

# **Implementing Regulations of Appellate Procedures**

\*This is an unofficial translation done by 'Center of Legal Studies and Research' provided for guidance. The governing text is the Arabic text.

## **Judicial Circular**

To all Departments of the Ministry

His Excellency ...

Dear Sir

Please find enclosed herewith a copy of His Excellency the Minister of Justice Resolution no. 5134, dated 21/9/1440H, which includes approval of the Implementing Regulations of Appellate Procedures, in the form enclosed with said Resolution. You will also find enclosed a copy of the explanatory memorandum of these Regulations, for perusal and acting accordingly.

Please accept our most sincere regards.

Deputy Minister of Justice

Saad bin Mohammed Al-Saif

**Classification:** Powers of Officials

CC:

- The Supreme Judicial Council
- The Supreme Court
- Department of Circulars.

Registration no. (409038796), dated 21/10/1440H

**Resolution no. 5134, dated 21/9/1440H**

The Minister of Justice:

Pursuant to the powers vested in him by law, and based on Article 240 of the Law of Civil Procedure issued by Royal Decree no. (M/1), dated 22/1/1435H; and upon perusal of the studies and minutes drafted with regard to the Implementing Regulations of Appellate Procedures; and upon coordination with the Supreme Judicial Council.

Has hereby decided as follows:

- I. To approve the Implementing Regulations of Appellate Procedures, in the form enclosed with this Resolution.
- II. These Regulations shall be reviewed for updating purposes within one year of the effective date thereof.
- III. This Resolution shall be communicated to the competent agencies and to any person required for the approval thereof and for acting accordingly.

Minister of Justice

Walid bin Mohammed Al-Samaani

## **Explanatory Memorandum of the Implementing Regulations of Appellate Procedures**

These Regulations were drafted pursuant to Article 240 of the Law of Civil Procedure, which states: “The Implementing Regulations of this Law shall be drafted by the Ministry of Justice and the Supreme Judicial Council, with the participation of the Ministry of Interior with respect to relevant provisions, and shall be issued pursuant to a decision by the Minister of Justice upon coordination with the Council.”

These Regulations are intended to regulate appellate procedures and consequently to serve as implementing regulations for the Articles of Chapter 2 of Part 11 of the Law of Civil Procedure. These Regulations have taken into account legal provisions and principles and general rules as well as the nature of appellate courts. They particularly emphasize the provisions of Article 184 of the Law of Civil Procedure, which stipulates that in cases where no special provision is made in the Law of Criminal Procedure and its implementing regulations, the courts of appeal shall be governed by the rules and procedures established before courts of first instance, and in matters that are not inconsistent with the nature of penal actions, as provided for in Article 218 of the Law of Criminal Procedure.

These Regulations have been drafted pursuant to the following:

1. Paragraph (1) of Article 240 stipulates: “The Implementing Regulations of this Law shall be drafted by the Ministry of Justice and the Supreme Judicial Council, with the participation of the Ministry of Interior with respect to relevant provisions, and shall be issued pursuant to a decision by the Minister of Justice upon coordination with the Council, within a period not exceeding 90 days from the date of entry into force of this Law. Said Regulations may be amended only in the same manner of their promulgation. The current regulations shall remain in effect in a manner that is not inconsistent with this Law until such regulations are issued”. The use of the term “Regulations” denotes that several regulations are to be issued.
2. The next stage of the work of courts of appeal will constitute a new phase that requires appellate procedures to have independent regulations to facilitate their work. These new regulations will need to be evaluated on a regular basis for the purposes of development or updating independently of other regulatory provisions. This would help to eliminate the problems that occur upon the implementation of any new stage.

3. The articles related to appeal and its regulations are distributed over the parts and chapters of the Law. Therefore, compiling almost all these provisions in separate regulations will necessarily facilitate matters for judges, litigants and competent persons as it will make them aware of the executive procedures and their implementation.

