

The Implementing Regulations of the Enforcement Law

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

The Implementing Regulations of the Enforcement Law

Part One

Chapter One

Powers of the Enforcement Judge

Article (2)

2.1 Courts shall apply to cases filed therewith the provisions of Sharia as stipulated in the Quran and Sunna, and State laws not conflicting with the Quran and Sunna, and shall adhere in their proceedings to the provisions of this Law.

2.2 Powers of the enforcement judge shall include the review of enforcement documents relating to private financial rights in criminal cases.

2.3 The powers of the enforcement judge shall not include procedures that do not require compulsory enforcement, such as making a notation of the transfer of ownership in real property deeds with regard to which a judgment to transfer ownership has been rendered by the judge having subject matter jurisdiction.

Article (3)

3.1 Any dispute relating to the fulfillment of the formal legal requirements of an enforcement document shall fall within the powers of the enforcement judge, such as a claim of forgery of a document or denial of signing such document.

3.2 Any dispute relating to or arising from compulsory enforcement shall fall within the powers of the enforcement judge, e.g. disputes relating to receiver's fees or his replacement, disputes relating to the validity of the garnishee's acknowledgment of the property entrusted therewith, a claim for reimbursement of unlawfully collected proceeds, a claim that the value of the attached property exceeds the claimed debt, or a claim of a defect with a sold property in accordance with the provisions of the Law.

3.3 If the party subject to enforcement asserts his claim of payment, release, conciliation, setoff, transfer, deferral, or the like after the issuance of the enforcement document, determination of the validity of such claims shall fall within the powers of the enforcement judge.

3.4 Any dispute related to the subject of entitlement shall fall within the powers of the judge having subject matter jurisdiction. This shall include disputes over the ownership of the property subject to enforcement, or disputes related to the failure of the two parties to the contract, or either of them, to fulfill their obligations stipulated in the contract, such as construction and supply contracts, and the like.

3.5 The enforcement judge may request correction or interpretation of a judgment by a letter addressed to the authority issuing the judgment; he may impose provisional attachment until said correction or interpretation is completed.

3.6 Any assertion or dispute that should have been raised before the judge having subject matter jurisdiction and was not raised shall fall within the powers of said judge.

3.7 Any dispute arising after the completion of enforcement and is not the result thereof shall fall within the powers of the judge having subject matter jurisdiction, including claims of preemption, entitlement to sold property, or enjoyment of a property.

3.8 Disputes relating to entitlements in bequests and endowments shall fall within the powers of the judge having subject matter jurisdiction.

3.9 The enforcement judge shall issue an order to the police or competent force specifying the tasks to be executed, and such authorities shall immediately execute said order.

Article (4)

4.1 The party requesting enforcement in cases other than custody and visitation shall have the right to choose the territorial jurisdiction provided for only in paragraphs (1, 2, 3 and 4) of this Article, and this

shall give effect to the jurisdiction of the enforcement judge. In the event that a real or movable property is located outside the jurisdiction of the chosen enforcement circuit, said enforcement judge shall assign the sale of such real or movable property to the enforcement circuit in the area where it is located.

4.2 The female party requesting enforcement in marital cases shall have the right to choose the territorial jurisdiction whether to be her own residence area or the venues stated in paragraphs (1), (2), (3) and (4) of this Article.

4.3 The party seeking enforcement in alimony cases shall have the right to choose the territorial jurisdiction for enforcement as provided for in paragraphs (1, 2, 3 and 4) of this Article or the residence area where said party resides.

4.4 The territorial jurisdiction for the enforcement of custody and visitation cases shall be implemented in the residence area of the child that is stipulated in the enforcement document.

4.5 If a location for payment is indicated in the enforcement document, the jurisdiction shall be vested with the enforcement circuit in the area of such location, unless agreed otherwise by the parties.

4.6 The territorial jurisdiction for enforcement shall apply to the prisoner in the same way as to any other person, except as provided for in paragraph (77.2) of the Regulations.

4.7 The territorial jurisdiction for the enforcement of judgments issued for the sale of common property by auction to be divided among partners shall be vested in the court within whose jurisdiction said property is located. In the event of multiple properties, each court shall have the jurisdiction to divide the property located within its jurisdiction pursuant to an enforcement petition submitted thereto in accordance with the applicable procedures.

Article (5)

5.1 The referral of the enforcement petition shall be deemed the first enforcement proceeding.

5.2 a. In the event that multiple creditors claim enforcement over property that has not been divided, the circuit to which the first enforcement petition was referred shall have the jurisdiction to consider such claim.

b. Subject to the provisions of the judgments for assignment of enforcement against the debtor's property located outside the jurisdiction of the circuit, in the event of multiple creditors claiming enforcement against a debtor with more than one court, enforcement shall be carried out in accordance with the applicable procedures, and the enforcement proceeds shall be transferred to the circuit that made the first enforcement procedure.

5.3 If the circuit finds that a previous referral was made to another enforcement circuit, it shall refer the enforcement petition to said circuit. This shall not result in the annulment of prior enforcement proceedings. In case of a conflict of jurisdiction, the relevant provisions set out in the Law of Civil Procedure and its Implementing Regulations shall apply.

5.4 Assignment of enforcement proceedings shall be granted to another enforcement judge in accordance with the following:

- a. The assigning judge shall issue a decision providing for the assignment of the assigned judge, along with the mandate of such assignment.
- b. The assigning judge shall keep the original case file and shall enclose with the assignment decision a true copy of the original enforcement document to which is annexed the enforcement statement or which is stamped with the enforcement seal, along with copies of all papers and documents necessary for enforcement.

- c. The assigned enforcement judge shall provide the assigning enforcement judge with decisions and judgments he rendered relating to the assignment and shall transfer to said judge the enforcement proceeds.

5.5 The assigned judge shall have the power to issue decisions and judgments for the enforcement of his assignment and shall decide enforcement disputes arising from the assignment. Judgments rendered by the assigned enforcement judge shall be appealed before the appeals court in the area of said judge.

Article (6)

6.1 All decisions issued by the circuit shall be deposited in the enforcement petition file; said file shall be archived upon the termination of the petition.

6.2 Decisions and orders issued by the enforcement judge shall bear the title "Judicial Decision" and shall include:

- a. the registration number and date of the enforcement petition;
- b. the location of the enforcement circuit and name of the judge;
- c. the time, day, and date of issuance of the decision;
- d. the full names and identification numbers of the party seeking enforcement and the party subject to enforcement;
- e. the name and identification number of the agent of the person seeking enforcement, if any, as well as the power of attorney's number, date, and place of issuance;
- f. the enforcement document number, date, issuing authority, if any, along with its summary; and
- g. the particulars of the judge's decision.

6.3 Any judgment, decision, or order rendered by the enforcement judge shall be reasoned.

6.4 If the enforcement judge decides that he lacks the jurisdiction to enforce the document, said judge shall apply the provisions relating to conflict of jurisdiction stipulated in the Law of Civil Procedure and its Implementing Regulations.

