

Law No. 2 of 1999 with respect to Combating Fraud in Commercial Transactions 2 / 1999

Number of Articles: 16

We, Hamad bin Khalifa Al-Thani, Emir of the State of Qatar,
Having perused the Amended Provisional Constitution, in particular Articles 23, 34 and 51 thereof,
The Penal Code of Qatar No. 14 of 1971, as amended,
The Criminal Procedure Law No. 15 of 1971, as amended,
Law No. 3 of 1978 regarding the trademarks and trade data, as amended,
Law No. 5 of 1983 with respect to Combating Fraud in Commercial Transactions,
Law No. 4 of 1990 on the specifications and standardisations regulation, as amended by Law No. 2 of 1992
Law No. 8 of 1990 on the regulation of human food control,
Decree-Law No. 22 of 1993 organising the Ministry of Finance, Economy and Commerce and specifying its functions, The proposal of the
Minister of Finance, Economy and Commerce,
The bill submitted by the Council of Ministers,
After consulting the Shura Council;
We have decided the following Law:

Article 1

In applying the provisions of this Law, an item shall be deemed fraudulent or corrupt if such item does not conform to the standard prescribed specifications or it is unusable or its stated validity period from the date of production in country of origin has expired, as well as in other cases to be determined by a resolution of the Minister of Finance, Economy and Commerce.

Article 2

Without prejudice to any more severe sanction provided for by another law, a sanction of imprisonment for not less than three months and not exceeding two years, and a fine of not less than five thousand (5,000) riyals and not more than fifteen thousand (15,000) riyals, or either of such sanctions, shall be imposed on any person who deceives the person contracting therewith in any way in one of the following matters:

- 1- The item itself, its nature, species, kind or essential features or elements;
- 2- Origin of the item;
- 3- The quantity of the item whether in weight, measurement, number, size, power, calibre or other specifications as set forth in Article 1 of this Law;
- 4- Description of the item or advertising or displaying the item in a manner containing false and deceptive details.

The minimum limit of the sanction provided for in this Article shall be doubled if the crime is committed using scales, gauges, measuring containers, stamps, seals or other fake instruments of inspection, or by the use of methods or means that would make the process of weighing, measuring, counting, determining the power, capacity or calibre, or inspecting the item incorrect.

Article 3

Without prejudice to any more severe sanction provided for by another law, a sanction of imprisonment for not less than three months and not exceeding two years, and a fine of not less than five thousand (5,000) riyals and not more than fifteen thousand (15,000) riyals, or either of such sanctions, shall be imposed on:

1 - Any person who commits fraud with the intention of selling or trading an item that is an agricultural crop, natural material or industrial product.

2 - Any person who obtains by himself or by proxy, or produces with the intention of selling, trading, offering or presenting for sale, or sells the materials and items referred to in Clause 1 of this Article, or advertises the same with the knowledge of its being fraudulent or corrupt. Knowledge of its being fraudulent or corrupt shall be presumed if the offender is involved in trade unless it is established that it was not within his capacity to know of this fraud or corruption.

3- Any person who obtains by himself or by proxy, or produces with the intention of selling, trading, offering or presenting for sale, or sells materials or containers used in fraud of agricultural crops, natural materials or industrial products, or advertises the same unless it is established that his possession of the same was with the intent to use it for a legitimate use.

The minimum and maximum limit of the sanction provided for in this Article shall be doubled if the materials and items referred to in Clause 1 of this Article are detrimental to animal health or if they do not meet the conditions for security and safety when it is an industrial product.

The seller shall not be exempt from the sanction if the buyer or consumer is aware of the fraud or corruption unless it is established that the item was purchased in that condition with the intent to be used for a legitimate purpose other than that which it was prepared for.

Article 4

Without prejudice to any more severe sanction provided for by another law, the sanctions provided for in Article 3 of this Law shall be imposed on any person who imports, for the purpose of trading, agricultural crops, natural materials or industrial products, that fraudulent or corrupt. Knowledge of its being fraudulent or corrupt shall be presumed if the offender is involved in trade unless it is established that he was not able to know of this fraud or corruption.

The Minister of Finance, Economy and Commerce in coordination with the relevant authority may order the re-exportation of those items to their source, within the period prescribed by him. If the items are not re-exported by the set date the Minister may order the confiscation or destruction thereof at the expense of the importer, or authorize the introduction and circulation of such items for use in any purpose that it is suitable for, in accordance with the terms and conditions to be specified by a resolution from the Minister.