The scope of these Regulations has been defined to regulate the procedures of objection by way of appeal. These procedures begin with filing a memorandum of appeal before the court of first instance and terminate with the service of a copy of the judgement decree issued by the Court of Appeals to the person against whom the judgement is rendered. The Regulations have not addressed the administrative procedures related to the case file, appending the judgement decree with an indication that the judgement has been deemed final, and appending the copy of judgement decree with the execution statement and its handover to the person in whose favor the judgement was rendered. This is because these provisions have been covered in the Regulations of Judicial Documents issued by the Minister of Justice Resolution no. 2818, dated 26/7/1439H, and the Re-Engineering of Court Procedures Document.

These Regulations address appellate procedures, whether by way of a hearing or a review, and deal with the general provisions of appeal. They also highlight the course of the appeal case starting from filing the memorandum of objection and its registration with the court of first instance and the procedures for hearing the appeal, and terminating with the issuance, correction, and interpretation of the judgement.

Article 2 of the Regulations indicates that the memorandum of objection is filed with the court of first instance that rendered the judgement. This memorandum is required to include the name of the appellant, his ID number, or the number of his commercial register, his representative and his place of residence. It should also include the name of the appellee, his ID number, or the number of his commercial register, and his place of residence, as well as the particulars of the appealed judgement and the grounds on which the objection is based, the appellant's requests, and the date of filing the memorandum. The competent department of the court is required to verify that the memorandum of objection provides the required data, and has the right to request the applicant for objection to complete any missing items within the objection period and to include such items in the case file. The case file refers to all documents in connection with the case, namely the case records, the

judgement decree, and the entire case papers, as provided for in the Regulations of Judicial Documents. In all cases, the competent department must submit the case file to the Court of Appeals, even if the data required to be included in the memorandum is not complete. That is, it is the Court of Appeals which decides whether to accept or deny the appeal.

This Article also indicates that the statement “unless the adverse party petitions for an appeal” contained in Paragraph (3) of Article 185 of the Law of Civil Procedure refers to any person who has the right to file an objection. If one of the two parties to the lawsuit files an appeal request by way of a review, and the other party files an appeal request by way of a hearing, and both have the right to object, in such case the appeal will be considered by way of a hearing.

Article 3 of the Regulations illustrates the executive mechanism for the enforcement of Article 189 of the Law, which entitles the circuit to reconsider its judgement whenever it finds that the objection includes grounds for that. This can be achieved as follows: The circuit will be provided with a copy of the memorandum of objection and be enabled to review it. If the circuit finds grounds for reconsidering its judgement, it will request the case file from the competent department within the specified period and will enter this procedure in the case record. If said period elapses without the circuit requesting the case file, the competent department must submit the entire case file to the Court of Appeals on the day following the expiry of such period. This makes it clear that it is not obligatory for the circuit to review the memorandum of objection. Besides, if the circuit decides that the memorandum of objection does not include any grounds that may affect the judgement, it will not be obliged to draft a record to this effect. Therefore, the Court of Appeals will have no right to return the case file pursuant to the fact the circuit has not reviewed the memorandum of objection.

Article 5 establishes the principle of the devolutive effect of the appeal, which refers to the fact that the appeal request transfers the case that was heard before the court of first instance to the Court of Appeals in the same status that it has had prior to the judgement, within the limits of the objection submitted by the appellant in his memorandum.

Article 5 also permits the appellant, before the end of the first hearing, to file a subsidiary appeal which is associated with the original appeal and which lapses with its lapse, by way of a memorandum containing the particulars contained in Paragraph (1) of Article 2 of the Regulations.

This Article also states that the scope of the appeal is not determined by all the facts presented to the court of first instance, but is limited to requests contained in the memorandum of objection before the Court of Appeals. The Court of Appeals is required to consider the appeal case on the basis of the evidence and motions submitted to the court of first instance, in addition to the memorandum of objection and the submissions made during the consideration of the case, which support the grounds for objection contained in the memorandum. The court may decide on the basis of the evidence submitted to the court of first instance, and it may also, when the need arises, question these evidence by requesting to re-hear the testimony of witnesses, seeking the assistance of an expert, or moving for inspection, even if the court of first instance has carried out all such procedures. In all cases, the Court of Appeals may – if necessary – reconsider the case in all its aspects without being bound by the conclusions of the court of first instance, but only within the limits of the matters for which the appeal was filed.