6.5 If the enforcement judge grants the debtor a grace period for payment, decides to refrain from, stay, or defer enforcement, or allows the payment of such debt in installments, his decision shall be appealable pursuant to the provisions of summary proceedings, except as provided for in paragraph (72.1) of these Regulations.

6.6. Any dispute relating to enforcement or to the subject matter of the enforcement document shall not preclude proceeding with the enforcement, unless the circuit considering the dispute decides to stay the enforcement, in accordance with the provisions of summary proceedings.

6.7 Upon considering a dispute related to the check, in order to stay enforcement, the party subject to enforcement shall deposit the value of the check in the account of the enforcement court, unless the circuit considering the dispute decides otherwise.

6.8 The enforcement decision shall, upon issuance thereof, entail the cancellation of all orders issued against the party subject to enforcement, with the exception of the attached fixed or movable property, said attachment shall continue to the extent that satisfies the enforcement document until a final judgment is rendered on the original claim.

Article (7)

7.1 The terms *assault* and *resistance* used in this Article shall have the meanings provided in Article 88(1)(c) of the Law.

7.2 If an assault, resistance, or attempt to hinder enforcement occurs, the enforcement officer shall immediately submit a report to this effect to the enforcement judge.

7.3 The enforcement judge may, if necessary, include in the enforcement order a permission to break doors and forcibly undo locks.

Chapter Two Enforcement Document Article (8)

8.1 The enforcement judge shall communicate with the relevant agencies directly and shall provide the chief judge of the court or the enforcement circuit, as the case may be, with a copy of such communications.

Article (9)

9.1 Any enforcement document that conflicts with Sharia, in whole or in part, may not be enforced to the extent of such conflict. Any objection filed by the party requesting enforcement shall be decided by circuit and such decision shall be subject to appeal.

9.2 A valid enforcement document is a document containing obligation or commitment.

9.3 Reconciliation records not issued by authorized agencies nor certified by courts shall be deemed as ordinary papers.

9.4 Should a commercial paper fail to meet one of the conditions required for establishing its validity, this shall not preclude its treatment in accordance with Article 15 of the Law.

9.5 Notarized contracts and documents shall be issued by a person authorized to practice notarization within the limits of his jurisdiction.

9.6 If an enforcement document lacks a maturity date, it shall be payable on demand. A person claiming non-maturity may file a petition with the judge having subject matter jurisdiction.

9.7 The judgment rendered by the judge having subject matter jurisdiction and affirmed by the appeals court shall be the enforcement document used in effecting enforcement on the property of a minor, endowments, or the like.

9.8 If the parties reach an agreement contrary to what is provided for in the enforcement document, such agreement shall be attested to by the enforcement judge and shall be deemed an enforcement document and the judge shall make a note to this effect on the first document.

9.9 The decision to reverse a judgment under which it was enforced shall be deemed as the enforcement document for recovering the right, subject matter of the enforcement, to the party subject to enforcement, unless the court or the authority reversing the judgment decides otherwise. The petition shall be submitted in accordance with the general provisions of jurisdiction

Article (11)

11.1 For the enforcement of a foreign judgment or order, the following shall be enclosed:

- a. an official copy of the foreign judgment or order to which is annexed or enclosed the enforcement statement;

- b. an attestation stating that the judgment has become final and enforceable, unless so stated in the judgment itself, and that the judgment has been issued by a competent judicial agency in the foreign country; and
- c. a copy of the judgment notice certified as a true copy, or any other document establishing that the defendant has been duly notified, in the case of judgment *in absentia*.

11.2 A foreign judgment or order may only be enforced if there is no pending suit in the Kingdom that has been filed prior to the suit in which such judgment or foreign order was issued.

11.3 Public order shall mean the provisions of Sharia.

11.4 Documents issued by official entities in a foreign country must be attested by the Ministry of Foreign Affairs and the Ministry of Justice in the Kingdom and translated into Arabic by a licensed translation agency.

11.5 A foreign judgment or order may not be enforced in cases falling within the jurisdiction of courts in the Kingdom, such as lawsuits *in rem* relating to real property in the Kingdom and similar lawsuits.

11.6 The burden of proving the satisfaction of the reciprocity treatment requirement shall lie on the party requesting enforcement.

Article (15)

15.1 The person to whom is attributed the contents of an ordinary paper shall be notified to attend by the party seeking enforcement; if said person fails to appear, the enforcement petition shall be dismissed.

15.2 If the debtor acknowledges the debt stated in the ordinary paper but claims that its date of maturity has not been reached or that he has been relieved from such debt, or the like, the enforcement judge shall enter same in the record. Said paper shall in this case no longer be deemed as an enforcement document and the case file shall be referred to the judge having subject matter jurisdiction if the creditor so requests.

Chapter Three

Disclosure of Property

Article (16)

16.1 The judge may order the search of the debtor or his vehicle in order to carry out attachment of available property. The enforcement officer may seek the assistance of the police or the relevant force, if necessary.

Article (17)

17.1 The enforcement judge may issue a disclosure order to persons other than those referred to in the Article if he has reason to believe that they have knowledge of the debtor's property.

17.2 Debtor's property in the possession of the attaching authority shall be deemed subject to attachment from the date of receiving the order for attachment.

17.3 The enforcement judge may order the debtor's debtor, accountants, and employees to be barred from travelling for disclosure purposes or until attachment proceedings are completed.

Article (18)

18.1 The bodies or authorities set forth in this Article shall notify property owners of disclosed information upon the lapse of 30 days from the date said disclosure is received by the enforcement judge, unless the enforcement judge orders otherwise.

18.2 Failure of the departments referred to in the Article to notify property owners of any disclosures made shall not affect enforcement proceedings.

Article (19)

19.1 Disclosure orders from foreign countries may not be referred to the competent circuit except upon verification of the satisfaction of reciprocity treatment requirements by the Deputy Ministry of Justice for Enforcement and upon ensuring that such disclosure orders do not undermine national security.

Chapter Four

Assets Subject to Enforcement

Article (20)

20.1 Actions taken by the person against whom attachment is carried out shall be limited to non-attached assets, and so shall his acknowledgment after attachment, whether such acknowledgment is attributed to the period prior to attachment or thereafter or regardless of the date of such attachment in which case the party for whose benefit the acknowledgment is made may not have a share with the attaching creditors in the attached assets, unless it is established that such person has issued said acknowledgment prior to attachment. The debtor shall be held accountable for any statement made by him at the end of the attachment or for any amount in excess of the debt for which such assets are attached. Any enforcement document issued after attachment shall have no legal effect, unless it is a judgment based on the non-acknowledgment of the person subject to attachment or the withdrawal of such acknowledgment.

20.2 The enforcement attachment shall take effect by invalidating any action taken by the debtor regarding his attached property from the date and time of issuance of the circuit's order. In the event of a provisional attachment, said invalidation shall commence from the date of informing the person against whom attachment is carried out or the garnishee, or from the date of publishing the notification when the garnishee is not served.

20.3 Subject to the provisions of Article 21, any assets registered in the name of the debtor shall be subject to attachment, even if claimed by a third party; said attachment shall not be removed except upon establishment of the third party's ownership thereof.

