

# **PROCEDURAL RULES BEFORE THE BOARD OF GRIEVANCES**

**Council of Ministers Resolution No. 190**

**Dated 16 /11/1409H**

## **Section One Administrative Cases**

### **Article (1)**

An administrative case shall be filed by the plaintiff with the President of the Board of Grievances or his designee. It shall contain particulars about the plaintiff, defendant, subject-matter of the case, and the date of filing the claim against the administrative body if such a claim is of the type that must be demanded before filing the case, in accordance with Article Two of these Rules, and the outcome of the claim; or the date of filing the grievance against the decision contested if it is of the type against which a grievance must be filed with the administration body prior to filing a case, in accordance with Article Three of these Rules, as well as the outcome thereof. The President of the Board shall refer the case to the competent circuit within whose jurisdiction the head office of the defendant is located, or to the competent circuit within whose jurisdiction the branch of the defendant is located, if the plaintiff so requests, and the case is related to such branch.

The competent circuit may seek the assistance of a specialist to prepare the case under its supervision.

### **Article (2)**

The following shall be observed in relation to cases stipulated in paragraph (a) of Article Eight of the Law of the Board of Grievances, prior to filing those cases with the Board:

1. Filing a claim against the competent administrative body within five years from the date on which the claimed right arose, unless it was precluded because of a legitimate excuse proved to the competent circuit. The administrative body must decide such claims within ninety days from the date of filing. As for rights arising before the effectiveness of these Rules, the period specified for claiming them shall commence on the date of the effectiveness hereof.
2. If the decision of the administrative body was to reject the claim within the period specified in the previous paragraph, or if such period lapses without deciding upon the claim, the claim shall not be filed with the Board except after filing a grievance with the General Board of Civil Service within sixty days from the date of notice of the decision of rejection of the claim or from the lapse of the period specified in the previous paragraph without deciding thereon. The decision of rejection of the claim by the administrative body shall state the reasons for the rejection. The General Board of Civil Service shall decide on the grievance within sixty days from the date of its filing.
3. If the decision of the General Board of Civil Service was to reject the grievance, or the period specified in the previous paragraph lapses without deciding on the grievance, the case may be filed with the Board of Grievances within ninety days from the date of the notice of rejection, upon the lapse of the sixty days stipulated without deciding on the grievance, or within the

remaining period of the five years provided for in the first paragraph of this Article, whichever is longer. The decision made by the General Board of Civil Service rejecting the grievance shall state the reasons therefor.

4. If the decision of the General Board of Civil Service affirms the right of the plaintiff to his claims, and the administrative body fails to execute it within thirty days from the date of notification thereof, the case may be filed with the Board of Grievances within sixty days subsequent to such period, or within the remaining period of the five years stipulated in the first paragraph of this Article, whichever is longer.

### **Article (3)**

Unless otherwise specifically stipulated, the case provided for in paragraph (b) of Article Eight of the Law of the Board of Grievances shall only be filed with the Board after filing a grievance with the competent administrative body within sixty days from the date of knowledge thereof. Knowledge shall be established by notifying the parties concerned or by publication in the Official Gazette if such notification is not possible. With respect to decisions made before the effectiveness of these Rules, the specified period for filing a grievance shall begin from the date of effectiveness thereof.

The administrative body shall decide on the grievance within ninety days from the date of filing it. If the decision was to reject such a grievance, the reasons for rejection shall be stated. The lapse of ninety days following the date of filing of such a grievance without a decision shall be considered as though a decision has been made to reject such a grievance.

If not related to the civil service affairs, the case shall be filed with the Board within sixty days from the date of knowledge of the rejection decision, or upon the lapse of the ninety days stipulated without a decision thereon.

However, if the case is related to civil service affairs then before filing a grievance with the Board, it shall be filed with the General Board of Civil Service within sixty days from the date of knowledge of the decision to reject the grievance or upon the lapse of the period of ninety days specified for the administrative body without deciding thereon.

The General Board of Civil Service shall decide on the grievance within sixty days from the date of filing thereof.

