

The Law of the Board of Grievances*

* Issued by Royal Decree No. M/78 dated 19.9.1428 AH.

PART ONE FORMATION OF THE BOARD

Article 1:

The Board of Grievances is an independent administrative judicial commission responsible directly to the King. Its seat shall be the City of Riyadh.

The Board and its judges shall have the guarantees and assume the duties set forth in the Law of the Judiciary.

Article 2:

The Board of Grievances consists of a president of the rank of minister, a vice president or more and a number of judges. Attached to it shall be an adequate number of technical and administrative employees and others.

Article 3:

The vice presidents of the Board shall be appointed by a royal order from among judges who meet the conditions to occupy the rank of chief court of appeal.

PART TWO ADMINISTRATIVE JUDICIAL COUNCIL

Article 4:

A council called "The Administrative Judicial Council" shall be formed within the Board of Grievances and it shall consist of the following:

- President of the Board of Grievances, chairman,
- Chief of the Supreme Administrative Court, member,
- The most senior vice president, member, and
- Four judges of the rank of judge of court of appeal nominated by a royal order, members.

Article 5:

Without prejudice to the jurisdictions of the Administrative Judicial Board set forth in this law, the Administrative Judicial Board shall have, with respect to the Board of Grievances, the jurisdictions of the Supreme Judicial Council set forth in the Law of the Judiciary. The chairman of the

Administrative Judicial Council, with respect to the Board of Grievances, shall have the authorities entrusted to the chairman of the Supreme Judicial Council.

Article 6:

The Administrative Judicial Council shall hold its meetings under the chairmanship of the chairman of the council at least once every two months and whenever necessary. The convening of the council shall not be valid unless attended by at least five members. The council's decisions shall be issued by a majority of votes of its members. In case the chairman is absent, he shall be replaced by the chief of the Supreme Administrative Court.

Article 7:

The council shall have a general secretariat and the council shall select the general secretary from among judges.

PART THREE COURTS OF THE BOARD

Chapter One Hierarchy of Courts

Article 8:

The courts of the Board of Grievances shall consist of the following:

1. Supreme Administrative Court,
2. Administrative Courts of Appeal, and
3. Administrative Courts.

Each court shall be composed of a chief and a sufficient number of judges not lower than the rank of judge of the court of appeal.

Administrative courts shall be composed of a chief and a sufficient number of judges.

The Administrative Judicial Council may establish other specialized courts upon the approval of the king.

Article 9:

The courts shall carry out their duties through specialized divisions as follows:

1. Divisions of the Supreme Administrative Court shall consist of three judges.

2. Divisions of the courts of appeal shall consist of three judges,
3. Divisions of the administrative courts shall consist of three judges and may consist of a single judge.

The divisions of the administrative courts of appeal and administrative courts shall be composed by the Administrative Judicial Council upon the recommendation of the chiefs of courts.

Chapter Two

Supreme Administrative Court

Article 10:

1. The seat of the Supreme Administrative Court shall be in Riyadh and shall consist of a chief and a sufficient number of judges of the rank of chief of the court of appeal.

2. The chief of the Supreme Administrative Court shall be nominated by a royal order and shall hold the rank of a minister. His services shall only be terminated by a royal order.

He shall also meet the conditions required to occupy the rank of a chief of the court of appeal, and in his absence, the most senior judge of the court shall take his place. The members of the Supreme Administrative Court shall be nominated by a royal order upon a recommendation from the Administrative Judicial Council.

3. The Supreme Administrative Court shall have a general panel under the chairmanship of the chief of the court and the membership of all its judges. The most senior judge shall act on behalf of the chairman in case of his absence. The panel shall hold its meetings under the chairmanship of the chairman or his deputy. The convening of the panel shall not be valid unless attended by at least two thirds of its members including the chairman or his deputy, and its decisions shall be issued by the majority vote of its members.

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

Chapter Three Jurisdictions of Courts

Article 11:

The Supreme Administrative Court shall have the authority to look into the objections to judgments issued by the Administrative Courts of Appeal if the subject of objection to the judgment relates to any of the following:

- a. Violation of the provisions of the Islamic *Sharee'ah* and the regulations that do not contradict the provisions of the Islamic *Sharee'ah*, errors in the application or interpretation of these provisions and regulations including the violation of judicial precedents adopted by the Supreme Judicial Court,
- b. Judgments issued by a court having no jurisdiction to consider the case in question,
- c. Judgments issued by courts that have not been properly formed in accordance with the provisions of this law,
- d. Erroneous details or descriptions of the event, and
- d. Conflict of jurisdiction between the courts of the Board.