Article (21)

21.1 Assets not subject to attachment and enforcement as provided for in paragraph (1) of this Article are assets solely owned by the State. As for assets in which the State holds common shares, attachment may be imposed on other than state-owned shares. In this respect, the enforcement judge shall take into consideration public interest.

21.2 Establishing the debtor's dependents for the purpose of determining the adequacy of financial support provided to said dependents shall fall within the jurisdiction of the enforcement judge.

21.3 Paragraphs (2), (3), (5), and (6) of this Article shall apply to cases where the dwelling, means of transport, or chattels set forth therein are not owned by the creditor; in such case, the creditor shall have the right to reclaim possession thereof in accordance with Sharia.

21.4 Wages and salaries shall include benefits associated therewith, such as allowances, incentives, bonuses, and the like.

21.5 The attachment and enforcement referred to in paragraph (4) of this Article shall not apply to any sums obtained from wages and salaries together before the attachment order was issued, or amounts that are in excess of the living expenses of the debtor and his dependents.

21.6 If the debtor consents to the attachment of assets in excess of what is provided for in this Article with respect to wages and salaries not subject to attachment, the circuit shall impose an attachment to the extent approved by the debtor and an acknowledgment by the debtor to this effect shall be entered in the record.

21.7 The non-attachment provided for in paragraph (5) of this Article shall not apply to the debtor's financial gain from his profession or vocation if in excess of his need and the needs of his dependents.

Article (22)

22.1 If the enforcement judge designates the assets subject to enforcement from the total disclosed and attached property, he shall order to remove attachment from the remaining assets and shall notify the other entities to cease disclosure and attachment.

22.2 If the party subject to attachment wishes to deposit an amount that satisfies the entire debt, he shall pay all attachment and enforcement expenses. Otherwise, attachment may not be removed.

22.3 All expenses arising from attachment shall be incurred by the debtor, unless the attachment is caused by another person; in which case, said person shall incur the expenses.

22.4 If the case requires enforcement expenses to be paid, they shall be paid by the debtor or, if he abstains, by the creditor; otherwise, enforcement proceedings shall be suspended.

22.5 If the parties agree to terminate attachment and enforcement, such agreement shall determine the party which shall incur enforcement expenses, if any.

22.6 If the judge decides to remove attachment, all effects of such attachment shall be removed, unless the judge decides otherwise.

Part Two Provisional Attachment Article (23)

23.1 In the event of a jurisdictional conflict with regard to the provisional attachment order, jurisdiction shall be vested with the judge with whom the petition for provisional attachment was initially filed. If such conflict is resolved, the judge having jurisdiction to consider the case shall decide whether to maintain or remove the attachment.

23.2 The court that issued the provisional attachment order shall request, in writing, the agencies in charge of or supervising property registration to enforce said order.

Article (24)

24.1 If the party subject to attachment does not have a domicile in the Kingdom, the petition for provisional attachment shall be filed with the court within whose jurisdiction the creditor's domicile is located.

24.2 A creditor shall be entitled to file a petition for provisional attachment in cases where he fears that the lapse of time may affect.

24.3 All debtor's assets shall be provisionally attachable, whether they are movables, real property or otherwise.

Article (25)

25.1 If it is established that provisionally attached movable assets or fruits are owned by another lessee, provisional attachment shall be transferred to the rent automatically.

Article (27)

27.1 Service on the garnishee shall be made in accordance with Article 34(3) of the Law and related provisions provided for herein.

27.2 The ten-day period stipulated in this Article shall commence on the day following the day the garnishee is served.

27.3 The circuit shall assess the amounts paid by the garnishee for the benefit of the attached assets, to be deducted from his liabilities if he so requests.

27.4 If the garnishee refuses to make a declaration of his debts and assets, or if he provides a false declaration, the creditor may, after a favorable judgment, seek enforcement against the garnishee's assets,

and seek indemnification for any damages arising from litigation he may have incurred due to the garnishee's refusal to make a declaration or due to providing a false declaration.

27.5 If the garnishee makes an accurate declaration of his liabilities and abstains from depositing within the specified period, the creditor, in whose favor the judgment is rendered, may enforce against the garnishee's assets to an extent not exceeding the value of the attached assets, without the need for a new attachment, and the attachment decision shall be deemed an enforcement document against the garnishee.

Article (28)

28.1 The establishment of right shall be subject to the circuit's discretion.

28.2 If part of the debt is due, provisional attachment shall be imposed to the extent equal to such part.

Article (29)

29.1 The circuit may, if necessary, request any relevant agency to conduct the necessary investigation.

Article (30)

30.1 The petition for provisional attachment shall be referred to the trial judge considering the original suit and if such petition is filed prior to the original suit, such suit shall be considered by the judge to whom such petition is referred.

Article (31)

31.1 If the attachment is revoked, a petition for its renewal by means of appeal shall be made with the receiver of the first attachment.

31.2 There shall be as many attachments as there are garnishees, and each attachment shall have a separate order and proceedings. Each attachment petition shall be filed separately. Petitions of the same grounds shall be referred to the same circuit and each petition shall be deemed a separate case.

31.3 Service shall include preclusion of the garnishee from delivering any assets in his possession or liabilities to the defendant or any third person, and he shall be deemed a guarantor if he violates such obligation.

Article (32)

32.1 The solvency of the guarantor and adequacy of the guarantee shall be subject to the circuit's discretion.

32.2 The guarantor's declaration shall be attested by the receiver, notary public, or any person authorized to carry out attestation activities.

32.3 The circuit that issued the provisional attachment order or the circuit having jurisdiction over same, as the case may be, shall consider any suit for damages filed by the party subject to attachment if such suit falls within his jurisdiction of said court, and same shall be deemed a separate case.

Article (33)

33.1 If the attached assets are perishable or depreciable, the authority issuing the provisional attachment order may sell such assets upon its own motion or a petition filed by a litigant, the receiver, or a stakeholder. If the attached assets are subject to price volatility, they may not be sold except upon the request of the defendant and the attachment shall be automatically transferred to the sale proceeds. The sale shall be in accordance with the paragraph (50.10) herein.

33.2 If the court or the competent authority renders a judgment establishing the right of the party requesting attachment, the provisional attachment shall be deemed an enforced attachment.

33.3 The authority may, on its own motion or pursuant to a petition by the defendant, remove the provisional attachment after serving the garnishee.

33.4 If the party requesting attachment abandons or relinquishes the suit or if the suit is dismissed, discontinued, or closed, the provisional attachment shall be deemed revoked.

Part Three
Enforcement Procedures
Chapter One
Enforced Attachment
Article (34)

34.1 If a court receives a case file from an official entity containing an enforcement petition, it shall return the same and notify such entity to inform the party requesting such enforcement to file his petition directly with the court. The court may, if necessary, request such case file.

34.2 An enforcement petition shall include the following:

- a. the full name of the party seeking enforcement, his identification number, profession or occupation, telephone number, national address, permanent place of residence, and his designated place of residence in the area falling within the jurisdiction of the enforcement circuit in case he has no place of residence therein;

Such particulars shall be satisfied for any person who files for enforcement by proxy along with the particulars of the original applicant.