Article 8 states that it is required for litigants to join together before the Court of Appeals in the same way they did before the court of first instance. If a new party is permitted to join the case for the first time in the appeal, this means that he has missed one of the two degrees of litigation. Therefore, a person who was not a party to the lawsuit filed with the court of first instance will not be permitted to be joined or to intervene in the appeal, except in cases wherein the joinder is intended to serve the interest of justice or to find the truth.

Article 12 states that the appellant is required to follow up on the appeal request upon filing the case with the Court of Appeals in order to be acquainted with the exact date for hearing the case in accordance with Article 10 of the Regulations. Accordingly, if the appellant is absent from the first hearing, this will be entered in the case record, and the case will be kept for a period of 60 days. If said period elapses without the appellant submitting a request to proceed with the case, the court will rule that his right to appeal is deemed forfeited. Likewise, if the appellant shows up within the sixty-day period and requests to proceed with the case by way of a memorandum he submits to the competent department, then fails to appear in the specified hearing or any other hearing save the first one, the court will rule that his right to appeal is deemed forfeited.

This Article also points out that in the event that the Court of Appeals deems it more appropriate to consider a request for appeal by way of review in a hearing instead, the court must notify the parties to the case of the hearing date. If the

appellant is notified of the date and he fails to appear, his appeal shall be subject to the provisions of Paragraphs (1) and (2) of this Article.

Article 13 addresses the effect that arises when the memorandum of objection fails to provide the data stipulated in Paragraph 1 (c) of Article 2 of the Regulations, which states that the memorandum must include “the particulars of the judgement under appeal, the grounds for appeal, and the appellant’s requests”. Should the memorandum of objection fail to provide such data, the Court of Appeals must automatically decide to reject the objection, and the appellant’s right to appeal will be forfeited. However, failure to provide the remaining particulars stipulated in Article 2 will not result in the rejection of the appeal.

Article 14 makes it clear that if the court rules that the appellant’s right to appeal is deemed forfeited, or that the appeal is denied, and the other party has not filed an appeal with the court, the appealed judgement in this case will be deemed final, unless the case is subject to revision in accordance with the provisions of Paragraph 4 of Article 185. That is, the appellant may forfeit his right in admissible appeals, but not in mandatory ones which remain obligatory. The circuit will in these cases be required after ruling that the appellant’s right to appeal is deemed forfeited to consider the case by way of a review.

Article 16 states that in order to prepare the case, the circuit can entrust one of its judges to study and prepare the case for hearing. Said judge will accordingly study the case together with the memorandums and documents submitted, and will prepare the draft judgement. However, he will not be permitted to hear the statements of the litigants except in the presence of the remaining judges of the circuit.

This Article also enables the circuit to delegate the competent department of the court to conduct the exchange of memorandums and documents between the parties to the case within a period not exceeding 20 days from the date of the circuit’s decision to assign the parties to exchange memorandums. The circuit will determine in the case record the number of memorandums to be submitted, the date of filing them by each party, and the date of the next hearing for the exchange the memorandums. The competent department will receive and deliver the memorandums, and will draft a record accordingly without need to initiate a hearing or to enter such data in the case record. Memorandums can be exchanged via electronic means. The circuit must refer to the memorandums filed with the department in the record of the next hearing.

Article 18 states that the rule is to decide on the case in the first hearing whenever possible and not to postpone the appeal hearing more than once for the same reason. Besides, the circuit should indicate the reason for the postponement in the case record. This Article also specifies the periods between hearings and requires that the intervening period should not exceed 30 days and that the number of hearings in an appeal case should not exceed three, unless more hearings are, for necessary reasons, required or unless the Supreme Judicial Council decides otherwise.