If the General Board of Civil Service issues a decision to reject the grievance, or if the period specified for it lapses without a decision thereon, the case may be filed with the Board of Grievances within ninety days from the date of knowledge of the rejection decision or after the lapse of the sixty days stipulated without a decision on the grievance. The decision of the General Board of Civil Service rejecting the grievance shall state the reasons for the rejection.

If the decision of the General Board of Civil Service is in favor of the complainant and the administrative body fails to execute it within thirty days from the date of notice thereof, the case may be filed with the Board of Grievances within the sixty days subsequent to this period.

**Article (4)**

Unless otherwise specifically stipulated, the cases specified in paragraphs (c and d) of Article Eight of the Law of the Board of Grievances shall not be heard after the lapse of five years from the date on which the claimed right arose, unless it was precluded because of a legitimate excuse proved to the competent circuit. With respect to the rights that arose before the effectiveness of these Rules, the period specified for hearing the cases shall start from the date of effectiveness of these Rules.

**Article (5)**

Upon receiving the case, the head of the circuit shall set a date for hearing it and notify the parties concerned as well as the Ministry of Finance and National Economy and the General Audit Board. The period between the notification and the date of the hearing session shall not be less than thirty days. He shall also notify the General Board of Civil Service if the case is related to the civil service affairs referred to in Articles Two and Three of these Rules.

During this period, the Ministry of Finance and National Economy, the General Audit Board and the General Board of Civil Service, as the case may be, shall send their views to the Board of Grievances or request participation in the proceedings. In this case, coordination shall be made with the government body that is a party to the case.

**Article (6)**

Cases for enforcement of foreign judgments shall be filed in accordance with the procedures for filing administrative cases stipulated in Article One of these Rules.

The competent circuit shall render its judgment after completion of the case documents and hearing the statements of both parties to the dispute, or their representatives, either by dismissing the case or enforcing the foreign judgment on the basis of reciprocity, provided that it is not inconsistent with the provisions of Shari'ah. The party in whose favor the judgment is rendered shall be given an execution copy of the judgment, affixed to it the following caption: "All competent government bodies and agencies are required to enforce this judgment by all applicable lawful means even if this leads to use of coercive force by the police."

**Article (7)**

Filing a case shall not entail suspending the enforcement of the contested decision. The competent circuit, however, may give an order to cease the enforcement of the decision or otherwise

make an urgent order for a preventive or provisional measure whenever necessary within twenty four hours of submission of an urgent application or its referral thereto, if the circuit anticipates unavoidable consequences, until it renders a final judgment on the case.

**Section Two**  
**Penal and Disciplinary Cases**

**Article (8)**

Penal and disciplinary cases, including the request for describing a crime as impinging on integrity and honesty as referred to in Article 30/16/C of the Implementing Regulations of the Civil Service Law, shall be filed by the Control and Investigation Bureau with the Board of Grievances pursuant to an indictment containing the names of the accused, their descriptions, places of their residence, the charges against them and the places where they were committed, the prosecution evidence, and the legal provisions requested to be applied to them; and the entire case file shall be attached therewith..

**Article (9)**

The President of the Board or his designee shall refer the case to the competent circuit. Upon receiving the case, the circuit head shall set a date for hearing it and notify the Control and Investigation Bureau accordingly. The accused shall also be notified and provided with a copy of the indictment. The period between such notification and the date of the hearing shall not be less than thirty days.

**Article (10)**

A person preventively detained or a person banned from travel by reason of a case pending before one of the Board circuits, may file a grievance with the President of the Board or his designee against his detention or travel ban decision.

The President of the Board, or his designee, shall refer such a grievance to the competent circuit, which shall decide on the grievance promptly, within a period not exceeding seven days. If that is not possible, the circuit shall issue a decision, prior to the expiry of such period, to set another period, stating the reasons therefor.

The grievance shall be decided upon after hearing both parties to the dispute. The discharge or permission to travel shall be made whether or not against a surety. The complainant may not renew his grievance before the expiry of sixty days following the date of dismissing the previous grievance, unless justified by new facts or documents.