- b. the full name and identification number of the party against whom enforcement is made, as well as any information pertaining to his profession or occupation, and his place of residence;
- c. the court with which the enforcement petition is filed;
- d. date of petition;
- e. number, date, and issuing authority of the enforcement document, if any;
- f. the amount and general description of the entitlement, if not a debt, or the content of the petition; and
- g. the applicant's bank account number that he wishes his share of the enforcement proceeds to be deposited in if the property subject to enforcement is a financial asset.

34.3 Incomplete information shall not render the petition of enforcement invalid if the purpose of the proceeding is served.

34.4 In the event that the petition for enforcement is incomplete, the applicant shall be given a grace period of 30 days to complete the missing data; otherwise, the petition shall be dismissed.

34.5 If the entitlement is indivisible, the party requesting enforcement shall submit the original copy of the petition along with a number of copies equal to the number of debtors, signed using the form designated for such purpose, and shall include a copy of the enforcement document.

34.6 Unrelated enforcement documents may not be combined in a single enforcement petition.

34.7 The text of the enforcement statement referred to in paragraph 2 (a) of this Article shall read as follows: "*All relevant ministries and government agencies shall enforce this judgment using all applicable legal means, including the use of force by the police.*"

34.8 The text of the enforcement seal referred to in paragraph 2 (b) of this Article shall read as follows: "*Enforcement document no. ()*" and shall be appended with the name and signature of the judge and the name of the enforcement court or circuit.

34.9 The circuit may affix the enforcement seal referred to in paragraph 2 (b) of this Article on the copy of the enforcement document accompanying the petition.

34.10 The debtor, or his agent, shall be served at his place of residence or work.

34.11 If the debtor refuses to receive the process or to sign the service papers, his refusal shall be entered into a record, and he shall be deemed served.

34.12 A person who does not have a known or designated place of residence in the Kingdom shall be served by the governorate of the province, county, or township, or by the entity designated by the governorate of the province or county to serve him pursuant to the applicable methods.

34.13 A debtor shall be deemed to have not been served upon receiving a notice to this effect or by the lapse of the period designated in paragraph (3) of this Article without receiving a process of service.

34.14 No process shall be served to the defendant's place of residence before sunrise nor after sunset. The circuit may, where necessary, give a permission to serve the process at any time. If the process is served by electronic means, this may be carried out at any time.

34.15 The service shall be made of two identical copies: the original and a copy thereof, and shall include the following:

- a. the subject of the enforcement order as well as the date and time thereof;
- b. the full name, profession or occupation, and place of residence of the party seeking enforcement and his representative, if any;
- c. the full name of the debtor, and any available information about his profession or occupation, and place of residence;
- d. the name of the process server and his capacity;
- e. the name of the person receiving the service papers, and his signature on the original, or a note establishing his refusal to receive the service papers and reasons therefor; and
- f. the process server's signature on the original service papers.

34.16 The copy of the service papers shall be accompanied by the following:

- a. a copy of the enforcement order; and
- b. a copy of the enforcement document.

34.16 The copy of the service papers shall be accompanied by the following:

- a. a copy of the enforcement order;
- b. a copy of the enforcement document.

34.17 Service of process shall be issued bearing the signature of the enforcement officer.

34.18 If the person receiving the process is illiterate, a note to this effect shall be made in the original process and the thumbprint or seal of said person shall be affixed thereto.

34.19 Service shall be deemed valid if the process is delivered to the person it was addressed to, even if delivered at a place other than his place of residence or work.

34.20 Service shall be made as follows:

- a. For companies, associations, sole proprietorships, or branches thereof: to their managers, their designees or representatives; as for foreign companies and establishments having a branch or agent in the Kingdom: to the manager of the branch or his designee.

- b. For military personnel: to the immediate supervisor of the person sought to be served.
- c. For sailors and ship crew: to the captain.
- d. For a person subject to interdiction or endowment: to the trustee, guardian, or administrator, as the case may be.
- e. For a prisoner or detainee: to the prison warden or to the detention facility.

34.21 Without prejudice to the provisions of treaties and agreements, if the debtor's place of residence is in a foreign country and his property is in the Kingdom, the process shall be served to the Ministry of Foreign Affairs, and a response therefrom indicating that the process has been served to the debtor shall suffice.

34.22 The notification deadlines provided for in the Law shall be extended for a period of 60 days for persons residing outside the Kingdom. If no notice indicating that the process has been served is received within said period, the process shall be served by publication in one of the most widely circulated newspapers in the area of the court.

34.23 The announcement shall be made pursuant to the approved form, and its cost shall be paid by the person seeking enforcement. Such cost shall be included in the enforcement expenses.

34.24 An acknowledgment shall be obtained from the person seeking enforcement – upon submitting a petition for enforcement – that he shall be deemed served with any notifications delivered to any of the addresses or means of contact stated in the petition for enforcement, that he shall be bound by the judicial and legal effects thereof, and that he shall keep said addresses up to date.

34.25 The circuit may, when necessary, order to ban the person subject to enforcement from traveling before he is served the enforcement order. It may require a guarantor or a guarantee, to be determined by the circuit, to indemnify the person subject to enforcement should it appear that the claim of the person seeking enforcement is invalid.

Article (35)

35.1 The agencies in charge of registration of movable property shall immediately enter a note of attachment into the registers of such assets after the enforcement officer draws up the attachment report. The circuit may, when necessary, order the note of attachment to be entered into the register before the report is drafted.

35.2 If enforcement against a movable property requires certain measures to be taken, the circuit may request, in writing, the competent agency to complete the necessary measures without the presence of the owner. It may grant specific authorization to the creditor, judicial sale agent or others pursuant to a decision issued thereby.

35.3 Enforcement shall be carried out between sunrise and sunset and may be extended through the night if initiated prior to sunset. No enforcement may be carried out at night or during official holidays unless authorized by the enforcement judge.

35.4 Upon the issuance of an order by the enforcement judge transferring attached property, the enforcement officer shall include in the report the party responsible for such transfer, means of transfer, and any requirements for such transfer, description of the property, transfer cost, and the agency from which or to which said property is transferred.

Article (36)

36.1 Low-value property is the property whose value does not exceed 50,000 riyals.

36.2 The valuator and enforcement officer may access the real property without the presence of the police if such presence is not needed.

Article (40)

40.1 The data contained in this Article shall be completed as the case may be, and the attachment report shall be enclosed with the file of the enforcement petition.

40.2 The report shall be signed at the place of the attached property, if possible, and on each page thereof.

Article (41)

41.1 The enforcement officer shall serve the persons stated in this Article in accordance with the applicable notification procedures provided for in paragraph (3) of Article 34 of the Law and its implementing regulations. If notification of said persons is unfeasible, the attachment report shall be displayed in the place where the court's enforcement announcements are posted or published on its website. The enforcement officer shall be in charge of this process.

