

Kingdom of Saudi Arabia

Law of Employee Discipline in the Kingdom of Saudi Arabia

With explanatory memorandum

Royal Decree No. M/7 dated 1 / 2 / 1391 H

Council of Ministers Resolution No. 1023 dated 28 / 10 / 1390 H

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The Royal Decree

No: m/7

Date: 1/2/1391 H

With God's help

We, Faysal Bin Abdul Aziz Al Saud, Sovereign of the Kingdom of Saudi Arabia, after reviewing the article (19) of the Council of Ministers issued by Royal Decree No. (38),

dated 22 Shawwal 1377H and according to the Council of Ministers Resolution No. 1023 dated 28 / 10 / 1390 H, have decided the following:

Firstly: We agree on the law of employee discipline with the form attached to the explanatory memorandum.

Secondly: Our decree must be implemented by deputy prime minister and ministers.

Signature:

Faysal

Decision of the Council of Ministers

No.1023

Date: 28/10/1390 H

The Council of Ministers

After reviewing the matter which is received from the Cabinet Office No. 17118, dated 28/ 8 1389 H, containing the law of employee discipline and its explanatory memorandum, decided the following:

1- The agreement on the law of employee discipline with the form attached to the explanatory memorandum.

2- A draft for a royal decree has been prepared for that law and has been attached with it.

Second Deputy of the Prime Minister

The Explanatory Memorandum for the Law of Employee Discipline

How believable Omar's (May Allah be pleased) assertion is when he described the public duties as the honesty and that on the day of resurrection is a disgrace for those who do not perform their work perfectly, and according to his specialization he should do his best and be honest with public interests. Hence, the State has to be concerned with and pays special attention to the rights and duties of employees. The state defines the governmental position by designing the general basics of any positions to punish the employees who commits mistakes to be an example for the others. So, the developed countries care about issuing systems for general rules to rebuke the employee if he was careless or did something wrong in his duty. An evaluation is conducted for proper implementation of the rules and their application to achieve justice and no one should be acquitted of an offense he does not do and the abuser can't escape from the penalty.

The law of Saudi employee system, issued by Royal Decree No. 22 Dated 1977/11/23 H, included some articles dealing with this point but that the material has become - after the move of the State and the integration of the administrative apparatus - inadequate to fill the need and to face the evolving situations it was therefore to be

singled out this matter of particular interest is the issuance of particular system to deal with the affairs of administrative discipline in the order and coordination.

What previously mentioned makes a need for (the of law employees discipline). The law came in the simple form as much as possible and away from the complexity that is not consistent with being the first experience for the kingdom in this regard. The law takes from the modern administrative theories which is prepared to provide the employee with sufficient guarantees without wasting public interest and leaves room for evasion of responsibility. Therefore, the law included in its inception two sections, the first one dealing with the Control and Investigation Board - as evidenced by its name - the supervision of staff in the performance of their duties and the investigation with whom they neglect their duties.

The second deals with the disciplinary body which ensures the accountability and the investigation for those who their condemnation or they have strong indications that they committed what deserves accounting. As Omar (May Allah be pleased with him), when he asked his followers: Bethink, if I put a ruler whom I best know well then ordered him to be fair with you, will I did which is required from me? They answered: "Yes." He said: "No, till I see his deeds according to my own orders. But the system did not make the oversight and investigative and disciplinary matters monopoly on oversight and investigation body and body discipline but was realistic since left portion clear of such matters in the hands of the concerned minister or with who is in equal rank - where the minister is the chief administrative officer Top of his ministry and that of the basic duties to watch his subordinates and Investigating who is at fault also good exercise presidential powers required to leave in the hands of some criminal jurisdictions. System has been balanced between the terms of reference of the minister and the terms of reference for the Control and Investigation Board and Disciplinary Commission's budget aimed at achieving a general philosophy of justice and firmness. And justice in the Shari'a too the standing all that connects them is the law of the street and that it was not authorized and little detail was Ibn al-Qayyim said that fair policy

is a part from of Shariaa and a branch from its branches. And then the Islamic society is based on the types of systems seizes right and wrong and determine what is good and what is ugly and what is forbidden and what is permitted. It is not surprising that participate competent minister and two bodies that the system evaluate them in such disciplines as administrative sanctions are not criminal penalties. Administrative sanction is aimed principally to the employee accountable for his mistake in his career, imposing a penalty it bestowed in his position while punishing criminal sanctions, a person committed a crime and a punishment is imposed and bestowed in his personal liberty or his property. Therefore, administrative systems do not remember administrative irregularities exclusively but leave is so competent body to hold accountable personnel to determine whether the conduct attributable to the employee is considered an administrative offense requiring administrative penalty, while the penal systems usually remember the crimes limited .. However, administrative systems and not the multiplicity of administrative irregularities census locks them unless they share with other systems in determining the sanctions that may be imposed precisely does not leave room for appreciation, but when the application regarding the selection of the box and his emphasis or not. This is what was taken by the system.

