notaries public departments, the function of the notary public shall be entrusted to the town court, which shall have the power and authority of the notary public within the local jurisdiction of the court.

**Chapter Two**  
**Appointment and Inspection of Notaries Public**

**Article 76:**

A person to be appointed as notary public shall satisfy the requirements provided in paragraphs a, b, c, d and f of article 31 of this law.

**Article 77:**

The bylaws on qualifications required for filling notary public posts agreed between Minister of Justice and Minister of Civil Service shall continue in full force. They, together, may amend necessary provisions as consistent with the provisions of this law.

**Article 78:**

Without prejudice to the provisions of this Law, notaries public shall be subject to all provisions applicable to civil service employees.

**Article 79:**

Notaries public shall be subject to judicial inspection in accordance with the provisions of this law.

**Chapter III**  
**Weight of Documents Issued by Notaries public**

**Article 80:**

Documents issued by notaries public under the powers provided for in Article 74 shall have affirmative power and shall be admitted as evidence in courts without additional proof. Such documents may not be contested except on the ground that they violate the requirements of the Sharee'ah or legal principles or that they are forged.

**PART SEVEN**  
**EMPLOYEES OF COURTS AND NOTARIES PUBLIC**

**Article 81:**

Process-verbal clerks, record clerks, researchers, ushers, interpreters, experts, public treasury administrators and the like shall be regarded as assistants of the judiciary. Bylaws stating rules and procedures regulating their work shall be issued by a decision from the Minister of Justice in agreement with the Chairman of the Supreme Judicial Council.

**Article 82:**

Without prejudice to the appointment requirements provided for in the Civil Service Law, persons appointed as assistants of the judiciary and court staff shall pass an examination whose procedures and requirements shall be specified by a decision of the Minister of Justice in agreement with the Chairman of the Supreme Judicial Council.

**Article 83:**

In cases that do not conflict with the provisions of this Law, the provisions of Civil Service Law shall apply to the employees of courts and notaries public. The employees of each court and notary public shall work under the supervision of their administrative chief, and all of them shall be subject to the control of the chief of the court or the head of the notary public department, as the case may require.

**PART EIGHT**  
**GENERAL AND TRANSITIONAL PROVISIONS**

**Article 84:**

All appointments and promotions in judiciary positions shall be effected within the appropriations made in the budget and the provisions thereof.

**Article 85:**

This law shall supersede the Law of the Judiciary issued by royal decree No. M/64 dated 14.7.1395 AH.