**Article (11)**

The President of the Board or his designee shall notify the bodies concerned of the decisions of discharge and removal of the travel ban against the accused for enforcement of such decisions, unless there is another reason for detention or ban.

**Article (12)**

The cases stipulated in paragraph (f) of Article Eight of the Law of the Board of Grievances shall terminate with the death of the accused.

The termination of the case, however, shall not preclude confiscation or recovery of the property illegally acquired by the accused. It shall neither preclude the hearing of private right of action before competent courts.

**Section Three**  
**Hearing the Case and Judgment**

**Article (13)**

Arabic is the official language approved for recording the procedures of hearing the case. Statements of non-Arabic speakers shall be heard through an interpreter. The questions directed to him and his answers thereto shall be recorded in his own language and signed by him. Translation into Arabic shall also be recorded and signed by said person and by the interpreter.

Certified Arabic translations of documents and official papers written in a foreign language shall be submitted.

**Article (14)**

The case shall be heard and decided by the competent circuit, which shall be formed of a head and two members. The President of the Board may form subsidiary circuits of a single member to hear minor cases. Such minor cases shall be specified by a regulation to be issued by the President of the Board.

**Article (15)**

Sessions held by the circuit shall not be valid unless attended by all members and in the presence of a prosecutor in penal and disciplinary cases. If the attending members do not constitute a quorum, another may be designated to complete it. The sessions shall be public unless the circuit decides to make them closed in observation of morals or for maintenance of public order, provided that in all cases the delivery of the judgment be in a public session.

**Article (16)**

Control and management of the session are the duty of the circuit head. For this purpose, he may take any of the following measures:

- ( ) Expel any person from the session for disorderly conduct. If the person does not comply with the order and persists, the circuit may immediately sentence him to a twenty-four hour imprisonment or impose a fine of two hundred riyals. The circuit may cancel such sentence before the end of the session.
- ( ) Order the deletion from any document or memorandum presented by the litigants any expressions which constitute an insult or a violation of morals or public order.
- ( ) Order the writing of a report about each offense or crime that takes place during the session as well as about any transgression against the circuit, any of its members, the public prosecutor or anyone working for the circuit. The report shall be forwarded to the competent authority for appropriate disciplinary action. The circuit head may order the arrest of a person who commits such offenses, if the situation so dictates.

**Article (17)**

Documents and memoranda submitted by one of the parties to a case shall not be relied upon without permitting the other party to review them. The accused or his representative may review the investigation papers in the presence of the circuit clerk. He may also make photocopies of the part that concerns him, as specified by the circuit head.

**Article (18)**

Litigants in an administrative case or their representatives shall appear on the date appointed therefor. If the plaintiff does not appear without an excuse acceptable to the circuit, the circuit may decide the case as it is, at the request of the defendant, or may strike the case. If stricken, the plaintiff may request reinstatement of the case, and the circuit shall set a date for the review and notify the defendant thereof. If the plaintiff does not appear without an excuse acceptable to the circuit, the

circuit shall strike the case and shall not rehear it except pursuant to an *en banc* decision by members of the appeal panel. If the defendant does not appear, the circuit shall postpone the hearing of the case to a following session of which the defendant shall be notified. If he fails to appear, the circuit shall decide on the case, and the judgment shall be considered in all cases as if rendered in the presence of the defendant.

#### **Article (19)**

In disciplinary and penal cases, the accused himself shall attend the trial sessions and shall defend himself in writing or verbally. He may seek the assistance of a lawyer and ask for the summoning of witnesses to hear their testimony. If the accused in a disciplinary case does not appear after being duly notified, the circuit shall proceed with the trial procedures.

However, if the accused in a penal case is notified and does not appear, he shall be summoned again to attend another session. If he still fails to appear, the circuit may render a default judgment or order him summoned to a fixed session. If it is impossible to summon him, the circuit may render a default judgment in the case.