Article 19 states the mechanism for recording appeal cases by way of a hearing. The circuit must, in the first hearing, record a summary of the appellant's requests contained in his memorandum of objection, as well as the contents of the parties' requests. It must also record the questions it directs and the responses to these questions if orally given by the litigants. It must write down all submissions made during the hearing, namely evidence or motions submitted by the parties. As for the written memorandums submitted by the parties, even if they contain evidence or motions, the circuit will make a reference to them in the case record, and will indicate the party who made the submission, its number of pages, and any accompanying documents, but will not record their details in the record. This Article also illustrates how to record the wording of the judgement rendered by the circuit in the record.

This Article also points out that originally the hearing record is only signed by the circuit judges and the clerk, unless it includes statements attributed to one of the litigants or other witnesses and the like, in which case the record will be signed by the parties whose statements are recorded in it.

Article 25 states that if the court finds upon considering the appeal under review that the judgement rendered by the first instance court must be reversed in whole or in part, it may decide to proceed with the case by way of a hearing and set a date for hearing the case. After hearing the statements of the parties, the circuit may, if it deems it necessary, reverse the judgement and rule on the merits of the case in a single judgement.

In addition, the court can, if it decides to affirm part of the judgement and reverse the other part, decide to affirm the former and proceed with the latter by means of a hearing. It may, if it deems it necessary, reverse the judgement and rule on the merits of the case in a single judgement.

Article 26 illustrates that the judgement rendered by the Court of Appeals must be pronounced in an open hearing, whether the case is considered by means of a hearing or a review. If the case is considered by means of a review, the parties to the case will be notified of the date of the pronouncement of the judgement. In the event that it is not possible to notify the parties of the hearing date, the court will pronounce the judgement at the specified date without postponement, provided that the person against whom the judgement was rendered and who was not notified of the date of the hearing is served a copy of the judgement. The period of objection by way of reversal of judgement will begin from the date of that person's notification.

Paragraph (3) of Article 26 of the Regulations excluded the rulings rendered to affirm judgements permitting the actions of guardians, trustees and administrators that must be revised by the Court of Appeals; the judgements rendered *in absentia* that must be subjected to revision due to the failure of a party to appear; the judgements rendered to indicate forfeiture of the right to appeal in accordance with Article 12 of the Regulations; and the rulings of the Court of Appeals to revoke first-instance judgements issued in accordance with Article 27 of the Regulations.

Article 27 indicates the conditions in which the Court of Appeals may rule to revoke the first-instance judgement and return the case to the court of first instance to consider its merits. These include cases when the Court of Appeals revokes a ruling of lack of jurisdiction to hear the case, or the inadmissibility to consider a case due to being previously decided, or non-hearing of the case for the lapse of the prescribed period, suspension of the case, or non-acceptance of the case for not being drafted, or by accepting a subsidiary motion that prevents proceeding with the case. The judgement rendered by the Court of Appeals in these cases will be binding on the court of first instance, and the case cannot be returned in other than these cases.

The circuit that issued the revoked judgement will have the jurisdiction to hear the case after its return. The Court of Appeals will not, in other than the cases stipulated in this Article, return the case to the court of first instance.

Article 28 refers to the data to be included in the judgement decree issued in the appeal case, whether the case is considered by way of a hearing or a review. The judgement degree must contain the facts of the case, the grounds and wording of the judgement, as well as the essential data related to the case, the name of the court, the name of the circuit that heard the case and its judges who participated in rendering the judgement, and the particulars of the litigants, namely their names, ID numbers, or the numbers of their commercial registers, as the case may be, and their agents, if

any, the data of the appealed judgement decree issued by the court of first instance and its wording. The judgement decree will also contain a complete summary of the appeal request comprising the appellant's requests, and the grounds for the objection.

This Article also indicates that the judgement decree must include a response to the reasons and motions included in the appellant's request. If the judgement rendered by the first instance court includes a response to the reasons presented, the court may refer to such judgement.