Article (42)

42.1 Procedures relating to a guarantee and a guarantor shall be in accordance with paragraphs (32.1) and (32.2) herein.

Article (43)

43.1 Matters relating to the receiver, which are not provided for herein, shall be governed by the Law of Civil Procedure and its Implementing Regulations.

43.2 If the concerned parties agree on an unlicensed receiver, the circuit may approve said agreement. If said parties fail to reach an agreement in this respect or no licensed receiver is available, the circuit shall issue a decision appointing any receiver he deems fit.

Article (44)

44.1 If the concerned parties agree on the receiver's fee, the circuit may approve said agreement, unless the attached property belongs to a minor or is an endowment; in such case, the circuit shall verify the appropriateness of the fee.

44.2 If the circuit finds that the comparable fee of the receiver of plants and fruits would be the cost of all or most of the crops of such plants and fruits, thus benefiting neither the creditor nor the debtor, the circuit may decide not to appoint a receiver or mandate the party subject to attachment to undertake receivership of the attached property without any guarantee or guarantor if said party is unable to provide the same.

Article (45)

45.1 The circuit may, when necessary, initiate attachment proceedings against a real property by communicating with the agency that issued the relevant title deed prior to the drafting of the attachment report.

45.2 The agency issuing the relevant title deed shall inform the circuit regarding an entry of attachment made into the real estate register.

45.3 Attachment of a real property shall include its yields. The lessee shall be notified of the enforcement attachment and must deliver the rent amount to the court or receiver, as applicable, to be deposited into the enforcement account.

45.4 If enforcement against a real property requires the completion of its title deed, the circuit may request the issuing agency to complete said deed without the presence of its holder, and may grant specific authorization to the creditor, judicial sale agent or others pursuant to a decision issued thereby.

45.5 If the real property title deed cannot be obtained in order to verify its validity, or to make notations thereon, the circuit shall order the issuance of a copy of the real property title deed to be made for enforcement purposes. Said copy shall serve as the approved deed.

Article (46)

46.1 If the creditor requests the non-application of all or some of the provisions of paragraphs (1), (2), (3), and (4), and paragraphs (a), (b), (c), and (d), the enforcement judge shall agree thereto and obtain an undertaking to this effect from said creditor.

46.2 The circuit may, when necessary, permit a debtor who is subject to a travel ban to travel upon providing a guarantee or a guarantor, or if it is established by a medical report that he is in need of medical treatment outside the Kingdom.

46.3 The circuit may order the suspension of powers of attorney and formal authorization letters issued by non-judicial agencies.

46.4 If the circuit determines that prohibiting government agencies from dealing with the debtor would undermine public interest, the circuit shall suspend such prohibition and take measures he believes to be in the interest of justice.

46.5 This paragraph has been cancelled pursuant to the Ministry decision no. 7207, dated 4/6/1441H.

46.6 The imprisonment provided for in this Article shall be deemed an enforcement imprisonment as stipulated in Article 83 of this Law.

Article (47)

47.1 If the need arises to interrogate a person, he shall be summoned pursuant to Article 34(3) of the Law and related provisions provided for herein. In case of non-compliance, the judge shall summon him by force.

47.2 The circuit may, if necessary, request the investigating agency to conduct the interrogation and investigation.

Article (48)

48.1 The circuit considering the petition for enforcement shall have the jurisdiction to make a notation on the enforcement document indicating any implemented actions, regardless of the origin of said document

48.2 If enforcement covers the whole document, the original document shall be delivered to the party against whom enforcement is made. If the document is included in a register, the person subject to enforcement may request the issuing agency to transfer the notation in his favor. In the event that the enforcement document establishes a permanent right of the person seeking enforcement, e.g. child custody, he shall retain the original and shall deliver a copy thereof to the person subject to enforcement.

48.3 In the event that it is not possible to bring the original enforcement document for making a notation thereon, a report to this effect shall be drafted, and the person subject to enforcement shall be furnished with a copy thereof.

48.4 The circuit issuing the judgment shall have the jurisdiction to make a notation on the document if the enforcement is made prior to filing the enforcement petition.

Chapter Two

Sale of Attached Property

Article (49)

49.1 The auction hall shall be the place designated by the circuit for the sale of the attached property.

49.2 The creditor, debtor, and their agents may attend the auction without satisfying the eligibility requirement. The creditor may take part in bidding if he satisfies such requirement or if the debt exceeds the value of the property to be sold.

49.3 Any person involved in any enforcement proceedings, as well as his ascendants, descendants, and spouses, may not take part in such auction.

49.4 Conditions of eligibility to participate in the bidding and the establishment of solvency shall be as follows:

- a. The bidder shall submit a declaration stating that he is not on any credit rating agency's list of delinquent debtors and has not been judicially declared insolvent or bankrupt, and the circuit may verify the same if necessary; and
- b. The bidder shall pay an amount equal to 5% of the estimated value of the property by a bank check made to the order of the chief judge of the enforcement circuit, or by an unconditional bank guarantee for the full estimated value.

49.5 Establishment of solvency shall not be required for bidding for attached property whose estimated value is equal to or less than 100,000 riyals.

49.6 The enforcement officer may order anyone who appears to be undermining the integrity of the auction to be removed from the auction hall and may, to this end, seek police assistance.

49.7 A qualified bidder may, if needed, bring other person(s) into the auction hall.

49.8 Deductions and repayments shall be made as follows:

- a. cash amounts not exceeding 10,000 riyals shall be received by the enforcement officer or judicial sale agent and shall be deposited in the account of the court;
- b. bank check;
- c. wire transfer to the account of the court;
- d. deduction made at sale points of the enforcement circuit; and
- e. payment into the account of the court by any other banking means.

Article (50)

50.1 The circuit may, upon a petition by the claimant or defendant and at the expense of the requesting party, allow the use of multiple means for announcements or publications or the repetition thereof. The circuit may, upon his own motion, order the same for the benefit of the attached property and expenses shall be borne by the judicial sale agent. In such case, the periods referred to in paragraph (1) of this Article shall not be binding.

50.2 Property subject of the sale shall be made available for inspection during the announcement period.

50.3 The auction announcement shall, in addition to the requirements provided for in this Article, include the number and date of the enforcement order, as well as the lapse of the option of the contracting session upon awarding the bid.

50.4 The provisions of this Article shall apply to assets to be sold pursuant to a decision issued by the judge having subject matter jurisdiction in the event that the judgment rendered by the enforcement judge provides for the sale thereof, in which case the provisions of Article 34 of the Law shall not be implemented.

50.5 If there are no bidders or the bidding does not reach the pre-estimated value, the enforcement officer shall terminate the auction and prepare a report to this effect signed by him and the judicial sale agent.

50.6 Real property, precious metals, jewelry, and the like, may not be reevaluated or reaucted more than three times and shall, in the third time, be sold for the highest bid, provided that such bid is not less than the value estimated in the second auction; except mutual loss and gain (within tolerable limits). The dates of the second and third auctions shall be within a period not less than 15 days.

50.7 If 15 minutes lapse after the highest bid and no higher bid is made, the judicial sale agent shall award the highest bid and end the bidding and the sale shall be binding. The enforcement officer may extend such period for another 15 minutes.