Article 12:

The Administrative Courts of Appeal shall look into judgments subject to appeal issued by administrative courts. They shall issue their judgments after hearing litigants in accordance with the procedures set forth in the Law.

Article 13:

Administrative Courts shall have the jurisdiction to look into the following:

- a. Cases related to the rights provided for in the civil and military service laws and pension laws for government employees and hired hands, and independent public entities and their heirs and claimants.
- b. Cases of objection filed by parties concerned against final administrative decisions where the reason of such objection is lack of jurisdiction, a deficiency in the form, a violation or erroneous application or interpretation of laws and regulations, or abuse of authority including disciplinary decisions and other decisions issued by semi-judicial tribunals and disciplinary boards and decisions issued by public profit societies and the like related to their activities. It is considered as an administrative decision the rejection or refusal of an administrative authority to take a decision that it should have taken pursuant to laws and regulations.

c. Cases of compensation filed by parties concerned against the government and independent public corporate entities resulting from their actions.

d. Cases filed by parties concerned regarding contract-related disputes where the government or an independent public corporate entity is a party thereto.

e. Disciplinary cases filed by the concerned agency.

f. Other administrative disputes.

g. Requests for the enforcement of foreign judgments and foreign arbitrators' judgments.

Article 14:

The courts of the Board of Grievances may not hear requests related to sovereign actions or objections filed by individuals against judgments or decisions issued by courts or legal panels which are not governed by this law and whose judgments fall within their jurisdiction or related to decisions issued by the Supreme Judicial Council and the Administrative Judicial Council.

Article 15:

Without prejudice to the provisions of article 27 of the Law of the Judiciary, if a suit is brought before a court of the Board and the same suit is also brought before 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 which shall be formed of three members: one member from the Supreme Administrative Court to be selected by the chief of the court, one member from another body to be selected by the chief of another body and one member from the Administrative Judicial Council 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 the enforcement of two conflicting final judgments, one of which is rendered by a court of the Board and the other by the other body. These suits shall be decided on in accordance with the provisions and procedures set forth in the Law of the Judiciary.

PART FOUR

APPOINTMENT OF THE BOARD JUDGES AND THEIR JOB RELATED AFFAIRS

Article 16:

The ranks of the Board judges are the same ranks of judges set forth in the Law of the Judiciary and shall be treated with respect to remuneration, benefits, bonuses and allowances in line with their equals under the Law of the Judiciary.

Article 17:

Appointment, promotion, transfer, assignment, secondment, training, vacations, inspection, disciplining, dismissal and termination of the Board judges shall be in accordance with the procedures set forth in the Law of the Judiciary.

PART FIVE

GENERAL PROVISIONS

Article 18:

Without prejudice to the provisions stated in this Law, the President of the Board shall have administrative and financial control of the Board and shall have the authority and jurisdiction of a minister as provided for in the law and its implementing rules regarding all members, employees and the hired hands of the Board. He is the authority for whatever is communicated by the Board to different ministries and other bodies.

Article 19:

The vice presidents shall undertake the activities assigned to them by the president, and the most senior vice president shall act on his behalf in his absence or in case of the vacancy of the post without prejudice to the provisions of article 6 of this law.

Article 20:

At the end of every year, the Administrative Judicial Council shall prepare a comprehensive report of the Board's achievements and obstacles including its recommendations to be brought before the King by the president of the Board.

Article 21:

The Board shall have a technical affairs bureau composed of a head and a number of judges, technical staff and researchers specialized in giving opinions and preparation of researches, studies and other activities requested by the president of the Board. At the end of every year, the bureau shall classify the judgments issued by the courts of the Board, print and publish them in compendia and a copy of which shall be presented with the report.

Article 22:

1. Without prejudice to the provisions set forth in this law, employees of the Board other than judges shall be governed by the Civil Service Law. The employees of each court shall work under the control of their administrative head, and all of them shall be subject to the control of the chief of the court.

2. Without prejudice to the provisions of the Civil Service Law, assistant judges shall pass a test the procedures and conditions of which shall be determined by the Administrative Judicial Council.

Article 23:

All appointments and promotions in the ranks of the judicial cadre of the Board shall be made in accordance with the appropriations made in the budget and the provisions thereof.

Article 24:

As an exception to the provisions of this law and within the next five years of coming into effect hereof, a judge of the rank of a court of appeal judge may be appointed as acting chief of the court of appeal.

Article 25:

The Law of Procedure before the Board of Grievances shall set forth the procedures and hearings before the Board.

Article 26:

This law shall supersede the Law of the Board of Grievances issued by royal decree No. M/51 dated 17.7.1402 AH.