

LAW OF THE BOARD OF GRIEVANCES

Chapter One Formation of the Board

Article 1:

The Board of Grievances is an independent administrative judicial body reporting directly to the King and its seat shall be the City of Riyadh.

The Board's judges and judgments shall enjoy the guarantees provided for in the Law of the Judiciary and shall observe the duties provided for therein.

Article 2:

The Board of Grievances consists of a president of the rank of minister, one or more vice presidents and a sufficient number of judges in addition to the necessary number of researchers, specialists, administrators and the like.

Article 3:

The Board's vice presidents are appointed by royal order from among those satisfying the requirements for assuming the rank of Chief Judge of an Appeals Court.

Chapter Two
Administrative Judicial Council

Article 4:

A council named "Administrative Judicial Council" shall be established at the Board and shall consist of the following:

- President of the Board of Grievances, Chairman.
- President of the High Administrative Court, Member.
- The most senior vice president of the Board, Member.
- Four judges of the rank of an Appeals Judge to be named by royal order, Members.

Article 5:

Without prejudice to the jurisdictions of the Administrative Judicial Council provided for in this Law, the Administrative Judicial Council shall, in relation to the Board of Grievances, assume the powers of the Supreme Judicial Council provided for in the Law of the Judiciary. The Chairman of the Administrative Judicial Council shall, in relation to the Board of Grievances, have the powers of the Chairman of the Supreme Judicial Council.

Article 6:

The Administrative Judicial Council, presided over by its Chairman, shall convene at least once every other month and whenever necessary. Its session shall not be valid unless attended by at least five of its members, and its decisions shall be issued by majority vote of the Council. In the in absence of

the Chairman of the Council, the Chairman of the High Administrative Court shall act on his behalf.

Article 7:

The Council shall have a general secretariat, and the secretary general shall be selected from among the judges.

Chapter Three
Courts of the Board
Section One
Hierarchy of Courts

Article 8:

Courts of the Board of Greivances shall consist of the following:

- (1) The High Administrative Court.
- (2) The Administrative Courts of Appeal.
- (3) The Administrative Courts.

Administrative courts of appeal shall be formed of a chief judge and a sufficient number of judges whose rank shall not be less than the rank of an Appeals Judge.

Administrative courts shall consist of a chief judge and a sufficient number of judges. The Administrative Judicial

Council may establish other specialized courts with the approval of the King.

Article 9:

The courts shall exercise their jurisdictions through specialized panels formed as follows:

- (1) Panels of the High Administrative Court, three judges.
- (2) Panels of the Administrative Court of Appeal, three judges.
- (3) Panels of the Administrative Court, three judges and may consist of one judge.

Panels of the Administrative Courts of Appeal and the Administrative Courts shall be formed by the Administrative Judicial Council pursuant to a recommendation by the courts' chief judges.

Section Two
High Administrative Court

Article 10:

- (1) The seat of the High Administrative Court shall be the City of Riyadh and shall be formed of a chief judge and

a sufficient number of judges of the rank of Chief Judge of an Appeals Court.

- (2) The Chief Judge of the High Administrative Court shall be named by royal order. His rank shall be that of Minister and his service may not be terminated except by royal order. He shall satisfy the requirements for the rank of Chief Judge of an Appeals Court. In his absence, the most senior judge shall act on his behalf. Members of the High Administrative Court shall be named by royal order pursuant to a recommendation by the Administrative Judicial Council.
- (3) The High Administrative Court shall have a general panel presided over by the Chief Judge of the court and membership of all its judges. In his absence, the most senior of its judges shall act on his behalf. The panel's meeting shall be presided over by the chief judge or whoever acts on his behalf. Its session shall not be valid unless attended by at least two thirds of its members, including the chief judge or whoever acts on his behalf. Its decisions shall be issued by majority vote of its members.
- (4) If a high administrative court panel, when reviewing an appeal, decides to depart from a precedent established

in a previous judgment rendered by it or by another court panel, it shall bring the appeal before the chairman of the court to refer it to the general panel of the court to decide it.

Section Three

Jurisdiction of Courts

Article 11:

The High Administrative Court shall have jurisdiction to review appeals against judgments of administrative courts of appeals if the grounds of appeal are any of the following:

- (a) Violation of provisions of Sharia or laws not inconsistent therewith or an error in application or interpretation thereof, including violation of a precedent established in a judgment rendered by the High Administrative Court.
- (b) Being rendered by an incompetent court.
- (c) Being rendered by a court not constituted in accordance with the Law.
- (d) An error in characterizing the incident or in describing it.

- (e) Deciding a dispute in contradiction with another judgment previously rendered in connection with the litigants.
- (f) Conflict of jurisdiction among the Board's courts.