50.8 If the creditor and debtor accept the last bid even if the bidding did not reach the estimated value, the auction shall be terminated and the enforcement proceedings shall be completed unless the debtor is a minor – in other than cases of compulsory jurisdiction –, an endowment, or the like; in such case, auction proceedings shall be completed.

50.9 If immediate payment is unfeasible, the winning bidder shall be granted a grace period not exceeding 10 working days.

50.10 If the attached movable property is perishable or its value does not cover the cost of its storage and sale or if its estimated value does not exceed 50,000 riyals, such property shall be sold in the manner the circuit deems appropriate, without complying with the movable property sale procedures.

50.11 If payment is made in cash or by bank check, the enforcement officer shall receive such payment against a receipt to be delivered to the buyer. If payment is made by other means, the enforcement officer shall verify such payment. A copy of the receipt and notification shall be included in the case file.

50.12 No request for pre-emption shall be accepted with regard to property sold by auction, and the party entitled thereto may participate in the auction in accordance with the provisions of Article 49 of the Law.

Article (51)

51.1 Prohibited influence shall include advertisements and sale promotions which contain misleading prices.

51.2 The prohibition provided for in this Article shall include actions taken prior to or during the auction.

51.3 The circuit may, if necessary, order the use of modern technology to monitor and document the auction.

Article (52)

52.1 An amount equal to the debt underlying the attachment as well as attachment and enforcement expenses may be deposited in the account of the enforcement circuit at any time during the proceedings and prior to the award; in such case, the attachment shall be lifted.

52.2 If, prior to the award, the debtor brings a buyer for the attached property for a price not less than the underlying debt, the circuit shall approve the sale and issue a decision to this effect, and receive from the agreed-upon price an amount equal to the underlying debt in addition to all attachment and enforcement expenses. This shall result in the lifting of the attachment, unless the debtor is a minor, endowment, or the like; in such case, auction proceedings shall be completed.

52.2 In the event that, prior to the award, the debtor brings a buyer for the attached property for a price less than the underlying debt, and that the attaching creditors and any party deemed involved in the sale procedures give their agreement to such price, the circuit shall approve and establish the sale by a decision to this effect. The price shall be distributed pursuant to the provisions of distribution of enforcement proceeds. The attachment and enforcement shall continue with regard to the remaining property of the debtor until full payment of the debt unless the debtor, or the creditor, is a minor – in other than cases of

compulsory jurisdiction –, an endowment, or the like; in such case, auction proceedings shall be completed.

52.4 If enforcement requires the sale of the real property of a minor – in other than cases of compulsory jurisdiction –, endowment, or the like, the sale shall be effected pursuant to a judgment rendered by the enforcement circuit subject to mandatory appeal; after which, said property shall be sold by auction and auction proceedings shall be completed.

52.5 If the creditor, prior to the award, relieves the debtor or reaches an agreement with him to postpone payment of the debt, the auction shall be terminated upon the debtor's payment of attachment and enforcement expenses.

Article (53)

53.1 The sale record shall contain:

- a. the enforcement petition number and the record's time and date;
- b. particulars of the claimant and the defendant;
- c. a statement of sold property and a description thereof as well as the document of ownership, if any;
- d. the real property's title deed number, date, and issuing agency, as well as the lot's number, if any, boundaries, dimensions, and area;
- e. particulars of the winning bidder and his domicile, place of work, and address; and
- f. the sale price and amount paid.

The record shall be signed by the enforcement officer, judicial sale agent, and winning bidder.

53.2 No award decision may be issued prior to the full payment of the sale price.

53.3 The award decision shall bear a number and the time and date of its issuance, and it shall include the sold property and its description, and indicate the buyer's or his agent's inspection and receipt of the sold property. A copy of the award shall be included in the file of enforcement petition.

53.4 If the sold property is a real property, the award decision shall, in addition to what is provided for in the preceding paragraph, include all the requirements for the transfer of ownership.

53.5 Upon the sale of a real property, the circuit shall issue the award or sale decision, as the case may be, and shall send same to the notary public office to complete the transfer of ownership and make a notation to this effect into the deed and register, or send the same to the issuing agency, and issue the title deeds if necessary. This shall not require the attendance of the enforcement parties before the notary public.

53.6 If the sold property, other than a real property, has a title deed, the relevant agency shall be addressed for completion of the transfer of ownership.

53.7 The sale price shall not be delivered to the party seeking enforcement – and the like – except after completing the ownership transfer procedures.

53.8 Any person occupying a sold real property must vacate such property, unless a lease exists. If said occupant refuses or fails to attend, he shall be subject to Article 72 of the Law and related provisions provided for herein.

53.9 The buyer shall receive the movables he has purchased after paying the full amount, even before the decision awarding the auction is issued; said movables shall be placed under his custody and shall be transferred from the auction hall at his expense.

Article (54)

54.1 Clearance of title from any claims shall be effected against any party established to have knowledge of the auction whose due right is associated with the claim against the debtor. Any case arising therefrom shall be heard by the judge having subject matter jurisdiction.

Article (56)

56.1 The accounts of enforcement funds stated in this Article shall be managed by the head of the enforcement court or the enforcement judge, as the case may be.

56.2 The officer in charge of the enforcement account shall receive cash amounts, checks, precious metals, valuable items, and the like, which may be deposited against a receipt, and deposit the same in the court enforcement circuit's bank account or its treasury, as the case may be, against a deposit receipt.

56.3 Without prejudice to the possibility of enforcement by electronic means, withdrawal from the account shall be effected by means of checks payable to the first beneficiary, provided that such check bears the number of the enforcement petition and is signed by the chief judge of the enforcement court or the enforcement judge, as applicable, as well as the enforcement account officer. The beneficiary shall sign a copy of the check acknowledging receipt; otherwise, the amount of the check shall be deposited in his account as provided in the enforcement petition. The enforcement account officer shall record such checks in the relevant register.

56.4 No debit cards may be issued for enforcement accounts.

56.5 A department for the accounts of enforcement courts and circuits shall be established in the Deputy Ministry of Justice for Attachment and Enforcement. The duties of said department shall include:

- a. auditing data relating to received and disbursed amounts and vouchers thereof and issuing relevant reports;
- b. ensuring that relevant circulars are communicated to the treasurers of court accounts;
- c. receiving inquiries and complaints relating to the accounts; and
- d. training the staff managing such accounts and improving their performance.

Chapter Three

Distribution of Enforcement Proceeds

Article (57)

57.1 A party involved in the proceedings is a person entitled to be paid as a result of attachment or enforcement proceedings, such as the administrator, judicial sale agent, custodian.

57.2 Attachment and enforcement expenses shall have priority over rights of attaching creditors in the distribution of proceeds. Such expenses shall not be included in the allocated shares.

57.3 Enforcement proceeds shall be distributed and delivered to the beneficiaries pursuant to a report signed by the judge, enforcement officer, and beneficiary. If the payment is made from the account of the court or by a bank check, no report shall be required, and it shall suffice to attach a copy of the deposit order or check – as applicable – to the file of the enforcement petition.

