

Law of the Judiciary

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PART ONE

INDEPENENCE 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 Shari'ah and laws in force. No one may interfere with the Judiciary.

Article 2:

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

Article 3:

Without prejudice to the provision of Article 55, 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:

A judge may not be sued except in accordance with the conditions and rules pertaining to the disciplining of judges.

PART TWO

COURTS

Chapter I

Hierarchy of Courts

Article 5:

The Shari'ah Courts shall consist of:

- (a) The Supreme Judicial Council
- (b) The Appellate Court
- (c) General Courts
- (d) Summary Courts

Each of these courts shall have jurisdiction over cases brought before it in accordance with the law.

First: The Supreme Judicial Council

Article 6:

The Supreme Judicial Council shall be composed of eleven members in the following manner:

- (a) Five full-time members of the rank of Chief of the Appellate Court, who shall be appointed by Royal Order. Said members shall constitute the Permanent Panel of the Council which shall be presided over by the member having the longest service in the judiciary.¹
- (b) Five part-time members who shall be the Chief of the Appellate Court or his deputy, the Deputy Minister of Justice, and three of among those having the longest service as Chief Judges of the General Courts in the following cities: Mecca, Medina, Riyadh, Jeddah, Dammam, and Jazan. Together with the members referred to in the preceding paragraph, they shall constitute the General Panel of the Council, which shall be presided over by the Chairman of the Supreme Judicial Council.²

Article 7:

The Supreme Judicial Council shall supervise the Courts within the limits set forth in this Law.

Article 8:

In addition to the function set forth in This Law, the Supreme Judicial Council shall:

- (1) Look into such Shari'ah questions as, in the opinion of the Minister of Justice, require the statement of general Shari'ah principles.
- (2) Look into issues which, in the opinion of the King, require that they be reviewed by the Council.
- (3) Provide opinions on issues related to the judiciary at the request of the Minister of Justice.
- (4) Review death, amputation, or stoning sentences.

Article 9:

The Supreme Judicial Council shall convene as a Permanent Panel composed of its full-time members, presided over by its Chief or by a designee from amongst the senior most member in the judiciary, to look into the issues and sentences mentioned in paragraphs 2, 3, and 4 of Article 8, except those which the Minister of Justice decides that they be looked into by the Council's General Panel. The Council's General Panel consisting of all members shall convene, presided over by the Chairman

of the Supreme Judicial Council* to look into all other issues. The convening of the Council's Permanent Panel shall be valid if attended by a majority of its members, except in reviewing the sentences involving death, amputation, or stoning, in which case all its members shall be in attendance. In case of the absence of one of the members, he shall be replaced by someone nominated by the Minister of Justice from among the Council's non-full time members.

The Council's General Panel meeting shall be valid only if attended by all members. In case of the absence of one the members, or if the Council looks into a case relating to that member or in which he has a direct interest, he shall be replaced by someone nominated by the Minister of Justice from among the members of the Appellate Court. Decisions of the Council convening, either as a Permanent or a General Panel, shall be made by vote of the absolute majority of the panel members.³

Second: The Appellate Court

Article 10:

The Appellate Court shall be composed of a Chief Judge and a sufficient number of judges from among whom deputy chief judges shall be designated as needed and in the order of absolute seniority in the service.

The Court shall have a panel to look into criminal cases, another to examine cases of personal status, and a third one to look into other cases. There may be as many such panels as are needed. Each shall be headed by the Chief Judge or one of his deputies.

Article 11:

The deputies of the Chief Judge of the Appellate Court shall be appointed by decision of the Minister of Justice on the recommendation of the Supreme Judicial Council.

Article 12:

The seat of the Appellate Court shall be the city of Riyadh. By decision of the Court's General Panel, some of the Court's panels may hold all or part of their hearings in another city, or have branches established in other cities, if public interest so requires.

Article 13:

Decisions of the Appellate Court shall be rendered by three judges, except in cases involving death, stoning, and amputation sentences, in which case the decisions shall be rendered by five judges.