This Article also makes it clear that it is admissible to refer to the facts and grounds contained in the appealed judgement in cases where the reasons and facts of the judgement referred to are sufficiently clarified for the judgement to be based on. The circuit also has the right to refer to contents of the appealed judgement and to add to it whatever reasons it deems necessary to be added.

Article 29 states that the Court of Appeals should set a date for the delivery of the judgement copy, provided it does not exceed 20 days. It also indicates that the court may serve a copy of the judgement decree on the day of its pronouncement. The competent department of the court will be in charge of serving a copy of the judgement decree at the specified date. Such service can be made by electronic means. If the person against whom the judgement is rendered fails to receive the judgement decree, it will be kept in the case file, and a record to that effect will be drawn up and enclosed with the case file.

This Article also indicates that the prisoner or detainee has the right to be brought to the court to receive a copy of the judgement decree. The agency in charge of him must bring him at the specified time for receiving the copy of judgement decree. This Article permits the prisoner to waive his right to attend and be sent a copy of the judgement decree at his place of imprisonment or detention by the agency in charge. A record will be drafted to that effect and will be signed by the prisoner or detainee and the director of the prison or detention center or any person acting on their behalf. The regulations do not give details of the procedures for the service of judgements and appending them with an indication that the judgement has become final; nor do they tackle the service of a copy of the judgement decree appended with the execution statement, as these procedures are subject to the provisions stipulated in the Regulations of Judicial Documents, and are detailed in the Re-Engineering of Court Procedures Document.

Article 30 states that if the Court of Appeals rules on the appeal after it has been reversed, it will, accordingly, consider the request for correction and interpretation of judgements. This Article affirms that the provisions stipulated in Chapter 2 of Part 10 entitled "Correction and Interpretation of Judgements" apply to the Court of Appeals when it considers any request for correction or interpretation. Any request for correction or interpretation of judgements affirmed by the Court of Appeals will be submitted to the court of first instance that issued the judgement, in accordance with the provisions of Chapter 2 of Part 10.

Article 31 states that if the need arises, the Court of Appeals may in settlement cases with no litigation require the missing procedures to be completed as it deems necessary, such as ordering the completion of addressing some government agencies, and the like.

## **Implementing Regulations of Appellate Procedures**

### **Article 1**

The following terms and phrases shall – wherever they occur in these Regulations – have the meanings assigned thereto, unless the context requires otherwise:

**Law:** The Law of Civil Procedure.

**Regulations:** The Implementing Regulations of Appellate Procedures pursuant to the Law of Civil Procedure.

**Council:** The Supreme Judicial Council.

**Court:** The Court of Appeals.

**Appeal Request:** A request for appeal by way of a hearing or a review.

**Appellant:** An applicant for appeal by way of a hearing or a review.

**Appealed Judgement:** A judgement submitted to the Court of Appeals in accordance with the provisions of the Law.

### **Article 2**

1. A memorandum of objection shall be submitted to the court of first instance, including the following particulars:

- a. The appellant's name, his ID number or the number of his commercial register – as the case may be –, his representative and his place of residence;
- b. The appellee's name, his ID number or the number of his commercial register – as the case may be – and his place of residence;
- c. Details of the appealed judgement, the grounds for objection, and the appellant's requests; and
- d. Date on which the memorandum was filed.

2. If an appeal is to be conducted by way of a hearing, a copy of the appeal request shall be enclosed with as many copies as there are appellees.

3. If an appellant fails to indicate the type of appeal request, whether by way of a hearing or a review, said appeal shall be considered by way of a review.

4. In the event that a judgement is rendered against several persons, they may submit one memorandum of objection or multiple ones.

5. If an appellant requests in his memorandum of objection one of the two types of appeal – hearing or review – he may amend the request to the other type within the prescribed period for the objection.

6. Subject to the provisions of Paragraph (1) of this Article, if an appellant submits more than one memorandum of objection within the objection period, only the latest memorandum shall be considered.

7. The adverse party referred to in Paragraph (3) of Article 185 of the Law shall mean every person who has the right to objection in accordance with Article 177 of the Law.