57.4 If the distribution of the proceeds is the result of liquidation of a shareholding company, partnership, or investment of funds, and the file of the enforcement petition includes the names of shareholders or partners, or if it appears to the circuit that there are other creditors who did not file a petition for enforcement, and the proceeds are insufficient to pay for the entitlements, an announcement to this effect

shall be made in the manner determined by the circuit. If a period of 60 days lapses, the distribution of the proceeds shall be limited to the parties that filed a petition for enforcement.

Article (58)

58.1 If the creditors include a minor, in other cases of compulsory jurisdiction, an endowment, or the like, the share of each thereof in the agreement shall not be less than their allocated share.

Article (59)

59.1 If the asset is pledged, the debt is not due, the value of the pledge exceeds the amount of the debt, and the pledge is sold to pay the debts of other creditors, the pledgee shall, upon the sale of the pledge, receive his due amount, unless the debtor wishes to transfer the pledge to another asset; in such case, the transfer shall be effectuated pursuant to a decision by the circuit. The circuit shall, at his discretion, grant the debtor a grace period not exceeding six months to complete the transfer of the pledge; otherwise, the pledgee shall receive his due amount.

59.2 The judgment issued in accordance with this Article shall be subject to appeal.

Chapter Four

Garnishment

Article (60)

60.1 The debtor's employer and the garnished financial institution shall not permit the debtor to transfer the deposit of his monthly salary and his financial dues to another financial institution, save with a permission from the circuit.

60.2 If the debtor does not wish to continue investing a term deposit pursuant to the principles of Sharia, the circuit shall take the necessary orders to accelerate repayment, even if the deposit is broken.

Article (62)

62.1 The amount of a garnished check, or available portion thereof, shall be collected pursuant to an order issued by the circuit to the drawee bank.

62.2 The subrogation provided for in paragraph (3) of this Article shall be pursuant to a decision issued by the circuit.

Article (63)

63.1 The deposited movables and real estate referred to in this Article shall be the sale price thereof.

Article (67)

67.1 If a government agency in possession of garnished funds disposes of the same in a manner contrary to the enforcement judge's order, the party seeking enforcement may file for damages before the relevant agency.

Part Four

Chapter One

Direct Execution

Article (68)

68.1 The circuit may, when necessary, request the issuing agency to implement the enforcement document covered in this Article.

Article (69)

69.1 Fines shall be levied in accordance with this Law and deposited in the State treasury upon completion of enforcement proceedings. Fines cannot be refunded once deposited in the State treasury.

69.2 Any judgment rendered pursuant to this Article shall be deemed final.

Article (70)

70.1 In the event that the party subject to enforcement refuses enforcement in cases of direct execution, the circuit may, in addition to the procedures stated in the Law, take one or all of the following measures against him:

1. Banning him from travel;
2. Preventing government agencies from dealing with him; and
3. Preventing financial institutions from dealing with him.

Article (71)

71.1 The legal representative of a private corporate person means any person authorized under the firm's articles of incorporation or articles of association to take action relating to the subject matter of enforcement, such as the chairman of the board of directors or the chief executive officer.

71.2 The circuit shall determine the persons against whom the provisions of direct enforcement shall apply, whether the legal representative or the person who caused the impediment or both, as the case may be.

71.3 The circuit may – when necessary – prevent government agencies from dealing with the persons whose names are stated in this Article, or prevent them from traveling.

Article (72)

72.1 The circuit may, if necessary, postpone the real property eviction for a period not exceeding 30 days.

72.2 An announcement shall be posted at the entrance of the real property to be evicted five days prior to the date of eviction. Such announcement shall contain the date of eviction and disconnection of utilities.

72.3 Enforcement by eviction from a real property occupied by an establishment entailing rights for parties other than the possessor thereof, such as schools, factories, hospitals, and the like shall be made after notifying the entity overseeing such establishment of the eviction date set by the circuit to take necessary action.

72.4 The circuit may, if necessary, seek the assistance of experts to execute the eviction, and the party against whom enforcement is made shall pay their fees as determined by the circuit.

72.5 Sharia rules shall be observed when entering homes where women and children are present. Said women and children shall be allowed to leave in a manner that does not impede enforcement. In such case, enforcement shall be in the presence of relevant law enforcement officers.

72.6 The enforcement officer shall draft a report on the eviction of the real property.

72.7 If the movables found in the real property are perishable or their value does not cover the costs of their storage, or if their estimated value does not exceed 50,000 riyals, and their owner fails to appear or refuses to receive same, they shall be sold in accordance with the provisions of paragraph (50.10) of these Regulations.

72.8 Movables which are easily perishable shall only be delivered to the possessor upon payment of expenses due on them. If the possessor fails to pay such expenses, the movables shall be sold and the expenses shall be deducted from the sale price.

72.9 In case of a dispute over ownership of movables in the real property, the enforcement officer shall draft a report to this effect and submit it to the judge, and deliver said movables to the judicial custodian.

72.10 If it is found that the real property is occupied by a person other than the person subject to enforcement and the occupant of the property refuses eviction and he holds an enforcement document granting him the right to exploit said real property, such case shall be deemed an enforcement dispute. In the absence of such document, the enforcement proceedings shall continue and the occupant may file a suit with the trial judge.

Chapter Two
Enforcement in Family-Related Issues
Article (73)

73.1 If enforcement, in personal status matters, involves the payment of funds to be due on a regular basis, and the person subject to enforcement has a personal bank account, the circuit shall order the entity with which the funds are kept to deduct the due amount from such account and credit the same to the account of the person seeking enforcement, in which case the provisions of Article 34 of the Law shall not be implemented.

73.2 If the person subject to enforcement does not have a bank account and has funds with an entity or person, the circuit shall order the entity or person in possession of the debtor's funds to garnish an amount equal to the due amount, and the same shall be credited to the account of the person seeking enforcement.

73.3 If the person subject to enforcement does not have regular income or his funds are not kept with any entity or person, said person shall undertake to pay regular due payments on time and deposit the same into the account of the person seeking enforcement. Said person shall be made aware of the penalties stipulated in the Law for violation thereof.

73.4 Due alimony shall have priority over other debts.

73.5 A garnishment order involving regular payments shall provide the enforcement commencement date and the amount of funds garnished for each payment.

Article (74)

74.1 Gradual enforcement starting with providing advice and guidance and then making arrangements for the delivery of the child under custody in a manner that does not harm the person seeking enforcement, the person subject to enforcement, and the child, in addition to informing the party refusing to comply of the provisions of Article 92;

74.2 If a parent or the like refuses enforcement, fails to appear before the court, hides or refuses to return the child under custody or the person subject of visitation, the circuit may, in addition to the measures stated in this Article, take any or all of the following procedures against said person:

1. travel ban;
2. imprisonment;
3. Preventing government agencies from dealing with him; and
4. Preventing financial institutions from dealing with him.

74.3 If the person subject to enforcement assaults or threatens the child under custody, the person subject of visitation, or the person seeking enforcement, the circuit may order the imprisonment of said person for a period not exceeding 24 hours and may refer him to the Public Prosecution.

