



المملكة العربية السعودية
ديوان المظالم
(٠٨٣)
مجلس القضاء الإداري

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التاريخ:
المشروعات:

Rules for seeking assistance from experts and determining their fees before the Court of Grievances' courts

General Provisions

Article 1:

The court may, when necessary, delegate one or three experts

Expert selection

Article 2:

The work of expertise is carried out by licensed experts, and the expertise available at government agencies may be sought.

Article 3:

If the litigants agree on an expert, the court can approve their agreement, and if the court chooses an expert other than those stipulated in Article (2) of these rules or other than what the litigants agreed upon, then it must state the reasons for this in the delegation decision.

Delegated the expert

Article 4:

The court, according to the different circumstances, shall request a number of expert presentations before delegating the expert. Each expert's presentation must include a statement of the works that he will perform, his experiences in them, the time required to complete them, and an estimate of his expenses and fees.

Article 5:

The delegation decision must include the following:

1. An accurate statement of the expert's mission, powers, and urgent measures that he is authorized to take.
2. The date set for filing the report and the business minutes, not exceeding forty-five days from the issuance of the decision, and the court may expand it thirty days if the experience subject is with a government agency.
3. The date of the hearing session after the report is filed.

The decision includes - when necessary - also:

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1. The amount of the advance that must be deposited into the account of the expert's expenses and fees, and the time for depositing it.
2. A statement of the party assigned to deposit the advance.
3. The amount that the expert may withdraw for his expenses

Article 6:

The court - in the decision to delegate - may, in principle, exempt the party who is unable to deposit the advance until the task is completed. In this case, the court does not set a time limit for depositing the advance.

Article 7:

If the advance is not deposited by the opponent assigned to deposit it or from other parties within the specified time, the expert is not obligated to perform the task. The court may grant the litigant a suitable time to deposit it, or decide to suspend the litigation until it is deposited, or decide to lose the right of the litigant to adhere to the decision of delegation if it finds that the excuses given by hem are unacceptable. Granted the expert an additional time limit for filing his report, which is similar to the time the opponent was granted

Expert disqualified

Article 8:

The expert may be disqualified that permit the disqualification of judges. The request to disqualify the expert shall submit with the reasons to the Case Department at the court that appointed the expert. The request shall be informed to the expert to answer it in writing within five days. The court shall decide on the request within five days from the date of the response or the deadline for submitting it - as the case may be - by a decision to be recorded in the session minutes. The decision is not subject to appeal.

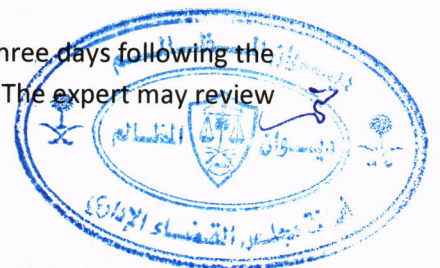
Article 9:

The request for disqualified shall not be accepted from those who delegated the expert based on his choice, unless the reason for the disqualification occurred after his choice.

The expert mission, obligations and powers

Article 10:

The court delivers the expert a copy of the delegation decision within the three days following the issuance of the decision or the deposit of the advance, as the case may be. The expert may review





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the case documents and attachments without taking anything from them without the permission of the court.

Article 11:

The expert may, within five days from the date of receiving a copy of the delegation decision, request to be exempted from performing the assignment. The court may decide to exempt him if he shows acceptable reasons, provided that what he received from the advance is returned.

Article 12:

The expert shall conduct the task by himself, if the assignment is for him. He has the right to seek the help of whoever works for him under his supervision and responsibility. If the expert is a legal person, his representative must indicate to the court the name of the person or natural persons who are carrying out the task in his name.

Article 13:

The expert shall determine a date for the start of his mission not exceeding fifteen days from the date of receiving the copy of the delegation decision, unless the decision includes another date. The expert shall inform the litigants - at least seven days before the start of his work - to attend on the specified date.

Article 14:

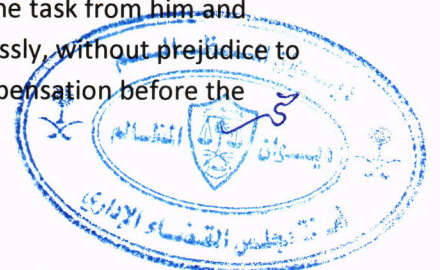
In summary cases, the delegation decision may stipulate that the assignment should be undertaken immediately with a condition that the expert shall inform the litigants by any appropriate means by which their knowledge can be achieved.

Article 15:

In non- summary cases, the expert's notification to the litigants shall be in a registered letter unless there is an agreement on another method. The expert shall - in all cases - do his work even in the absence of the litigants whenever possible, and that is when they have been properly informed.

Article 16:

If the expert does not perform his mission without an acceptable excuse, fails to perform his task, or delays in submitting the report on the specified date without justification, the court shall issue a warning to him within a period not exceeding five days from that, and if he does not respond within five days of informing him of the warning, then the court shall withdraw The task from him and order him to return what has left of the advance and what has spent uselessly, without prejudice to right of accountability and the right of the concerned parties to claim compensation before the competent authorities.





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Article 17:

The expert shall maintain the confidentiality of the information and data that he accessed because of his mission or during its execution, and he may not disclose anything of it even after the end of his assignment.

Article 18:

To perform his assignment, the expert has the following rights:

1. A request to hand him over the things or documents that he deems necessary to perform his mission from litigants or others. The court may, when necessary, oblige the litigants to do so based on the expert's request or to decide what it deems necessary.
2. Hearing the statements and their remarks of the litigants. He has the right to hear from others if the delegation decision includes permission to do so.