### **Article 3**

1. The circuit rendering the judgement may review the memorandum of objection upon being provided with a copy thereof after the expiry of the objection period. If the circuit decides to reconsider the judgement, it shall request the case file from the competent department within five days from the date of expiry of the objection period. If said period lapses without requesting same, the competent department shall submit the case file to the court on the following day.

2. In case the mandate of a circuit judge (or all or some of its judges) lapses, the case file shall be submitted to the Court of Appeals upon the expiration of the appeal period.

### **Article 4**

The absent person against whom a judgement is rendered, as stated in Paragraph (4) of Article 185 of the Law shall refer to a person against whom a judgement is rendered *in absentia* pursuant to Article 56 and Paragraphs (1) and (3) of Article 57 of the Law.

### **Article 5**

1. The appeal request shall restore the case to the same status that it has had prior to the judgement under appeal, only in relation to portions of the judgement against which the said appeal is filed. The court shall consider the appeal on the basis of submissions to the court of first instance, as well as new motions or evidence submitted to the court to support the reasons for objection.

2. An appellee may – prior to the end of the first hearing – file a subsidiary appeal that shall be associated with the original appeal and which shall lapse therewith, by way of a memorandum containing the particulars contained in Paragraph (1) of Article 2 of these Regulations.

### **Article 6**

1. If the court decides to reject a new appeal request, the person whose appeal is denied may submit same to the competent court of first instance in accordance with the case filing procedures.

2. If the court decides to reject an appeal related to subject-matter neglected by the court of first instance, the person whose appeal is denied may submit same to the court of first instance, in accordance with the provisions of Article 175 of the Law.

#### **Article 7**

Additional damages incurred after submitting the final requests before a court of first instance may be added to the original petition before the court.

#### **Article 8**

A person who was not a party to the lawsuit in which the appealed judgement was rendered may not be joined or permitted to intervene in the appeal except by the court for purposes of serving the interest of justice or truth-finding.

#### **Article 9**

1. The case shall be entered by the court upon its delivery, and shall be referred to the competent circuit in accordance with the rules of internal distribution.

2. If the appeal is requested by way of a hearing, the court shall, upon entering the case, fix a date for the first hearing, provided that such date does not exceed 20 days from the date of entry. As an exception to this rule, in judgements issued in summary cases, the first hearing shall be scheduled within 10 days. The appellee shall be notified of the hearing date, together with a copy of the memorandum of objection, and he shall file a memorandum of response to the objection three days prior to the hearing date.

#### **Article 10**

An appellant seeking to conduct his appeal by way of a hearing shall follow up with the Court of Appeals upon the entry of the case to be acquainted with the date for hearing the case.

#### **Article 11**

In cases where the appeal is considered by way of a hearing, the circuit shall, prior to the first hearing, verify preliminary matters related to jurisdiction and the conditions for acceptance of an appeal request.

#### **Article 12**

1. If an appellant seeking to conduct his appeal by way of a hearing fails to appear in the first hearing, and a period of 60 days has elapsed from the date of the hearing, and he has not shown up to request proceeding with the case, the circuit shall rule that his right to appeal is deemed forfeited.

2. If an appellant seeking to conduct his appeal by way of a hearing appears within the sixty-day period and requests to proceed with the case, a date shall be set for the

hearing, and the appellee shall be notified thereof. If the appellant fails to appear in the specified hearing, or any other hearing, save the first one, the circuit shall rule that his right to appeal is deemed forfeited.

3. If an appellant requests to conduct his appeal by way of a review, and the court decides to consider same by way of a hearing, or reverses the judgement, it shall consider the case as per the applicable procedures, set a date for the hearing, and notify the litigants thereof. If the appellant is notified and he fails to appear, the provisions of Paragraphs (1) and (2) of this Article shall apply to the appeal request.

4. The provisions of Article 180 of the Law shall apply to the sixty-day period stated in Paragraph (1) of this Article, and to the appellant's failure to appear in any court hearing.