The system also followed the theory of stable administrative Fiqh namely, that the administrative penalty is not a court ruling, but an administrative decision therefore can not be appealed in the courts of appeals also permissible for judicial decisions. So limited appeal in the request to reconsider the limited circumstances required by the text of the system. That, in view of the seriousness of the administrative penalty critical and its effects on the career of the employee was taking the order - kept pace with that of modern management trends - as much of the safeguards that surround the governing judicial and because the administrative penalty and that it was an administrative decision, but as was mentioned it occupiaed among the administrative decisions with uniquely position.

It may be appropriate here to differentiate between the administrative sanction - as an administrative decision. The administrative decisions relating to the conduct of

general function as the first mean the punishment of the employee present seeks of administrative decisions in general to improve the conditions of the annex to the public service entrusted to him and then the coordination of staff member, for example, is an administrative decision in regard to the functioning of the function of the General Assembly and not an administrative sanction in the concept of the palm of the hand is not administratively became because it was only a reservation procedure taken by the administration to keep the employee- in certain circumstances - for the job to ensure access to absolute truth away from influence or counterfeiting.

Those are general ideas that underlie the provisions contained in the system formula to ensure the employee efficient impartial protection, and hits at the hands of the employee neglected or traitor and thus available administrative system right atmosphere to work away from exposing the good employee to hinder the good functioning of the charges is serious and action is fair and allow others to tamper with and manipulation .

The system is divided into four main sections: the first section is in the monitoring and verification and the second section: in the disciplinary body, and the third section: the assets of the investigation and discipline, the fourth section: in the general provisions.

The first section is divided into two parts: the first part is in the formation of the control and investigation board. Article(1) provides that the establishment of that body to guarantee its independence and efficiency on condition that its chairman who do not less than their rank on the fifteenth place the highest echelons of the public service organized by a cadre of staff and left the door open - when the need - to the presidency of this body is in rank above those ranked has applied the same concept for the agents and to make the appointment of the president and agents and their services by royal decree article (3)

In the interest of the proper body overburdened incumbent , article (3) divided the authorities that constitute the body into two parts, Control Section, and the Investigation Section so that each section was to perform his duties efficiently, and with proper specialization , although this does not mean the independence of each of the sections on the other two are linked to be one body under one presidency to coordinate between their work and supervised their efforts.

The second section the **destructiveness** of the terms of reference of the procedures. Even not misunderstood the meaning of the body competent to investigate and control have restricted the article (5) those terms of reference to be within the rules set forth in this system. It is not an absolute control of all under nor an investigation without borders but the control and the scope of the system drawn. A worth mentioning here to note that paragraph (a) of article (5) when I spoke of the financial irregularities, administrative and is intended to notify this expression to the widest sense to include all the irregularities committed by the staff member as staff, thus the negligence of the employee to perform the duties of the post can fall under this concept. The system tray to use this broad concept of expression in all its provisions which must be considered when the interpretation and application of the provisions of other articles of the employee system.

Although the system was patron of the shortcut in the rules of procedure, leaving details to the regulations issued pursuant to the provisions of article 3 but the system pointed out that it should include some basic rules that guarantee not to prejudice the freedom of staff but according to sound assets statutory provisions of the text in article (6) on the need to prove all the control measures reviews this is also what is requested in the article (11) for investigation. The opinion of the system should be the followed by the employee a prior knowledge of the subject of action, such as the coordination between the terms of reference. To ensure that the good cooperation of administrative authorities with the provision of the necessary assistance. The text of the article (7) It is expected that the administrative authorities when notified by the body to facilitate the task of the services in action and refrain from the investigator managed access or inspection only if they have the merit of the seriousness and motivated to do so. It is then chapter in the matter within the competence of the President of the Council of Ministers, which orders as article (8)