#### **Article (20)**

If the plaintiff or the defendant attends any session of an administrative case before the competent circuit, the trial shall be considered as if in his presence even if he fails to attend the subsequent sessions.

As for the disciplinary and penal cases, the judgment shall be considered as if in the presence of the accused person if he attends one session and presents his defense, even if judgment is postponed and he does not attend the session in which the judgment is rendered.

#### **Article (21)**

The circuit clerk shall prepare the minutes of the session under the supervision of the circuit head. The minutes shall include the names of the circuit members who attended the session, time and place of the session, the litigants or accused persons present and their representatives. The minutes shall also include the procedures taken during the session, the testimony of the witnesses, the statements of the parties and their claims, in addition to a summary of their defenses. The minutes shall be signed by the members of the circuit, its clerk and the parties to the case.



**Article (22)**

The accused person shall appear before the circuit free of restraints, but suitably guarded. He shall not be expelled from the session unless he disturbs the order of the session. The circuit may proceed with the trial until it is possible to conduct it in the presence of the accused, provided that he is made aware of the procedures taken in his absence. In all events, the accused person shall be the last to speak.

**Article (23)**

If the circuit, during the proceedings, finds that it is necessary to inspect or carry out complementary investigations, it shall carry it out by itself or designate one of its members for that purpose.

The circuit, whether on its own or according to a request by the prosecutor or the accused person, may summon any witness to attend the session to give testimony. The circuit, however, must not allow directing questions to the witness that are irrelevant to the subject of the case, or which may lead to confusing or intimidating him.

**Article (24)**

If the circuit decides to seek expert help, it may designate one or more experts provided that its decision shall specifically and fully determine their task, a deadline to submit their report, and a deadline for the hearing session based on the report. It may as well seek assistance of the expert for a verbal opinion during the session, provided that his opinion is included in the minutes of the session.

The President of the Board shall issue the necessary provisions regarding the experts' fees.

**Article (25)**

The accused or any interested party may request the recusal of any member of the circuit if there is a reason justifying this request. Accordingly, the trial procedures shall be suspended until a decision has been taken. The President of the Board shall decide this request, and his decision shall be final.

If a member of the circuit feels embarrassment hearing a case, he may submit to the President of the Board a recusal request, and the President of the Board shall make a decision thereon.

**Article (26)**

If the circuit hearing a disciplinary case finds that the incident stated in the indictment constitutes a penal crime, it shall refrain from hearing the trial as a disciplinary case and decide to refer the case to the Control and Investigation Bureau to take the necessary action.

**Article (27)**

The circuit may change the legal description of the action attributed to the accused, or amend the charge by adding the aggravating circumstances proven to the circuit through the interrogation or the pleading during the session, even if such circumstances are not stated in the indictment. The circuit shall notify the accused of such change and, upon his request, give him sufficient time to prepare his defense in light of the new description or change.

**Article (28)**

The circuit shall decide on the facts cited in the indictment. However, it may, at the request of the Control and Investigation Bureau, render a judgment on facts not cited in the indictment or against newly accused persons if the case file includes such facts, provided that the accused be given an appropriate deadline to prepare his defense. The circuit may on its own undertake to make a decision to refer the case to the Control and Investigation Bureau to investigate the case and take whatever actions required by law, as in any other case.

If the case is returned to the Board, it shall be transferred to a circuit other than that which originally handled it. If that circuit did not decide the original case, and the case is connected in an inseparable way with the new case, then the whole case shall be transferred to the circuit which originally handled it.

**Article (29)**

If the judgment issued by the Board of Grievances includes an indication that an act has been committed constituting a penal or disciplinary offense, the competent investigation authority shall be provided with a copy of that judgment in order to take the necessary action required by law.

**Article (30)**

If the circuit is formed of more than one member, it shall confidentially deliberate in session. Judgments shall be rendered by majority vote, and the judgment shall be attributed to the circuit. A dissenter shall, in the session minutes, give explanation for his dissent and the reasons therefor. The majority shall also state, in the minutes of the session, their opinion in response to the dissenter's dissent. The minutes shall be signed by all members of the circuit and its clerk.