Article 14:

If one of the court's panels, while reviewing a case, deems it necessary to depart from an interpretation adopted by the same or another panel in previous judgments, the case shall be referred to the full Court. Permission for such departure shall be given by a decision of the panel adopted by majority vote of not less than two thirds of its members. If the panel does not so render its decision, it shall refer the case to the Supreme Judicial Council for a decision in accordance with paragraph 1 of Article 8.

Article 15:

The General Panel of the Appellate Court shall consist of all its active judges.

Article 16:

The General Panel of the Appellate Court shall convene to consider the following:

- (a) Organizing and forming the necessary panels, and specifying their respective jurisdiction.
- (b) Matters which, under the provisions of this Law or other laws, are to be examined by the Full Court.

Article 17:

The General Panel shall convene under the chairmanship of the Chief Judge of the Court, or, in the case of his absence or the vacancy of his position, under the chairmanship of the deputy who has the longest service in his position. It shall convene at the invitation of the Chief Judge, or his deputy, as work requires or at the request of at least three of the Court's judges.

Article 18:

A meeting of the General Panel shall be valid only if attended by two-thirds of the Court judges. If a quorum does not obtain, an invitation shall be sent for a second meeting which shall be valid if attended by half of the Court's judges.

Article 19:

Without prejudice to Article 14, decisions of the General Panel shall be rendered by vote of the absolute majority of members in attendance. In case of a tie, the Chief Judge shall cast the deciding vote.

Article 20:

A decision of the General Panel shall become final when approved by the Minister of Justice. If the Minister does not approve the decision, he shall remand it to the General Panel for further deliberation. If the deliberation does not result in reaching a decision acceptable to the Minister of Justice, the matter shall be referred to the Supreme Judicial Council for determination, and its decision shall be final.

Article 21:

The records of the minutes of the General Panel shall be prepared and signed by the Chief Judge and the secretary.

Third: General Courts

Article 22:

A General Court shall be composed of one or more judges. Composition of this Court and designation of its seat and jurisdiction shall be effected by decision of the Minister of Justice on the recommendation of the Supreme Judicial Council.

Article 23:

Judgments of the General Court shall be rendered by a single judge, except in cases involving death, stoning, and amputation as well as other cases specified by law, where judgment shall be rendered by three judges. In cases where death, stoning, or amputation is inapplicable, the judges handling the case should decide on the appropriate discretionary punishment or otherwise, as required by the Shari'ah.⁴

Forth: Summary Courts

Article 24:

A Summary Court shall be composed of one or more judges. Composition of this court and designation of its seat and jurisdiction shall be effected by decision of the Minister of Justice on the recommendation of the Supreme Judicial Council.

Article 25:

Judgments of a Summary Court shall be rendered by a single judge.

Chapter II

Jurisdiction of Courts

Article 26:

Courts shall have jurisdiction to decide with respect to all disputes and crimes, except those exempted by law. Rules for the jurisdiction of courts shall be set forth in the Shari'ah Procedure Law Courts and Law of Criminal Procedure. Specialized Courts may be formed by Royal Order on the recommendation of the Supreme Judicial Council.

Article 27:

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 Minister of Justice, general and summary courts may, when necessary, hold their hearings elsewhere and even if outside their areas of jurisdiction.

Article 28:

If a case brought before the court is challenged by a defense that raises a dispute falling under the jurisdiction of another judicial body, and the Court deems it necessary that the defense should be decided upon before it renders a judgment on the subject matter of the case, it shall stay the case proceedings and set for the litigant against whom the defense was made a period within which he should obtain a final judgment from the competent authority. If the Court finds no requirement, it may disregard the subject of the defense and render a judgment on the merits of the case. If the litigant fails to obtain a final judgment on the defense within the designated period, the court may decide the case as it stands.

Article 29:

If a suit is brought before a court subject to this Law 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 for designating the

competent body. The Committee shall be composed of three members: Two full-time members of the Supreme Judicial Council to be selected by the Supreme Judicial Council (one of whom shall act as Committee Chairman on the basis of his seniority in service) and the chief of the other court or his designee. 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 the other body.