It is clear that the system had a difference between the inspection of the premises of any premises to the staff member, the places associated with the administrative side of the inspection and public and private persons and making the authority to conduct the first inspection and entailed in the second case the inspections by the competent authority to conduct such inspections in accordance with the regulations that are in force in the kingdom. t goes without saying that the request of the chair of the organization

to the competent authorities of the inspection (article 9), is not the competent authorities mentioned however, expected not refrain competent on the response to this request, but if no objection clear systems justify this sizes and had not been subjected to

The procedure followed in the case of a dispute of this nature between the body and the competent because the private system the disciplining of staff and not within the scope of that provides for the mandatory provisions for the Security Council on the basis of the public interest targeted by everybody will significantly reduce the occurrence of such disagreement and if that happened, the officials in the can by common agreement to reach a solution or raising the issue in the guardian.

Safeguards established by the regime that the investigation should be conducted in the presence of the person with the investigator makes that is the rule The exception is the lack of attendance, and fundamentalist principles that the exception is not used only when necessary and may not be the expansion of the application of the article (12) to lift the investigation to the Chairman of the Commission to adopt what he sees as consistent with the thereon but restricted the jurisdiction of necessity to refer the investigation to the competent to it if it is clear that it contains a criminal offense. This means that the administrative act in the acts attributed to the employee will declares to be chapter criminally liable in such acts, all with the note of the article (12) of the Rules, Article (13) to allow the chairman of the Commission to propose to the Council of Ministers after taking the opinion of the Minister in charge of the staff member strong sweeping suspicion makes it unsustainable in function and in addressing situations of improve take such action without going into the trial proceedings it is known that the body will exercise this power through the presidency of the Council of Ministers.

Section II which is dedicated to the disciplinary body, it further contains two chapters, the first chapter deals with the composition of the Disciplinary Board and the text of the article (14) on the establishment of the body and was keen for the chairman and his deputy to be senior officials to provide for the head of the General Investigation and agents. The concept of article that, in the absence of the Chairman of the Commission, the vice president will replace him in the terms of reference and powers automatically during the period of absence and therefore crossed the article of the deputy as deputy president while the so-called in an interview in the investigating body in the name of the dealer.

Article (16) that the body of an internal regulation of the system is left for this list that include the authority sees a need for organization of the rules and procedures did not respect the text of the system and then the term internal regulation in the provision of article (16) must be carrying this meaning.

Chapter II tackled the terms of reference of the procedures and put the limit of the jurisdiction of the Commission on the issues referred to it by the Control and Investigation Board only if, in the opinion of the Jalal King give additional terms of reference of the Board in accordance with article (49) of the rules.

Section II organized the procedures for disciplinary trial by giving a deadline of not less than ten days between to inform the accused of the control authority and the investigation and the date of holding the first meeting, even contemplating the Accused ordered the same is as well as the control and investigation board) Article 19) required the presence of the accused himself, and had allowed him to use including defends him of lawyers within the right to call witnesses. The system did not puse to take the court proceedings on the presence of the accused and, therefore, the accused who has been well informed to appear before a trial board and he was absent, he exposes himself to sentencing without hearing what he may want to submit it to the Council of trial from evidence or defense or witnesses (Article 20) and a natural ear that the system is under way correct reporting in the article (21) The accused must be advertising on the physical address of the employee at the time of announcement, and this title does not come from being either the title of the work, which employs employee time the investigation or work that might be transferred to him after that, or the title his residence as the case may If you do not know the physical address of the employee only in announcing the publication in the official gazette reported to be on safe ground.

The article (22) requires to make the session is true is to make all members attend as well as the representative of the Control and Investigation Board and the absence of any of these disrupts the actions that may be taken by the Council of the trial during his absence there can be no valid even if the Islamic attended after that because the original is that the proceedings before the Council that the disciplinary trial and does not have to be representative of the control and investigation board who attends the sessions of the trial is the same person who control measures and investigation.

Article (23) also gave to the defendant and his attorney the right to review the investigation papers either clone images of which were suspended on the ear of the president of the trial board is clear that this does not mean to prevent the employee from taking during the consultation some observations that help him remember the contents of the papers, but it means that the ear is required clone complete pictures certified by the investigation papers. It is supposed to prevent the employee from reproducing images linked to the investigation of security and confidentiality if necessary if there is no justification, the ban is misplaced..