Article 12:

Administrative courts of appeals shall be entrusted with reviewing appealable judgments rendered by the administrative courts, and shall decide after hearing the litigants in accordance with legal procedures.

Article 13:

Administrative courts shall have jurisdiction to decide the following:

- (a) Cases relating to rights provided for in civil service, military service and retirement laws for employees of the Government and entities with independent corporate personality or their heirs and their other beneficiaries.
- (b) Cases for revoke of final administrative decisions issued by persons concerned when the appeal is based on grounds of lack of jurisdiction, defect in form or cause,

violation of laws and regulations, error in application or interpretation thereof, abuse of power, including disciplinary decisions and decisions issued by quasi-judicial committees and disciplinary boards as well as decisions issued by public benefit associations – and the like – relating to their activities. The administrative authority's refusal or denial to make a decision required to be made by it in accordance with the laws and regulations shall be deemed an administrative decision.

- (c) Tort cases initiated by the persons concerned against the administrative authority's decisions or actions.
- (d) Cases related to contracts to which the administrative authority is party.
- (e) Disciplinary cases filed by the competent authority.
- (f) Other administrative disputes.
- (g) Requests for execution of foreign judgments and arbitral awards.

Article 14:

Courts of the Board of Grievances may not review cases related to sovereign acts, nor appeals against judgments rendered by courts- not subject to this Law- within their

jurisdiction, or against decisions issued by the Supreme Judicial Council and the Administrative Judicial Council.

Article 15:

Without prejudice to the provision of Article 27 of the Law of the Judiciary Law, if a case is filed for the same subject matter before one of the Board's courts and before any other authority having jurisdiction to decide certain disputes, and if both the Board's court and the other authority insist on reviewing the case or both decline to do so, a request for designating the competent body shall be submitted to the Conflict of Jurisdiction Committee, which shall be formed of three members: a member from the High Administrative Court to be named by the Chief Judge of the Court, a member from the other authority to be named by the head of said authority, and a member from the Administrative Judicial Council to be named by the Chairman of the Council who shall chair this Committee. Said Committee shall also have the power to decide disputes arising in relation to execution of two contradicting final judgments, one of them rendered by a court of the Board and the other by the other authority. It shall decide these cases in accordance with the provisions and procedures provided for in the Law of the Judiciary.

Chapter Four
Appointment of Board Judges and their Service Affairs

Article 16:

Ranks of judges of the Board are those provided for in the Law of the Judiciary. With respect to salaries, allowances, rewards and benefits, Board judges shall be treated as their counterparts in the Law of the Judiciary.

Article 17 :

Appointment, promotion, transfer, assignment, training, secondment, approval of their leaves, inspection of their work, discipline, removal from office and termination of the service of Board judges shall be in accordance with procedures specified in the Law of the Judiciary.

Chapter Five
General Provisions

Article 18:

Without prejudice to the provisions provided for in this Law, the President of the Board shall have administrative and financial supervision over the Board and shall have the powers of a minister provided for in the Law of the Judiciary and its implementing regulations and decisions, regarding the Board's employees. He shall be the authority on matters issued by the Board in this respect to ministries and other bodies.

Article 19:

Without prejudice to the provision of Article 6 of this Law, vice presidents shall carry out duties entrusted to them by the President. In case of his absence or if the position becomes vacant, the most senior of the vice presidents shall assume the position of the President.

Article 20:

At the end of each year, the Administrative Judicial Council shall prepare a comprehensive report on the Board's work, including achievements, impediments, and recommendations. The President of the Board shall bring said report before the King.

Article 21:

An office for technical affairs shall be formed at the Board consisting of a head and a number of judges, specialists and researchers to be in charge of providing opinions, preparing research papers, studies and the like of matters requested by the President of the Board. At the end of each year, the office shall classify the judgments rendered by the courts of the Board, then print and publish them in volumes, and a copy thereof shall be submitted along with the report.

Article 22:

- (1) Without prejudice to the provisions of this Law, the Board's employees - other than judges - shall be governed by the Civil Service Law. The employees of each court shall be under the supervision of their administrative head, and all shall be monitored by the chief judge of the court.
- (2) Without prejudice to the provisions of the Civil Service Law, a person appointed as an assistant to the judiciary shall have passed an examination, the procedures and requirements of which shall be determined pursuant to a decision by the Administrative Judicial Council

Article 23:

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

Article 24:

In exception to provision of this Law, any judge qualified to hold the rank of an Appeals Judge may, during the five years following the entry into force of this Law, be assigned to assume the duties of the rank of Chief Judge of a Court of Appeals.

Article 25:

The Law of Pleadings before the Board of Grievances shall specify rules of pleadings and procedures before it.

Article 26:

This Law shall supersede the Law of the Board of Grievances issued by Royal Decree No. (M/51) dated 17/07/1402 H.