Article 30:

In the cases mentioned in Article 29, 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 or abstention 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 31:

Submission of the petition to the Committee referred to in Article 29 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 judgments or both.

Article 32:

The decision of the Jurisdictional Conflict Committee on the petition shall not be subject to appeal.

Chapter III
Hearings and Judgments

Article 33:

Court hearings shall be public unless the court decides that they be held in a closed session in deference to morals or the sanctity of the family, or for the maintenance of public order. In all cases, judgments shall be pronounced in a public hearing.

Article 34:

The hearings of the case and the hearing at which the judgment is rendered shall be attended by the number of the judges that is legally required. If the required number of judges is not available, other judges shall be assigned to obtain the required quorum for proceeding with the case. Judgment shall be rendered unanimously or by a majority vote. A dissenting judge shall explain his dissent and the reasons therefore in the case record. The majority shall explain its opinion by addressing the dissenter's opinion in the case record.

Article 35:

Judgments shall include the grounds on which they were based and the legal authority thereof.

Article 36:

Arabic is the official language of the courts; however, the court may hear through an interpreter the statement of litigants or witnesses who do not speak Arabic.

PART THREE

JUDGES

Chapter I

Appointment, Seniority, and Promotion of Judges

Article 37:

To be appointed as a judge, a candidate shall fulfill 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 position of judge in accordance with the Shari'ah provisions.
- (d) He shall hold the degree of one of the Shari'ah colleges in the Kingdom of Saudi Arabia or any equivalent certificate, provided that, in latter case, he shall pass a special

examination to be prepared by the Ministry of Justice. In case of necessity, persons well-known for their learning and knowledge who do not hold the required degree may be appointed as judges.

- (e) He shall not be less than forty years of age if he is to be appointed to the rank of an appellate judge, and not less than twenty two if he is to be appointed to any other rank in the judiciary.

He shall not have been sentenced to a *hadd* ('Qur'anic prescribed punishment') or a *ta'zir* ('discretionary punishment') or for a crime affecting honor, or punished by disciplinary action dismissing him from a public office, even though he may have been rehabilitated.

Article 38:

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", Appellate Judge, Chief of Appellate Court and Chairman of the Supreme Judicial Council.⁵ These ranks shall be filled in accordance with the provisions of this Law.

Article 39:

To hold the rank of Assistant Judge, a candidate shall in addition to the requirements listed in Article 37, be holder of a B. A. 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 40:

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

Article 41:

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 Shari'ah colleges in Saudi Arabia for at least four years, or be a graduate of the High Judiciary Institute.

Article 42:

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 Shari'ah colleges in Saudi Arabia for at least seven years.

Article 43:

To hold the rank of Deputy Chief of a 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 ten years, or taught the subjects of Islamic Jurisprudence and its Principles in one of the Shari'ah colleges in Saudi Arabia for at least ten years.

Article 44:

To hold the rank of Deputy Chief of a Court "A", a candidate must have spent at least two years in the rank of Deputy Chief of a Court "B", or worked in comparable judicial positions for at least 12 years, or taught the subjects of Islamic Jurisprudence and its Principles in one of the Shari'ah colleges in Saudi Arabia for at least 12 years.

Article 45:

To hold the rank of chief of a Court "B", a candidate must have spent at least two years in the rank of deputy chief of a Court "A", or worked in comparable judicial positions for at least 14 years, or taught the subjects of Islamic Jurisprudence and its Principles in one of the Shari'ah colleges in Saudi Arabia for at least 14 years.

Article 46:

To hold the rank of Chief of a 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 16 years, or taught the subjects of Islamic Jurisprudence and its Principles in one of the Shari'ah colleges in Saudi Arabia for at least 16 years.

Article 47:

To hold the rank of Appellate Judge, a candidate must have spent at least two years in the rank of Chief of a Court "A", or worked in comparable judicial positions for at least 18 years, or taught the subjects of Islamic Jurisprudence and its Principles in one of the Shari'ah colleges in Saudi Arabia for at least 18 years.