From the guarantees that are enshrined in the system for the accused employee is the right of any member of the members of the trial if there was reason to justify this (Article 24), and it is supposed that the reasons justifying the reply is reasons affecting the impartiality of a member of the Council or impartiality, and does not mean accepting the reply that the member of the Council of the trial which reply had been done by the inevitably cause reduces the dignity or require accountable.

With coordination of actions among different bodies which had competence in the act attributed to the employee, articles (25-26) that if the Disciplinary Board that matters attributed the accused be specific crime other body chapter which reaffirms the papers to the control and investigation board to take the necessary action in this case stop procedures for disciplinary trial that the final judgment by the competent authorities of criminally liable and articles in this additionally the disciplinary action since the start of the contact with the disciplinary body, whether the case had been forwarded to the trial or had not been forwarded after.

Articles (27-28) speak about of the resolutions of the Council of the trial incompetence to accelerate the issuance and send an official photo to the concerned parties and made them only in the case of isolation for those posts in the state since it was suspended on the ratification by the President of the Council of Ministers. It also opened the article (29) section of the accused to challenge the decision the request be reconsidered if the conditions set by the article therefore made the article (30) jurisdiction over the interpretation of the resolution of the Disciplinary Board, and it is

supposed that the body will exercise this power through the assignment of Resolution to one of the boards of the trial if the council who issued the decision remains the same shares the decision goes to its interpretation or correct what happened of material errors.

Section III deals with the principles of investigation; and disciplinary article (31) the entitlement of sentence if the employee committed in contravention of financial or administrative. Here did not specify the irregularities exclusively but left - as explained in this note - the authority supervising the Disciplinary Board to decide whether an act was attributed to the employee can be a disciplinary offense punishable first but system - keep pace with modern theories - hop count limit the sanctions that may be imposed on the employee (article - 32.) and between the leading positions and what is below and making all of the positions in accordance with its responsibilities.

However, due to the system has adopted the theory that permits - within certain limits- . the accountability of the staff member from the disciplinary mistakes until after the break of the link to the post, the text of the article (33) and that the interruption of the employee for the function does not prevent the continuation of the disciplinary action if they had started before the power outage or taken kicking off if they had not started before the blackout. .

The system selected the penalties for the employee who his services has been ended, in fine and deprivation to return to service because they are the penalties which can have the impact or the feasibility for the staff member after its separation from service as the rest of the sanctions aimed at - as explained to prejudice the employee in his life function itself. It is imposed when the staff member and the deprivation of the return of service that the Security Council decides the trial date for the start of the period which deprives the employee to return to the service if it did not include the resolution specifically were calculated from the date of the issuance of the decision.

In the area of talking about mitigating and aggravating circumstances when sentencing, the regime chose to relieve the employee of the penalty if the offense

has been committed upon written order of his boss, despite an alert employee for President in writing that the act be a violation because the origin is an employee in the administrative responsibility subscription because no obedience in disobedience to the regime he saw to take up this exemption on the administrative and financial irregularities only without criminal offenses. It also did not distract the exemption to all administrative and financial irregularities, but limited to regular ones any simple without serious irregularities and then the president ordered a subordinate does not relieve the administrative responsibility for administrative and financial irregularities grave.

Because Instant sanction may be one of the effective means to deter abusive, the system has seen to leave the minister to have the jurisdiction to impose sanctions that regime listed it except the penalty of termination.

The minister must not impose penalty minister only if already written to hear the testimony of the accused and defense (Article - 35.) and does not have the minister penalties for the employee who ended its services because it is of the competence of the trial (article 36).

The article (37) requires that referral statement includes the acts attributed to the accused specifically but this does not mean that the trial must abide by this statement has its own to adapt the facts as he deems and apply appropriate materials and all that there it adheres only the scope of the case as determined by the control and investigation board in the sense that it not be viewed in a lawsuit had not been resolved by the Control and Investigation Board, even if it was linked to the case referred to him as the appropriate measure in this case is to alert the control and investigation board to that fact.