### **Article 13**

If the appeal request fails to provide the data stipulated in Paragraph 1 (c) of Article 2 of these Regulations, the court shall decide to reject such appeal

### **Article 14**

Without prejudice to the provisions of Paragraph (4) of Article 185 of the Law, if the court rules that the appellant's right to appeal is deemed forfeited in accordance with Article 12 of these Regulations, or that the appeal is rejected in accordance with Article 13 of these Regulations, the appealed judgement shall be deemed final.

### **Article 15**

The circuit shall rule on an appeal request of judgements entailing lack of jurisdiction to hear the case, inadmissibility to consider a case due to being previously decided, non-hearing of a case for the lapse of the prescribed period, suspension of proceedings, non-acceptance of a case for not being drafted, or acceptance of a subsidiary motion that prevents proceeding with the case within 10 days from the date of referring the case thereto, unless necessity requires or the Council decides otherwise.

### **Article 16**

The circuit may, in order to consider a case by way of a hearing, carry out the following:

1. Entrust one of its judges to prepare the case for hearing; this shall include study of the case together with the memorandums and documents submitted

and prepare the draft judgement but shall not entail hearing the statements of the litigants; and

2. Enable the litigants indicated in the hearing record to exchange memorandums and documents with the court administration within a period not exceeding 20 days, provided that the number of memorandums, the date of filing each thereof, and the date of the following hearing be specified.

### **Article 17**

If the court considers the case by way of a hearing, the circuit shall rule on objections to the judgements rendered in summary cases in the first hearing, unless necessity requires or the Council decides otherwise.

### **Article 18**

A hearing may not be postponed except for a reason so requiring; said postponement shall be entered in the record. A hearing shall not be postponed for the same reason more than once. The period of postponement shall not exceed 30 days, and the number of hearings in the case shall not exceed three in number, unless necessity requires or the Council decides otherwise.

### **Article 19**

If the court considers the case by way of a hearing, the hearing shall be recorded as follows:

1. The competent clerk shall record the basic data related to the case, the name of the court and the circuit, the names of the judges, the particulars of the litigants and their agents and the attendees, as well as the details of the first-instance judgement decree in a record to be kept in the case file; a form shall be prepared for this purpose.
2. The circuit shall enter in the record a summary of the appellant's requests in the memorandum of objection, the contents of the parties' requests, the questions directed by the circuit and the verbal responses thereto, and the evidence and motions submitted thereto. It shall also make a reference in the record to the memorandums submitted thereto but shall not enter details thereof, and shall enter its decision and the wording of its judgement.
3. If the hearing record does not include statements attributed to one of the litigants or otherwise, an admission or a testimony, it shall be signed only by the circuit judges and the clerk.

### **Article 20**

If consideration of the case requires hearing the testimony of a witness residing outside the city or governorate where the court is located, the circuit may delegate the court of first instance in that person's area of residence; this shall apply to delegation to question a litigant, take an oath, inspect a disputed item, and the like.

### **Article 21**

If the appeal is conducted by way of a review, and the time limit for objection has elapsed, no memorandums shall be accepted in the case thereafter; nor shall any of the litigants be heard unless the circuit decides to consider the case by means of a hearing.

### **Article 22**

In cases where the appeal is considered by means of a review, the circuit shall verify the preliminary matters related to jurisdiction and the conditions for the acceptance of the appeal request within 10 days from the date the case is referred thereto.

### **Article 23**

If the court considers the case by means of a review and rules to affirm the appealed judgement, it shall draw up a record including the basic data of the case, the name of the court and the circuit, the names of the judges and the particulars of the first-instance judgement decree, a reference to its perusal of the memorandum of objection, and the wording of its judgement of affirmation preceded by its grounds. The record shall be signed by the circuit judges and the clerk and shall be kept in the case file; a form shall be prepared for this purpose.

### **Article 24**

The circuit shall rule on the cases considered by way of a review within 20 days from the date of referral of the case, with the exception of judgements issued in summary cases, which it shall rule thereon within 10 days, unless necessity requires or the Council decides otherwise.