74.4 The circuit may enforce the judgments and decisions issued – pursuant to the provisions of summary proceedings – providing for the visitation or delivery of the child under custody without implementing the provisions of Article 34 of the Law with regard thereto.

Article (75)

75.1 This paragraph has been cancelled pursuant to the Ministry decision no. 5502, dated 21/11/1440H.

Article (76)

76.1 a. The judge having subject matter jurisdiction shall determine the area of the custody or visitation, the number of visitation days and designation thereof, and the times therefor.

b. The enforcement judge shall specify the delivering and receiving party of the person subject of visitation, as well as the means and cost of transport, visitation place and conditions, and the like, unless the judgment stipulates otherwise or the parties agree to the contrary. The decision of the enforcement judge made pursuant to this Article shall be deemed final.

76.2 Enforcement of the visitation judgment and delivery of the child shall be carried out at the place of residence of the person subject of visitation or of the person seeking enforcement if the child’s area of residence is the same as that of the person subject of visitation, or in the place of residence of a relative of the person subject of visitation who resides in the same area. If this proves unfeasible, the judgment shall be enforced at any of the following places:

- a. government social institutions;
- b. licensed charitable associations and organizations; or
- c. any appropriate place determined by the circuit, whether public or otherwise.

67.3 If there are grounds for reconsideration of a judgment relating to family-related matters, the case shall be considered by the trial judge.

76.4 The petition for enforcement of the judgments issued in custody and visitation matters shall be deemed terminated with the lapse of 60 days from the last action taken thereon by the circuit. If one of the parties approaches the circuit upon the lapse of said period for the enforcement of the same petition, he shall file a new petition to be referred to the same circuit.

Part Five
Chapter One
Insolvency
Article (77)

77.1 The debtor shall file an insolvency claim with the competent circuit using the form set for such purpose.

77.2 The enforcement circuit that has considered the enforcement document shall also consider the insolvency claim. Such claim shall be deemed a new case, unless the person claiming insolvency is imprisoned or detained in another area, in which case, his insolvency claim shall be heard by the relevant circuit in the area where the prison or detention center is located.

77.3 Consideration of any insolvency case the establishment of which entails seeking damages from the public treasury shall require the King’s approval.

77.4 The announcement shall be published in the place where the electronic enforcement data are posted. The circuit may order the use of multiple means for announcement or publication or the repetition thereof.

77.5 If a person imprisoned for a debt proves to be insolvent, the circuit shall order his release even if the judgment has not become final.

77.6 If the circuit establishes insolvency and the judgment becomes final, the judgment deed may not be delivered to the debtor and shall be included in the case file.

Article (78)

78.1 The circuit shall include in its judgment of imprisonment against the debtor to summon him during his imprisonment period to disclose his financial status, in accordance with the provisions of paragraph (2) of this Article. The prison administration shall bring the debtor on a regular basis, and the circuit shall draw up a report on the procedures carried out in this regard.

78.2 The minimum amount awarded for indemnification shall be 50,000 riyals or less in cases involving indemnity; 100,000 riyals or less in cases not involving indemnity, 10,000 riyals or less in alimony cases, one-third of the *Diyyah* (Sharia-prescribed blood money) amount or less in cases of *Diyyah*, *Arsh* (Sharia-prescribed compensation for bodily injury) and judgments involving bodily injury, and 10,000 riyals or less in cases of aggression against property.

78.3 The circuit may issue a judgment of imprisonment against a person claiming insolvency to disclose his financial status if he is unaware thereof.

Article (80)

80.1 An occurrence shall be established by making an entry into the record providing a description of said.

80.2 If an insolvency case is established to be fraudulent, the judge shall dismiss such case and his decision shall be subject to appeal.

Article (81)

81.1 The name and identity of the person proven to be insolvent shall be published on the website where enforcement information is posted.

81.2 The circuit shall notify the licensee in charge of registering credit information in the event that the debtor pays his debt in full.

81.3 If the debts are settled, the circuit shall make a note to this effect on the insolvency deed.

81.4 The circuit which ruled on the insolvency shall consider the solvency case, and the same shall be counted as a new case.

81.5 If the debtor proves to be insolvent, the circuit may continue to ban him from travel.

Chapter Two

Enforcement-Related Imprisonment

Article (83)

83.1 Any judgment rendered pursuant to this Article shall be deemed final.

83.2 Subject to the provisions of the insolvency case stipulated in the Law, if the circuit issues the orders stipulated in paragraphs (1, 2, 3, 4, 5) of Article 46 of the Law, and a period of three months has lapsed, and the debtor has not made the payment, or if no sufficient funds for payment are found with him, a judgement for his imprisonment shall be issued upon the request of the person seeking enforcement if the debt – or the overall debts – amounts to or exceeds one million riyals. The debtor may not be released except with the approval of the person seeking enforcement, or pursuant to a judgment subject to appeal.

83.3 Subject to the provisions of the insolvency lawsuit stipulated in the law, in the event that the circuit issues the orders stipulated in paragraphs (1, 2, 2, 4, and 5) of Article 46 of the Law, that a period of six months has lapsed, and that the debtor has not made the payment, or if no sufficient funds for payment are found with him, a judgement for his imprisonment may be issued upon the request of the person seeking enforcement, provided that he is questioned within 15 days from the date of his imprisonment.

The circuit may release him at any time after questioning him if there are indications that he is serious about settling his financial situation.

83.4 The period of imprisonment provided for in this Article shall be three months. In the event that said period elapses and that the circuit finds, after questioning the debtor, to continue his imprisonment, it shall rule to extend the imprisonment term for a period or successive periods, neither of which shall exceed three months.

Article (84)

84.1 If the guarantor provides a bank guarantee or in-kind pledge, the same shall be garnished. If no such guarantee or pledge is provided, said guarantor shall be granted a period not exceeding 10 days to deposit the amount of enforcement document into the court's account; otherwise, the debtor and guarantor shall be imprisoned and the properties of the guarantor shall be attached and enforced against.

84.2 A guarantor's solvency, as provided for in this Article, shall be determined by said guarantor's declaration of funds sufficient to pay the debt.

84.3 Imprisonment may not be enforced in cases where the debtor is sixty years old or more or has minor children and his/her spouse is dead or imprisoned for any reason.

Article (86)

86.1 This Article shall only be applied to cases wherein the subject of the execution is an act or omission.

Chapter Three

Penalties

Article (88)

88.1 Provisions of this Article shall apply to the legal representative of a private legal person or an employee thereof who impedes enforcement.

Article (89)

89.1 Provisions of this Article shall apply to employees of state-owned companies or those co-owned by the state as well as public benefit organizations.

Article (90)

90.1 Provisions of this Article shall include any person who collects funds from persons for the purpose of trading on their behalf and squanders, seizes for his own benefit, or conceals such funds.

General Provisions

Article (95)

95.1 Claims for damages shall be considered by the enforcement circuit which undertook the enforcement proceedings, in accordance with the applicable procedures for filing lawsuits.

95.2 A creditor may not be indemnified by means of increasing the debt in return for deferring the repayment of such debt.