

RULES OF RECORDING, FILING AND CONSIDERING THE DISCIPLINARY ACTION

Minister of Justice Decision No (2403)

6/9/1443 AH

*This is unofficial translation provided for guidance. The governing text is the Arabic official text.

Decision No. (2403) dated 6/9/1443AH

The Minister of Justice;

Based on the powers vested in him by law, and based on Article (30) of the code of law practice amended by Royal Decree No. (M/66) dated 15/7/1443 AH, which stipulates that "the Minister of Justice shall issue rules and procedures for the recording, filing and considering the disciplinary action commensurate with its nature," and based on Article (42) of the code of law practice issued by Royal Decree No. (M/38) dated 28/7/1422 AH, and for what is required by the interests of work.

Decides the following:

First: Approve the rules of recording, filing and considering the disciplinary action, in the accompanying form.

Second: The rules referred to in clause (First) shall be published in the Official Gazette and shall come into force from the date of their publication.

May Allah grant Success

Minister of Justice

Walid bin Mohammed Al-Samaani

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RULES OF RECORDING, FILING AND CONSIDERING THE DISCIPLINARY ACTION

General Provisions

First Rule:

The following terms and expressions shall have the meanings assigned to them, unless the context requires otherwise:

Law: Code of Law Practice.

Regulations: The implementing regulations of the Code of Law Practice.

Rules: Rules of recording, filing and considering the disciplinary action.

Minister: Minister of Justice.

Ministry: Ministry of Justice.

Association: Saudi Bar Association.

Committee: The Disciplinary Committee provided for in Article (thirty one) of the Law.

Competent Department: The competent department in the Ministry.

Competent employee: The employee in the competent department assigned to any of the tasks within its competence.

Licensed: The lawyer and the foreign law firm licensed to practice law profession according to the provisions of the Law.

Recording Professional Violations

Second Rule:

Complaints and reports shall be submitted to the competent department in the Ministry and the association in accordance with the approved forms.

Third Rule:

The competent department shall control, inspect and record violations, verify complaints and reports. In the exercise of its functions, it shall have the following powers:

- 1- Entering the Law firm offices; to verify the compliance of the licensed with the laws and instructions.
- 2- Reviewing the necessary papers, documents and licenses to verify the licensed compliance with the laws and instructions.

- 3- Request to inform the licensed of the violation attributed to it and to hear the complainant statements and any related party when necessary.

Fourth Rule:

The competent employee is committed to integrity and maintaining confidentiality, adhering in his work to the approved manuals and procedures, and refraining from any act in which there is a conflict of interest.

Fifth Rule:

The licensed to practice Law Profession shall enable the competent employee to perform his work in accordance with the powers granted to him.

Sixth Rule:

- 1- The competent employee shall prepare a report of the violation according to the approved form, including: the violator's information, the violation description, the incident date, the relevant evidence and clues, and the recommendation to refer to investigation or dismissal of case.
- 2- The competent department shall decide to refer the licensed to the investigation, or dismissal in the absence of finding a violation that requires the referral to the investigation.

Investigation of Professional Violations and Submitting Them to Committee

Seventh Rule:

- 1- The competent department shall investigate the violations and shall abide by the investigation due processes, including: confronting the violator with the violation attributed to him, and enabling him to express his defense.
- 2- The investigation shall be conducted in person, or remotely -verbally or in writing - via approved electronic means; at the discretion of the competent department.
- 3- If the licensed refuses to be investigated, or fails to attend the investigation after being notified, the competent department shall record this, and the violation shall be referred to the committee.

Eighth Rule:

The competent department shall decide - after investigating and studying the violation or when the investigation is not possible - one of the following:

- 1- Dismissal in case of insufficient evidence, and inform the licensed and the referring party accordingly.

- 2- Referral of the violation to the Committee for imposing the disciplinary sanction.

Ninth Rule:

The allegation before the committee shall be carried out by employees and consultants with experience and competence who meet the conditions for registration in the list of practicing lawyers, and they shall be nominated by a decision of the Minister or whomever he delegates.

Composition and Convening of the Disciplinary Committee

Tenth Rule:

The Committee shall have a Secretary named by a decision of the Minister, who shall supervise the Secretariat of the Committee, prepare and maintain its minutes and decisions, prepare technical and administrative preparation for the work of the Committee and its meetings, and all work assigned to him by the Chairman of the Committee within the limits of his competence.

Eleventh Rule:

By a decision of the Minister, one or more substitute members shall be appointed to replace the primary committee member in his absence or recuse.

Twelfth Rule:

The committee shall be convened at the request of its chairman as needed, and may be held remotely through approved electronic means.

Consideration of disciplinary action

Thirteenth Rule:

The committee may - if the interest requires during the investigation or considering of the action - order - by a reasoned decision - the suspension of the licensed from practicing the profession temporarily for a period not exceeding ninety (90) days, renewable for a similar period.

Fourteenth Rule:

The committee member shall recuse himself and refrain from considering the action in the event of a conflict of interest, including:

- 1- If he is related to the fourth degree to the licensed or the complainant.
- 2- If he has an existing dispute with the licensed or the complainant, or enmity or affection with which it is likely that he will not be able to judge without bias.

Fifteenth Rule:

In the exercise of its functions, the Committee may:

- 1- Request to obtain the necessary documentations from the licensed and the relevant entities.
- 2- Request to inform the parties related to the violation, and to question the licensed.
- 3- Use of experts and specialists as deemed necessary to express an opinion or attend its meetings.

Sixteenth Rule:

The procedures for considering and pleading the action shall be in writing, and the committee - on its own initiative or at the request of the competent department or the licensed - may hear what the licensed has in person or remotely via approved electronic means.

Seventeenth Rule:

The disciplinary hearings shall be confidential. For each of its hearings, the committee shall prepare minutes containing the statements of the action and its parties and a summary of what has been done therein.

Eighteenth Rule:

The committee shall issue its decision on the disciplinary action within sixty (60) days from the date of its registration, and it may be extended for a similar period if necessary.

Nineteenth Rule:

The committee's decision to impose the sanction must include: the violator's information, the description of the violation and its evidence, the reasoning of the decision, and the answer to the violator's defenses.

Twentieth Rule:

If the committee or the competent department considers that the violation under investigation or consideration involves a crime, they shall report it to the competent authority, and the committee shall decide what it deems regarding the conduct of the disciplinary action.

Twenty-First Rule:

Disciplinary action shall be terminated in the following cases:

- 1- Issuing a final decision by the committee against the violator.

- 2- The death of the licensed, the loss of his capacity or the lapse of his legal personality.
- 3- The licensed is deleted from the list by a final decision of the Registration and Admission Committee, unless his name is re-registered

Final Provisions

Twenty-Second Rule:

The Licensed shall be notified electronically through the means of communication registered with the Ministry or other government platforms.

Twenty-Third Rule:

The competent department shall issue, after the approval of the Minister, the procedural manuals and forms necessary for the implementation of these rules.

Twenty-Fourth Rule:

The rules shall be published in the Official Gazette and shall come into force on the date of their publication.