To avoid the overlap between the terms of reference of the minister and the terms of reference of the disciplinary body had affirmed articles (35 -36 -40) to lift the interference by making jurisdiction of punishments to the Disciplinary Board in the following cases:

- A. The penalty which is required to be imposed is termination. However, the case may be referred to the disciplinary body with a view to the signing of the penalty of dismissal, the Security Council considers that imposing other punishment not preclude the request of imposing the penalty of dismissal from the council or tribunal which is considered appropriate.
- B. Through the referral of the employee to the disciplinary trial had moved from the administrative body committed the offense to the other side. What is meant here have left subsidiarity minister to the subsidiarity another minister. The pastor of the system in that to avoid conflict of powers between the two by the Officer-in which the transfer to the granting of the disciplinary board for far from them, i.e. the disciplinary body.
- C. The employees who are related to more than administrative hand in violation of one or more administrative violation of but linked irregularities and wisdom in the granting of jurisdiction here is the wisdom that justified the jurisdiction in the previous paragraph.
- D. the employee had left the service before imposing the punishment. Except for those cases, the jurisdiction of imposing of an administrative sanction returns to the minister.

The article (42) the provisions of the fall of the disciplinary proceedings limitations stipulated that the period of limitation shall be interrupted, if taken action against the accused, it goes without saying that if the multiplicity of accused and took action against one of them, this action shall interrupt the period of limitation for all accused both of them from the measure was taken against him, had not been made.

Under article (44) that the employee's matter who has been sentenced, should be displayed to the Control and Investigation Board for consideration of disciplinary responsibility, and the allocation of this situation territories does not deny that the detention of the Officer-in itself would be selectivity to raise suspicion on career

behavior, which makes the oversight body to investigate all the conditions to examine the significance of the imprisonment of the staff member to committing disciplinary infraction had therefore decided to the article itself must be communicated to the control and investigation board in all cases the interruption of the staff member from work because of detention without to determine who the ^{تارکھ} reporting that the circumstances of the case, and it is supposed that the first administrative hand learn officially the order the detention of the accused and to inform the Control and Investigation Board so it is preferable for the proper conduct of the proceedings and that the Security Council which conducted arrested informed All of the staff member's and the oversight and investigation by order custody immediately after he got.

If the article (45) decides the right of the employee to the administrative rehabilitation after three years from the date of issuance of the disciplinary decision against him, that depends on the good his biography and behavior and efficiency displayed in the performance of its work during the period of this test and the response of the account as such does not drop the rights which could have on the proven against the officer violations of administrative or financial e.g. compensation for example.

Chapter 4 and the last one from the system is allocated to the general provisions. Article (46) gives those who mentioned the powers to the minister of these administrative chairman of the public institution, holds the highest executive post in the institution, whatever labeled given the job and adds the article itself the right of the Minister to delegate some of his powers in the system thus have separated for this particular topic in a doctrinal disagreement about the right of the minister to delegate in the statutory powers.

The article (47) decided that there must be held the trial of the members of each of the control and investigation board and the disciplinary board in disciplinary proceedings before the Special Body provided for in but made it conditional on not to be those who are subject to special regimes decides other provisions discipline if we assume that the head of any of the control and investigation board or disciplinary body

had the rank of minister, depending on the subject to the rules stipulated by the special system of the trial of the prime minister. Then comes the article (48) to decide that all civilian staff, whether they are public officials or employees of the moral persons the General Assembly to the provisions of the system except for members of the judiciary. The expression of staff in this article does not in itself involve State users who usually described as outside the body, as does not applies automatically to the contractor's staff they are subject to the special provisions for them the allowed those provisions to remind the provisions of this system in whole or in part the subject based on that or else follows in their right as per those provisions that this does not deny - in all cases. The subject with attributed to them violations of the terms of reference of the Control and Investigation Board accordingly the contents of the system from the provisions relating to the control and investigation.

The system included the article (94) to meet a need now for the sanctions issued without systems that there be a competent organ of the application of its provisions such as those of the Royal Decree No. (43) and the date of 29/11/1377 left to the discretion of His Majesty the King to formalize the terms of reference the application of the provisions of the regulations on the Control and Investigation Board or the disciplinary body or on both the organization of that jurisdiction. It is clear from the text of the article as it relates to the General Staff whatever the regular links to the State and of course to impose order at the end of each of the Chairman of the oversight and investigation and the Chairman of the Disciplinary Board and the duty to make an annual report to the President of the Council of Ministers include what each of the observations and proposals. In control of the highest priority to the work of the two organs continuously sought access to appropriate level. This is another Application exercised by the crown prince, pursuant to the principle of the supreme oversight referred to by Omar May Allah be pleased with him and his statement.