Article 48:

The Council of Ministers shall, on recommendation of the Minister of Justice, specify what is meant by comparable Judiciary positions mentioned in the preceding Articles. The degree from the High Judicial Institute shall be considered equivalent to four years of service in comparable judicial positions.

Article 49:

The Chief of the Appellate Court shall be selected from among the Appellate Judges according to the order of their absolute seniority [in service].

Article 49-A⁶:

The Chairman of the Supreme Judicial Council shall have the rank of a Minister; he shall fulfill the requirements stipulated for the rank of Appellate Judge and shall be appointed by Royal Order.

Article 50:

A judge shall initially be appointed on probation for a period of one year. Following the expiration of the probation period and after the appointee's competence has been proven, the Supreme Judicial Council shall issue a decision confirming him. Before the issuance of the decision, he may be dismissed by decision of the Supreme Judicial Council.

Article 51:

Except for the Assistant Judge, a member of the judiciary shall not be subject to removal from office, but shall be subject to compulsory retirement when he reaches the age of 70. However, if a member of the judiciary has lost the confidence and respect required by the office, he shall be retired by a Royal Order based on a decision of the Supreme Judicial Council.

Article 52:

Without prejudice to the provisions of this Law, members of the judiciary shall enjoy rights and guarantees stipulated in the Civil Service Law and Retirement Law. They shall be obligated to fulfill the duties provided for in the Civil Service Law that are not inconsistent with the nature of judicial office. In lieu of the provisions of paragraph (a) Article 45, of the Civil Service Law, a person appointed as member of the judiciary for the first time shall be granted an allowance equivalent to three-months salary.

Article 53:

Appointment and promotion in the ranks of the judiciary shall be effected by a Royal Order based on 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 may be promoted from the rank of Chief of a Court "B" or lower ranks unless his work has been subject to inspection 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 54:

Salaries of the members of the judiciary in all ranks shall be in accordance with the salary scale for judges, issued by Royal Decree No. M/38, dated 8 *Jumada I* 1395 H [19 May 1975]⁷.

Chapter II

Transfer, Assignment, and Vacations of Judges

Article 55:

Members of the judiciary may not be transferred or assigned [to another position] within the judiciary except by 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 Minister of Justice 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 56:

The Minister of Justice shall give permission to judges to take vacations in accordance with the provisions of the Civil Service Law. As an exception to those provisions, the sick leave that the judge may take in the course of three years may reach six months with full pay and three months with half pay. It may be extended with the approval of the Supreme Judicial Council for three more months with half pay.

Article 57:

If, due to illness, a judge is unable to perform his work after the lapse of his sick leave prescribed in the preceding Article, or if it appears at any time that for health reasons he cannot perform his work in the proper manner, he shall be retired.

Chapter III

Duties of Judges

Article 58:

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 59:

Judges shall not violate the confidentiality of their deliberations.

Article 60:

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 61:

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. If the judge violates this requirement, he shall be warned in writing. If he repeats such violation, the matter must be referred to the Supreme Judicial Council to consider bringing the judge to a disciplinary trial.

Chapter IV

Inspection of the Work of Judges

Article 62:

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 Appellate

Court or the General Courts. They shall be assigned to work in this Department by decision of the Supreme Judicial Council for a period of one year renewable for other periods.

Article 63:

The Judicial Inspection Department at the Ministry of Justice shall inspect the work of judges of General and Summary Courts for the purpose of collecting information which would lead to determining their level of efficiency and their endeavors to perform the duties of their office, shall furnish the appropriate authorities with such information and shall investigate the complaints submitted by and against judges. The inspection 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 Ministry or at the courts, as may be determined by the Minister of Justice

Article 64:

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

Article 65:

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

Article 66:

Copies of the judicial and administrative observations shall be sent, without the proficiency rating, to the judge concerned so that he may review them and object to them within thirty days.

Article 67:

The Head of the Inspection Department shall form a committee under his chairmanship, with two judicial inspectors as members, to examine the observations and then the objections made by the judge concerned. The observations approved by the committee as well as the objections thereto shall be kept in the judge's file. The observations which are not approved shall be removed from the report and filed. The judge shall be notified of his proficiency rating approved by the

committee.