Article 5

The Minister of Finance, Economy and Commerce in coordination with the relevant authority shall issue the resolutions that will regulate the following matters:

1 - The use of specified utensils, containers, bottles or covers in the processing or preparation of agricultural crops, natural materials or industrial products and the manner of packaging, bundling, storing, distributing, transferring with the intent to offer for sale, selling or trading of the same.

2 - Manner of using agricultural crops, natural materials and industrial products, ways to store and hold the same, the instances when they are unfit for use, and clarification of its name, source, place of manufacture or the name of the manufacture, date of production, expiry date and other details necessary to describe them, and the method in which these details are recorded.

Article 6

Without prejudice to any more severe sanction provided for by another law, a sanction of imprisonment not exceeding six months, and a fine not more than five thousand riyals, or either of these sanctions, shall be imposed on any person who violates the resolutions referred to in the previous article.

Article 7

In the case of there being strong reasons to believe that there is a violation of the provisions of this Law, the suspected materials may be seized on a temporary basis, and impounded with the person concerned and under his responsibility. Five samples at least shall be taken for the purpose of analysis.

Each sample shall be placed inside an exhibit two of which shall be handed over to the person concerned. Minutes that contain all the actions taken shall be recorded.

One or more samples shall be analyzed by any of the relevant government laboratories in the country.

Without prejudice to the right of the accused to request the release of the items seized from the relevant court, the items shall be released by law if there was no court order to support the seizure within thirty days following the day of the seizure.

Article 8

Without prejudice to any more severe sanction provided for by another law, a sanction of imprisonment for not less than one month and not exceeding two months, and a fine equal to the value of the items impounded which were disposed of in an illegitimate manner, shall be imposed on any person who disposes of the impounded materials in any manner whatsoever.

Article 9

In the case of a guilty verdict in an offence set forth in this Law, judgement must be passed, in an addition to the original sanction, with respect to the following:

- 1 - Confiscation or destruction of the items and materials that were the subject matter of the crime at the expense of the convicted person. If the criminal case for some reason is not raised, the Minister of Finance, Economy and Commerce may order the confiscation or destruction thereof.
 - 2 - Closure of the shop or place where the crime occurred for a period not less than one month and not exceeding three months.
 - 3 - Publishing of a summary of the judgment in two local daily newspapers at the expense of the convicted person.
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Article 10

The sanction for embarking on the crimes stipulated in this Law shall be the same as the sanction for the full offence.

Article 11

In case of repetition, the minimum and maximum limits for the sanctions provided for in this Law shall be doubled. The crimes stipulated in this Law or any other law related to the suppression of fraud shall be deemed similar with regard to cases of repetition.

The accused shall be deemed to be a repeat offender, if he committed a similar offence prior to the lapse of 3 years from the date of judgment or from the date of rehabilitation.

Article 12

Where the perpetrator of the crime, or the person in whose name or on whose behalf the crime was committed, is a company, corporation, association, or other private juristic persons, the sanctions stipulated in this Law shall be imposed on the legal representative as an accomplice

together with the original perpetrator.

In the application of this Law, the representative of the juristic person means, *mutatis mutandis*, the chairperson of its board, its legal director, the person in charge of administration, the Managing Director or designee of any of them.

The representative of the juristic person shall be exempted from the sanction if he proves that the offence took place without his knowledge, despite him, or to the detriment of the company, institution or association that he represents, or that he had designated another person to exercise his delegated powers, or that he made a reasonable effort to avoid its occurrence to no avail.

Article 13

The employees delegated by the Minister of Finance, Economy and Commerce by means of a resolution in coordination with the relevant authority, each within the scope of its powers, shall have the capacity of law enforcement officers to establish any violations of the provisions of this Law and the resolutions that give effect to it.

They shall have at any time the right of access to places and shops dedicated to these items and materials, to inspect the same, access the records and documents and examine the tools, equipment and devices it has to verify the implementation of the provisions of this Law and the resolutions that give effect to it.

Article 14

The Minister of Finance, Economy and Commerce in co-ordination with the relevant authority shall issue the resolutions necessary for the implementation of the provisions of this Law. Until such time that these resolutions are issued, the resolutions and regulations currently in force and which do not conflict with the provisions of this Law shall continue to be in effect.

Article 15

Law No. 5 of 1983 referred to is repealed as is any provision that contradicts the provisions of this Law.

Article 16

All relevant authorities, each within its own jurisdiction, shall implement this Law which shall be effective thirty days from the date of its publication in the *Official Gazette*.