Law of Employee Discipline

The first section

The Control and Investigation Board

Chapter I

The composition of disciplinary authority

Article 1.

According to this system there is an independent body called (the control and investigation board) directly linked to the prime minister and a president with rank of not less than fifteenth and two deputies or more with rank of not less than thirteen for each and a sufficient number of specialized members. And with the body a sufficient number of administrative staff and users.

Article 2.

The President of the board is appointed and ended of his service by royal decree. The agents' appointment and end of their service by royal decree on the proposal of the president of the board.

Article 3.

The board includes the following authorities:

The control.

The investigation.

It consists of some departments, appointed, one jurisdiction the service and the respective competence and procedures of the decision of the Council of Ministers on the proposal of the president of the board.

Article 4.

The internal regulation is issued by decision of the president of the Council of Ministers as per the proposal of the president of the board.

Chapter II

In the terms of reference and procedures

Article 5.

Without prejudice to the authority of the administrative body concerned in the control and investigation of complaints concerning this body within the rules set forth in this system including the following:

- 1- To hold the necessary investigation for the detection of management irregularities. (*)
- 2 –To examine complaints referred to it by the competent ministers or any of a competent authority of financial irregularities and administrative.
- 3 – To do investigation of financial irregularities and administrative reveal control with regard to be referred to the competent ministers or any other official having the competent jurisdiction.
- 4- To Follow up the referred proceedings in accordance with this system to the Disciplinary Board.

*. The paragraph (1) of article (5) of this system in accordance with the amendment contained in Royal Decree No. M/4 and the date of 5/1/1433E

Article-6.

To prove all the procedures of the control as a result of in the records of the specially prepared for this purpose and raised to the president of the board to decide the appropriate action.

Article 7

If the President of the inter alia require investigation assigned, he sees of investigators is slated to be notified of the administrative body that followed by the Officer-in the conduct of the investigation before starting

Article 8.

The governmental organizations enable the investigator to see what considered that found the papers and documents and other inspection of places of work if the investigation in the presence of the President of the staff member and the record of the acquisition of consequence of inspection and the presence of the accused or his absence, attendees said.

If the governmental organization did not enable the investigator from access or inspection, the matter would be raised to the President of the Council of Ministers to command with what he sees.

Article9.

If the President of the Board for serious reasons that matters requiring inspection work places reward to request by the competent authority and inspection in the presence of the investigator.

Article10.

Investigation should be conducted in the presence of the person who is being investigated, unless warranted the general interest of the conduct of the investigation in his absence.

Article 11.

The investigation be reviews and demonstrates in the record or serial records showing the date and place of clock and complete opened appended each sheet of paper from the investigation papers with the signing of the investigation and may be write-off or amendment in the papers of the records of the investigation.

Article -12.

After the end of the investigation shows the investigator of the Chairman of the investigation papers and recommend the formal disposition. If the investigation of a criminal offense, the case shall be referred to the competent authorities' chapter.

Article 13.

If the investigation resulted in the existence of strong suspicions affecting the dignity of function or integrity or honor or good reputation May of the Commission after taking the opinion of the Minister in charge of the proposal to the staff member by decision of the Council of Ministers.

The Second Chapter

The disciplinary Board (1)¹

Section I

The composition of the Disciplinary Board

Article-14.

Established under this system independent body called (the disciplinary body) are directly linked to the President of the Council of Ministers, and the President of not less

1. (important note) Articles (14) to (30) of the disciplinary body canceled under article (50) of the Office of the Ombudsman, promulgated in Royal Decree No. M/51 and the date of 17/7/1982 pays considerable attention to e.

than the salary of the fifteenth-place Vice President not less than 108th the ranked thirteenth and a sufficient number of members of specialization and the body of a sufficient number of administrative staff and users.

Article -15.

Appointed by the President of the end of service by royal decree, appointed vice president ends his by royal decree on the proposal of the Chairman of the Commission.

Article -16.

Issued the internal regulation of the decision of the President of the Council of Ministers on the proposal of the Chairman of the Commission.

Chapter II

In the terms of reference and procedures

Article-17.

The jurisdiction of the Disciplinary Board consideration of disciplinary cases referred to it by the Control and Investigation Board.

Article-18.