Article 68:

A judge who has received a below average rating may complain to the Supreme Judicial Council within thirty days from the date on which he was notified of his rating. The decision of the Council on this matter shall be final.

Article 69:

If the judge receives a below average rating in three consecutive proficiency reports, he shall be placed on retirement by Royal Order on the basis of a decision by the Supreme Judicial Council.

Article 70:

A set of regulations and procedures of judicial inspection shall be issued by a decision of the Minister of Justice after the approval of the Supreme Judicial Council.

Chapter V

Disciplining of Judges

Article 71:

Without prejudice to the impartiality of the judiciary and its independence in administering justice, the Minister of Justice shall have the right to supervise all courts and judges. The Chief of the Court shall have the right to supervise the judges of his court.

Article 72:

The Chief of the Court shall have the right to notify the judges of his court of all acts violating their duties or the requirements of their positions after hearing their statements. The notification may be made orally or in writing, and in the latter case, a copy of the notification shall be sent to the Ministry of Justice. 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 on which he was notified, that investigation be made into the incident that was the cause of the notification. For this purpose, a committee shall, by decision of the Minister of Justice, be formed of the Chief of the Appellate Court, or one of his deputies, and two judges of that Court. After hearing the statement of the judge, the Committee may request one of its members

to conduct the investigation, if there is justification thereof. It may affirm or disregard the reprimand, and it shall communicate its decision to the Minister of Justice. If the violation recurs or continues after the notification has been upheld by the Committee, a disciplinary action shall be instituted.

Article 73:

The disciplinary actions against judges shall be the responsibility of the Supreme Judicial Council convening in a General Panel in its capacity as a disciplinary board. If the judge brought to trial is a member of the Supreme Judicial Council the Minister of Justice shall assign one of the Judges of the Appellate Court to replace him on the board. A judge who had previously participated in requesting that the accused be placed on retirement or who has requested the institution of the disciplinary action against him should not be barred from sitting on the disciplinary board.

Article 74:

The disciplinary action shall be instituted at the demand of the Minister of Justice, 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 one of the Judges of the Appellate Court assigned by the Minister of Justice.

Article 75:

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

Article 76:

The board may conduct such investigations as it may deem necessary, and it may assign any of its members to carry out such investigation.

Article 77:

If the disciplinary board finds justification to initiate trial proceedings for all or some of the allegations, it shall summon the accused 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 78:

When the disciplinary board decides on the initiation of trial proceedings, it may suspend the accused from performing the duties of his position. The board may at any time reconsider the suspension order.

Article 79:

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 80:

The hearings of the disciplinary board shall be in closed session. The disciplinary board shall render its judgment after it has heard the defense of the defendant judge, who may submit his defense in writing or entrust a member of the judiciary to defend him. The board shall always have the right to summon the accused 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 81:

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 board shall be final and unappealable.

Article 82:

The disciplinary penalties which may be imposed on the judge shall be reprimand and retirement.

Article 83:

Decision of the disciplinary board shall be conveyed to the Minister of Justice. A Royal Order shall be issued for the implementation of the retirement, and a decision of the Minister of Justice shall be issued for the implementation of the reprimand.

Article 84:

In cases where the judge is caught in a criminal act, the matter shall, upon arrest and imprisonment of the judge, be reported to the

Supreme Judicial Council convening in its Permanent Panel within the following twenty four hours. 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 85:

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

- (a) Acceptance of his resignation.
- (b) Acceptance of his request that he be placed on retirement in accordance with Retirement Law.
- (c) Death.
- (d) Cause provided for in Articles 50, 51, 57 and 69.

Article 86:

In cases other than death and placement on retirement for having reached the statutory age, the service of a member of the judiciary shall be terminated by a Royal Order based on a decision by the Supreme Judicial Council.