**Article (31)**

Notice of judgment shall include the reasons on which the judgment was based, grounds thereof, the circuit issuing it, date and place of issuance, the relevant case, whether it is administrative, penal or disciplinary, names of circuit members who heard the pleading, name of the prosecutor and his demands, names and capacities of the parties in the case, their domicile, attendance or absence,

names of their representatives and the demands or defenses submitted by them as well as the evidences proffered by them.

The original copy of the judgment notice shall be signed by the circuit head, the circuit members and its clerk within fifteen days. In case the circuit is formed of only one member, the original copy of the judgment notice shall be signed by him and the circuit clerk.

The original signed copy of the judgment notice shall be deposited in the case file and a copy, affixed with the seal of the circuit and signed by the circuit head and its clerk, shall be given to all relevant parties.

The circuit rendering the judgment shall inform the convict, after providing him with a copy of the judgment notice, of his right to appeal the judgment within thirty days from the date of his receiving the judgment notice and that if he does not appeal the judgment within such period, the judgment against him shall be final and enforceable.

**Article (32)**

If the circuit finds in the convict's conduct, past record, age, personal circumstances, or the circumstances under which the crime was committed, or any other reasons that justify staying the execution of the judgment, it may state in its judgment the stay of the execution of the penalty. Such stay shall have no effect on the disciplinary penalties to which the convict is subject.

The stay shall be lifted if the convict is convicted by one of the Board circuits of a corporal penalty in another penal case committed within three years from the date on which the stayed judgment becomes final.

**Article (33)**

The circuit shall, on its own or at the request of a relevant party, correct any purely material mistakes made in its judgment, whether written or computational.

But in case of ambiguity or vagueness in the judgment, any relevant party may file a request with the President of the Board to refer the case to the circuit which made the judgment for an explanation.

## **Section Four**

### **Ways of Objection to Judgments**

#### **Article (34)**

Judgments rendered in cases provided for under paragraphs (c) and (d) of Article Eight of the Law of the Board of Grievances, contrary to what is requested by the administrative body or not in its favor, shall not be final and enforceable until they are appealed.

#### **Article (35)**

Subject to the provisions of Article Thirty Four of these Rules, judgments rendered by the Board with respect to administrative cases shall be final and enforceable after the lapse of the period specified for the application for appeal referred to in Article Thirty One of these Rules, unless either of the parties to the case, the Ministry of Finance and National Economy or the General Audit Board, in respect of administrative cases, or the General Board of Civil Service, in respect of cases related to the civil service affairs referred to in Articles Two and Three of these Rules, apply for appeal during the said period.

#### **Article (36)**

Acceptance of the application for appeal entails that the competent appeal circuit either affirms or reverse the judgment. In case of reversal, it may either remand the case to the issuing circuit or adjudicate it. If the case is remanded to the circuit which originally handled it, and that circuit insists on its judgment, the appeal circuit shall adjudicate the case if it is not persuaded by the arguments of that circuit.

In all instances where the appeal circuit undertakes to adjudicate the case, the decision shall only be made after hearing the statements of the litigants.

The appeal circuit may take whatever it deems appropriate with respect to inspection or seeking the assistance of experts.

In all cases, judgments made by the appeal circuit shall be final.

#### **Article (37)**

In penal and disciplinary cases, the prosecutor and the convict may appeal the judgment within the appeal period specified in Article Thirty One of these Rules, including the judgment issued which describes the crime as impinging on honor or integrity as mentioned in Article Eight of these Rules.

The application shall include data relevant to the parties to the case, description of the judgment requested for appeal, the date of notification, and the grounds upon which the application was based.

The President of the Board or his designee shall refer the application along with the case file to the appeal circuit to adjudicate the case and make a decision thereon. Its judgment shall be final, except for judgments to terminate services of employees of grade Fourteen and above, or its equivalent, which shall only be final upon ratification by the President of the Council of Ministers.