The consideration of the issues before the disciplinary body by the Council of a decision of the President of the body. Consists of a chairman and two members and the secretary of the Council in the presence of a representative of the Control and Investigation Board.

Article19.

The President of the trial of the case to determine the date of the consideration of the Council to inform the accused and the oversight and investigation that not less than the period between the reporting and the date of the meeting ten days must inform the accused a replica of a referral of the trial.

Article -20.

The accused to attend the trial hearings and has access to a lawyer and to show his defense in writing or orally, and asks for summoning witnesses to hear their statements.

If the accused to attend the trial to proceed with the trial measures after that verifies that the accused had informed reporting true.

Article-21.

All announcements letters and to inform the accused of the static address in the documents of the case or on the headquarters of his post occupied by according to the conditions and if this is not possible, stands by the official gazette.

Article-22.

Are not worthy of meetings of the trial only in the presence of all members of the delegate of the control and investigation board decisions by a majority vote of the members of the Council.

Article -23.

The accused or retained the right to see the investigation papers in the presence of the Secretary of the trial with the permission of the President of the Board the cloning of pictures.

Article -24.

The accused ولمندوب the Control and Investigation Board to request the response of any member of the members of the trial if there was reason to respond.

And the Chairman of the body that separates this request expeditiously.

Article -25.

If, in the opinion of the Chairman of the Disciplinary Board that things are attributed to the accused be specific crime other body chapter where he should restore the papers to the control and investigation board, to be forwarded to the relevant jurisdiction with notification to the followed by the employee.

Article 26.

In cases where the accused referred to criminal trial stop disciplinary proceedings against him to the final judgment by the competent authorities of the securities shall be returned to the control and investigation board to decide what should be.

Article -27.

The trial that the decision in the case as soon as possible and must be resolution reasoned written decision, send an official pictures of the resolution to the right and to the followed by a staff member and the Office of the staff of the Office of the general control and oversight and investigation.

Article 28

The resolutions of the Security Council a final trial with the exception of decisions issued by the dismissal of the staff of the ranked eleventh and above or equivalent cannot be final only after ratification by the President of the Council of Ministers.

Article 29 -.

May be reviewed at the disciplinary resolution notwithstanding the:

- 1-If he missed the resolution in the application of the system or construed,
- 2- If the facts or documents were not unknown at the time of the issuance of the decision was the confirmation of the innocence of the accused.

The request for the consideration of the Commission on the chief of staff and the head of the Control and Investigation Board and the Chairman of the disciplinary board if it found its seriousness and reconsider the decision after the permission of the President of the Council of Ministers.

Nor have to reconsider the decision to stop implemented only if the Council decided that the consideration of the issue.

Article -30.

The disciplinary body interpreted resolution of the disciplinary and correct to material errors.

Section

The principles of the investigative and disciplinary

Article31.

Punishable in disciplinary each employee proved offense financial or administrative, without prejudice to the General Assembly or the compensation claim.

Article32.

Disciplinary sanctions that may be imposed on the employee are:

Firstly: for the employee ranked tenth or less or equivalent:

1-Warning.

2-Blame.

3-Decisiveness of the salary, including net salary of no more than three months and no later than a month deducted one-third of the net monthly salary.

4- Deprivation of one salary increment.

5- Termination.

Secondly: For employees who occupy the eleventh and above or equivalent:

1-Blame 2-Deprivation of one salary increment

3-Termination

Article 33

The end of the employee's service does not prevent him to initiate disciplinary action or continue. Punishable employee who separated before the Penalty of a fine not exceeding the equivalent of three times the net last salary was paid or deprivation of return to serve for a term of not more than five years or both.

Article 34.

Taking into account the signing of the disciplinary punishment, the choice of punishment commensurate with the gravity of the violation with the precedents and mitigating circumstances surrounding the attenuating the offense within the penalties prescribed in this system.

The officers are exempt from punishment for offenses regular administrative or financial if it is proved that the committing of the offense was in implementation of a written order issued by the competent president despite the frankness, the employee to him in writing that the act committed the offense.

Article 35.

May be the competent Minister to sign the penalties prescribed in article (32) except for the chapter.

May not be the signing of the disciplinary punishment on staff but after the investigation with him reviews and hear his testimony and his defense and prove that the decision of punishment or in the record of the annex to it.

Article 36.

The Council of the trial that signs the penalty prescribed in articles (32, 33).

Article 37.