When the litigants or others fail to implement the expert's requests, the court may authorize him to prepare the report in light of the available data, or forfeit the right of the litigant who failed to implement the expert's requests to adhere to the delegation's decision.

Article 19:

The expert has the right to inspect the facilities, places and things that he deems necessary to perform the mission, and he must refer to the court in case he is not enabled to decide, by the court, what it deems necessary.

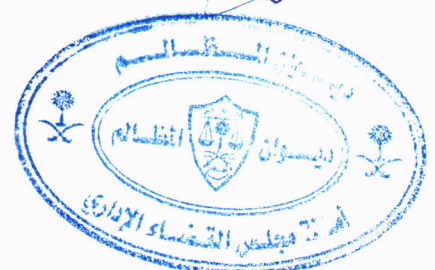
Article 20:

The expert - after the approval of the court - may seek the assistance of another expert's opinion on a secondary matter that requires a different technical specialty.

Business Minutes and Experience Report

Article 21:

The expert shall prepare a report of his work, and the minute shall include a statement of the following:





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1. The presence or absence of the litigants and their representatives, and their statements and notes signed by them unless they have no objection to sign, and the reason for this shall be mentioned in the minutes.

2. The expert's detailed actions, statements and signatures of the persons he heard.

Article 22:

The expert shall prepare a report signed by him that includes the following:

1. Delegation decision and its date.
2. Mission statement according to the delegation decision.
3. A summary of the litigants' statements, the documents and evidence they submitted, and the technical analysis.
4. The result of his work, his opinion, and the reasons on which he relied accurately and clearly.

In the event that there are more and different experts, the report must include the opinion of each of them and the reasons for it.

Article 23:

The expert shall submit the following - on the date specified for him - to the case department in the court:

1. His report and minutes of his work, with copies of them in the number of litigants.
2. A statement of the time spent in carrying out his mission, and a statement of his expenses and an estimate of his fees.

The expert shall inform the litigants of this submission within twenty-four hours following the submission.

Article 24:

If the expert is not able to submit his report and the minutes of his work on the specified date, he shall submit to the case department in the court at least seven days before the specified hearing a memorandum of the work he has done and the reasons that prevented the completion of his mission. If the court finds in the hearing what justifies the delay, it shall be granted a time limit that does not exceed thirty days for filing the report. In all cases in which his mission ends, the expert shall return all items or documents he received in order to perform the task.





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Experience without Report

Article 25:

The court - by a decision in the hearing minutes - may appoint an expert to express his opinion on a technical issue or to inspect the disputed matter. The court determines - according to the circumstances - the duration in which the expert shall present his written statement or the inspection report, or the date of the hearing in which he delivers his opinion or information orally.

Article 26:

In a summary case to document the material conditions of an event, the court may appoint - by a reasoned decision - an expert to inspect something that is likely to be the subject of a dispute in the presence of the concerned parties, and the court takes into account the nature of the case when determining the duration which the expert shall present the inspection report.

Article 27:

The court determines - when necessary - the advance amount that must be deposited to the account of the expert's expenditures and fees and the time for its deposit and the person assigned to it, in its decision to appoint the expert in the cases stipulated in articles (25) and (26) of these rules.

Control Over the Expert's Work and its Authority

Article 28:

The court has the right, on its own decision or upon request of the litigants, of the following:

1. Summon the expert to discuss his report, whether in writing or orally, in the hearing.
2. Return the report to the expert to correct the errors or deficiencies in it, and it may, when necessary, entrust that to another expert.

Article 29:

The court may provide the expert with what the litigants have provided regarding his minutes or his report to respond to it.

Article 30:

In all cases, it is not permissible to appeal to what has been proven by the expert from what was done by him or received from the concerned parties within the limits of what he has been authorized to prove except by claiming forgery.





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Article 31:

If the court does not take all or part of the expert's opinion, it shall explain the reasons for that in its judgment.

Estimating Fees and Expenses

Article 32:

Estimating expenses and fees shall be by a decision issued by the court - and recorded in the hearing minutes - based on a request from the expert who shall submit it to the competent department after filing his report, or after he has performed the task that stipulated in articles (25) and (26) of these rules.

Article 33:

The actual costs and expenses entailed in the execution of the task shall be taken into account in estimating the expenses if they are within reasonable limits.

Article 34:

If an agreement on estimating the fees between the litigants and the expert does not exist, the court shall estimate the expert's fees by taking into account the following:

1. The nature of the dispute and the type of experience.
2. The actions undertaken by the expert.
3. The time taken to perform the task.
4. Years of experience and the lack of specialists.
5. Similar fees before the judiciary.
6. The value of a similar professional business.

Article 35:

The expert collects what was estimated from the advance. If it is not deposited or if the estimate is increased, then the litigant who has lost the case subject to experience shall pay, and the judgment on the matter shall include the obligation upon him to do so. Moreover, the expert shall return what he received in addition to what was estimated for him.

Article 36:

If the loss is relative among the litigants, each of them shall bear - to the extent of his loss - the expert's fees and expenses.





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Final Provisions

Article 37:

The court has the right to withdraw from the expert procedures it has ordered by a reasoned decision in the hearing minutes

Article 38:

In all cases, if the court decides to delegate another expert in the case, it shall follow the procedures stipulated in these rules. And in this case, it is permissible to utilize the information provided by the previous expert.

Article 39:

The competent department shall prepare the procedures and forms necessary to enforce these rules. And the Chairman of the Administrative Judicial Council shall make the decision to issue its approval.

Article 40:

In the event there is no mention of special provisions in these rules, it is not permissible to appeal against any decisions and orders related to the expertise except with an appeal to the judgment issued in the matter.

Article 41:

These rules shall be published in the official newspaper, and shall be enforced after (180) one hundred and eighty days from the date of its publication.