PART FOUR

MINISTRY OF JUSTICE

Article 87:

Without prejudice to the provisions of this Law, the Ministry of Justice shall assume the administrative and financial supervision over the courts and other judicial panels, take actions, and submit to the

appropriate authorities such proposals and projects as may secure the proper standard for the justice system in the Kingdom. It shall also study the proposals and decisions which it receives from the Supreme Judicial Council, and submit to the High Authorities those which require issuance of Royal Orders or Decrees.

Article 88:

The Deputy Minister of Justice shall be selected from among those who presently are or who formerly were members of the judiciary.

Article 89:

A technical department for research shall be established at the Ministry of Justice. By a decision of the Minister, it shall be composed of an adequate number of members, each of whom shall hold a degree no less than the certificate of the Shari'ah College. They may be assigned to this department by selecting them from among the judges. This department shall:

- (a) Abstract, classify, and index, for easy reference, the principles established by the Appellate Court in its judgments, or the principles established by the Supreme Judicial Council.
- (b) Prepare selected collections of judgments for publication.
- (c) Prepare such research projects as may be requested by the Ministry of Justice.
- (d) Answer enquiries of judges.
- (e) Review judgments and give opinions on the legal principles on which such judgments were based, as to their consistency with justice in the light of changing circumstances and conditions, in preparation to submitting them to the Supreme Judicial Council, for establishing principles therefor in accordance with the provisions of paragraph 1, Article 8.

**PART FIVE
NOTARIES PUBLIC**

**Chapter I
Conditions for the Appointment of Notaries Public**

Article 90:

A person to be appointed as Notary Public shall satisfy the requirements provided in Article 37 of this Law.

Article 91:

Subject to Article 90, the qualifications required for filling the positions of Notaries public shall be specified by rules to be issued by agreement between the Ministry of Justice and the Ministry of Civil Service.

Article 92:

Without prejudice to the provisions of this Law, Notaries public shall be subject to all provisions applicable to State employees in accordance with the Civil Service Law.

Chapter II

Powers of Notaries public and Inspection of their Work

Article 93:

Notaries public shall have the power to notarize contracts and record declarations according to rules issued by a decision of the Minister of Justice based on the approval of the Supreme Judicial Council. A decision issued by the Minister of Justice shall designate the seats of the notaries public's departments, specify the areas of their jurisdiction, and establish new Notaries Public's departments.

Article 94:

In cities where there are no Notaries public's departments, the function of the Notary Public shall be entrusted to the town's judge, who shall have the power and authority of the notary public within the venue specified for his court. A judge may be assigned to act for a Notary Public in case of the latter's absence.

Article 95:

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 96:

Documents issued by notaries public under the powers provided for in Article 93 shall have dispositive 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 Shari'ah principles or that they are forged.

PART SIX

EMPLOYEES OF THE COURTS

Article 97:

Record clerks, process servers, interpreters, experts, and public treasury administrators shall be regarded as assistants of the judiciary.

Article 98:

The Procedure Law shall regulate the qualifications of experts before the Court, and shall specify the rights and duties of experts and the methods of disciplining them.

Article 99:

Without prejudice to the appointment requirements provided for in Civil Service Law, a person who is appointed as clerk, interpreter, expert, or process server shall pass an examination whose procedures and requirements shall be specified by a decision of the Minister of Justice. They shall be appointed on probation for a period of not less than one year and not more than two years.

Article 100:

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. The employees of each court shall work under the supervision of their administrative chief, and all these employees shall be subject to the control of the chief of the court.

PART SEVEN

GENERAL AND TRANSITIONAL PROVISIONS

Article 101:

The Procedure Law shall specify the cases in which the judge

may not render judgment.

Article 102:

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

End Notes

1. As amended by Royal Decree No. (M/4) of 1/3/1401H.
2. As amended by Royal Decree No. (M/76) of 14/10/ 1395H.
3. As amended by Royal Decree No. (M/4) of 1/3/1401H.
4. As amended by Royal Decree No. (M/3) of 1/4/1404H.
5. As amended by Royal Decree No. (M/76) of 14/10/ 1395H.
6. As amended by Royal Decree No. (M/76) of 14/10/ 1395H.
7. The salary scale has undergone a number of modifications, the last of which was in 1414H.