Should a decision of the Control and Investigation Board of the assignment of the disciplinary board statement of the acts attributed to the accused specifically.

Article 38.

Taking into account the provisions of articles 36, 40, 41), if the control and investigation board that an offense not punishable by the penalty of dismissal transmitting the papers to the competent minister with the statement of the acts attributed to the accused specifically and propose appropriate punishment.

Are countersigned by the signing of this punishment or choose death and other appropriate among the punishments that fall within its competence.

Article 39.

The Control and Investigation Board and the Office of the staff of the Office of the general observation in all cases are informed that the decision of the Minister of the sentence immediately after the issuance of the decision, the decision was not issued by the application of article (38) had to send the oversight body to investigate with resolution images from all investigation papers, while within thirty days of the date of the receipt of the resolution and pictures of investigation papers, if it deems that the offense of which the resolution requires chapter to inform the minister and the investigation of the case.

Article 40.

If the employee committed a violation in the where the staff member should be transmitted to the control and investigation board if the Board considered that the acts attributed to the accused require punishment refers the case to the Disciplinary Board.

Article 41.

Referred employees accused of committing an offense or offenses linked to each other to the control and investigation board if they were at the time of the commission of the offense or offenses or when discovered of more than one hand. If the control and investigation board that the facts require punishment refer the case to the Disciplinary Board.

Article 42.

The disciplinary action fall the lapse of ten years from the date of occurrence and duration of any interrupted this procedure of investigation or discipline and apply the duration of the new beginning of another procedure if multiple defendants, the outage duration for someone consequent disruption for the rest.

Article 43

The decision of the palm of the hand of the employee of the competent minister if the opinion is or thought the Control and Investigation Board that the interest of the work requires.

The employee is stored in the rule hemmed labor to be released. And the council of ministers a list determines when the employee is stored in the rule hemmed⁰².

(²) 1. A decision by the Council of Ministers No. 1026 date of 28/10/1391E and select the cases in which the staff member is stored in the rule hemmed labor.

1. If his detention was because of accusing him of committing crime relating to the function of the General Assembly.

2. If his detention was because of accusing him of committing the crime of aggression on or offer or money.

3. If his detention was because of accusing him of the executive authority of committing an offense against honor or the Secretariat.

Article 44.

The officer was sentenced to display on the Control and Investigation Board for consideration of disciplinary responsibility. Must be informed of the oversight body to investigate the interruption of the employee from work because of the detention.

Article 45.

The employee to request literacy disciplinary sanctions signed by three years after the date of the issuance of the decision of punishment. Literacy is punishment by decision of the competent minister.

Section 4

General provisions

Article 46.

The head of the independent interest administrative President of the Public Institution for the staff of their departments of powers to the Minister for the staff of his ministry and the Minister may or in his written decision delegate some of his powers in this system.

Article 47.

Taking into account the provisions of the special regulations tried the chairman and members of the Control and Investigation Board and the President and members of the disciplinary body in disciplinary proceedings before a panel of three members of a royal order may not to sign them only death blame or isolation.

Article 48.

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4. If his detention was due to political charge and asked the Minister of the Interior considered to be in hemmed labor.
 2. Also issued Ordinance No. 1757/m on 8/8/1410E as arrested in private debts in the rule hemmed if proved insolvent.

This applies to all civilian staff in the state except for members of the judiciary are also applied to the staff of the moral persons of the General Assembly.

Article-94.

It may be ordered by His Majesty the King to entrust to the control and investigation board or disciplinary body the application of penal regulations and other relevant personnel.

Article -50.

The Chairman of the Control and Investigation Board and the Chairman of the disciplinary board (*) - separately - a comprehensive annual report on the work of its unit, including his remarks and suggestions.



(*) The Disciplinary Board is within the competence of the Office of the Ombudsman after the issuance of the system of the Office of the Ombudsman in 1402 H

- Note - Royal Decree No. M/4 and the date of 5/1/1433 H. It was mentioned in the fifth paragraph the following: The continuation of the Control and Investigation Board and the commissions to undertake, at the time of the issuance of this Decree of investigation and prosecution - or one of them - in criminal offenses under the special provisions in the terms of reference and the authorities relating to the investigation or prosecution by the conditions set out in the penal proceedings until the investigation and prosecution of those terms of reference and the authorities. (published in the newspaper , Om Al-Qura No. 4389 in 28/1/1433)