### **Article 25**

1. If the court, upon considering the case by way of a review, finds it necessary to reverse the judgement in whole or in part, it may decide to proceed with the case by way of a hearing and reverse the judgement, when necessary, after the hearing and shall include its judgement on the merits therein.

2. If the court reverses the judgement partly, it may issue a judgement on the affirmed part, and consider the reversed part by way of a hearing as per the applicable procedures.

#### **Article 26**

1. The judgement shall be pronounced in an open hearing, including affirmation of the appealed judgement by way of a review. The record shall be signed only by the circuit judges and the clerk.

2. If the person against whom the judgement is rendered is not notified of the judgement hearing, he shall be served a copy of the judgement.

3. The provisions of Paragraph (1) of this Article shall not apply to the rulings issued to affirm judgements that are subject to mandatory revision as per Article 225 of the Law, the judgements rendered *in absentia* that are subject to mandatory revision as per Paragraph (4) of Article 185 of the Law, and the judgements entailing forfeiture of the right to appeal as per Article 12 of these Regulations, and the judgements issued in accordance with Article 27 of these Regulations.

#### **Article 27**

If the court rules to revoke a judgement of lack of jurisdiction to hear a case, inadmissibility to consider a case due to being previously decided, non-hearing of a case for the lapse of the prescribed period, suspension of proceedings, non-acceptance of a case for not being drafted, or acceptance of a subsidiary motion that prevents proceeding with the case, it shall return the judgement to the court of first instance that rendered same to decide on the merits thereof. The judgement issued by the Court of Appeals shall be deemed binding and may not be returned in other than these cases.

#### **Article 28**

1. The judgement decree made by the court shall, in addition to the wording and grounds of the judgement, include the following:

- a. Basic data related to the case, the name of the court and the circuit, the names of the judges, the particulars of the litigants and their agents, details of the first-instance judgement decree and its wording, a summary of the appeal request that includes the appellant's requests, and the grounds of the appeal.
- b. Response to the grounds and motions contained in the appellant's request, unless the appealed judgement has responded thereto.

2. The facts and grounds of the appealed judgement shall be referred to if they can be relied on, and the court shall add whatever reasons it deems necessary.

### **Article 29**

1. The circuit shall schedule a date for the person against whom the judgement was rendered to be delivered a copy of the judgement decree within a period not exceeding 20 days, and it may be delivered on the day of pronouncement of the judgement.

2. The competent department of the court shall deliver a copy of the judgement decree to the person against whom the judgement was rendered on the specified date. If he fails to appear to receive said copy, it shall be kept in the case file and a record to that effect shall be drawn up.

3. The competent department of the court shall notify the agency in charge of a prisoner or detainee to bring him on the date specified for receiving the copy of the judgement decree, unless the prisoner or detainee decides that it is sufficient to send said copy to the place of imprisonment or detention by the agency in charge of him. A record shall be drafted to that effect, shall be signed by the prisoner or detainee and the director of the prison or detention center or any person acting on their behalf, and shall be sent to the court.

### **Article 30**

The appellate circuit that issued the judgement shall consider any request for the correction or interpretation of the judgement. In the event that the mandate of its judges or one of them lapses, the judges replacing shall undertake this procedure. Any request for correction and interpretation shall be subject to the provisions of Chapter 2 of Part 10 of the Law.

### **Article 31**

In settlement cases with no litigation, the court may require the missing procedures to be completed as it deems necessary.

### **Article 32**

A reversal of judgement shall not entail revocation of the previous procedures that have been taken by the court of first instance, and the court may rely thereon when necessary.

### **Article 33**

The competent department shall prepare the necessary forms for the enforcement of these Regulations, and they shall be approved by a decision of the Minister of Justice.

**Article 34**

These Regulations shall supersede the Implementing Regulations of the Articles of Chapter 2 of Part 11 of the Law.

**Article 35**

These Regulations shall be published in the Official Gazette, and shall enter into force as of the date of publication thereof.