If the application for appeal is filed by the prosecutor, the appeal circuit may uphold, reverse, or amend the judgment. However, if such amendment is not in favor of the accused, the circuit must hear his statements before the amendment.

If the application for appeal is filed by the convict alone, the circuit may only uphold the judgment or amend it in his favor.

**Article (38)**

The appeal circuit may remand the case to the circuit that rendered the judgment for explanation of any ambiguity or vagueness contained therein.

**Article (39)**

An appeal circuit shall be established, headed by the President of the Board of Grievances and consisting of an adequate number of members to be appointed by the President of the Board. It shall have one or more appeal circuits.

The appeal circuit shall be comprised of three members appointed by the President of the Board who shall appoint one of them as the circuit head. The President of the Board may form the appeal circuit of one member to appeal minor cases as determined by the President of the Board in accordance with Article Fourteen.

**Article (40)**

If the appeal circuit decides on any case under its consideration to change an independent reasoning which it or another circuit had previously reached, or which had been previously affirmed by the appeal circuit, it shall forward the matter to the President of the Board who shall refer it to the appeal circuit for an *en banc* meeting to be headed by the President of the Board, together with three of the circuit heads selected by the President of the Board. The joint circuit shall render its decision by majority vote of two thirds of the members.

**Article (41)**

The person convicted in absentia may apply to the President of the Board or his designee to appeal the judgment rendered against him, within thirty days from the date on which he was notified of the judgment.

The President of the Board or his designee shall refer such application to the circuit that had rendered the judgment for retrial in the presence of the accused.

**Article (42)**

If, after the final disposition of the case, new facts emerge or documents are presented which were not known at the time of the trial, and such documents were to acquit the convict, the convict or the prosecutor may apply to the President of the Board or his designee to reconsider the final judgments. The application shall be submitted within thirty days from the date of knowledge hereof. It shall include the judgment and the grounds for the reconsideration requested. The President of the Board or his designee shall refer such application to the circuit which had rendered the judgment to dispose of in the presence of the parties to the case.

**Section Five**  
**General Provisions**

**Article (43)**

Notifications specified in these Rules shall be made as follows:

- (a) Notices shall be delivered to the person himself wherever he is. Otherwise, they shall be delivered to anyone who shares residence with him.
- (b) With respect to commercial companies and private establishments, notices shall be delivered to one of the general partners, the chairman of the board of directors, the manager, or to anyone acting on their behalf, or to the owner of the private establishment or to someone acting on his behalf.
- (c) With respect to foreign companies with a branch office or an agent in the Kingdom, notices shall be delivered to the manager of such branch office or to the agent.
- (d) If delivery of the notices is not possible in accordance with the foregoing, they shall be delivered to the *Umdah* (Chief of the neighborhood).
- (e) If it is not possible to know the place of residence of the accused or his address in the Kingdom, he shall be notified through publication in the Official Gazette.

- (f) With respect to the residents outside the Kingdom, they shall be notified through the Ministry of Foreign Affairs, and it shall be sufficient in this case to receive a reply evidencing notification.
- (g) With respect to the State, notices shall be delivered to the ministers concerned or to heads of government authorities, the directors of public institutions or commissions or to those acting on their behalf.
- (h) With respect to military personnel and persons employed by military bodies, notices shall be delivered through the relevant authority.
- (i) With respect to prisoners, notices shall be delivered to the prison warden.

**Article (44)**

The President of the Board shall issue the decisions necessary for the implementation of these Rules.

**Article (45)**

These Rules shall apply to cases pending at the time of the implementation of such Rules at the stage reached.

**Article (46)**

Judgments that have not been notified to the parties to a case prior to enforcement of these Rules shall be subject to the provisions concerning the ways of objection to judgments.

**Article (47)**

These Rules shall be published in the Official Gazette and shall come into effect after thirty days from the date of publication thereof. They shall supersede the Council of Ministers' Resolutions No. 16 dated 06/01/1382 H, and No. 968 dated 15-16/09/1392 H, and shall also supersede all provisions inconsistent therewith.

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