(Translated Version)

**Regulations & Procedures of the Committee for Resolutions of Banking Control Law Violations**

(The Banking Control Law promulgated by Royal Decree No. M/5 dated 22/2/1386 H)

**Article 1: Definitions**

 The following terms and phrases – wherever mentioned in this Regulations & Procedures Manual – shall have the meanings assigned thereto, unless the context requires otherwise:

**Law:** The Banking Control Law promulgated by Royal Decree No. M/5 dated 22/2/1386 H.

**Minister:** The Minister of Finance.

**Prosecutor:** The Public Prosecution or the Saudi Arabian Monetary Agency (SAMA), As the case may be.

**Committee:** The Committee for Resolutions of Banking Control Law Violations, which is created under Article (25) of the Banking Control Law.

**Appeal Committee:** The Appeal Committee for Banking Disputes and Violations, which is established under Royal Decree No. 37441 dated 11/8/1437 H.

**Article 2: Subject Matter Jurisdiction**

The Committee shall be in charge of adjudicating violations and imposing regulatory sanctions specified under the Banking Control Law.

**Article 3: Filing and Recording Lawsuits**

 A Lawsuit shall be filed with the Committee by the plaintiff, by means of a statement of claim in a hard copy (original) and a digital one.

The statement of claim must include the following:

* Defendant's full name, place of residence and contact information.
* Subject matter of the suit and the plaintiff's claims, including:
	+ The suit's detailed facts
	+ Evidences
* All documents and investigations reports related to the suit.

**Article 4: Notice of Hearing**

1. The Committee shall inform the litigants of the prescribed hearing dates, in one of the following ways:
	1. Postal address via postal service companies.
	2. E-mail, telephone, or text messages.
	3. The litigants' representatives or lawyers in person.
	4. General Directorate of Prisons, in case the defendant is imprisoned or detained.
	5. The administrative governor if the defendant's place of residence is unknown, or he/she fail to attend the hearing after been notified.
	6. The security authorities.
	7. The Ministry of Foreign Affairs if the defendant is a Saudi living abroad.
2. Notification by digital means, telephone calls, text messages via telephone, fax or advertisement in the press shall have the same effect as informing by written documents or the attendance in court in person.

**Article 5: Hearing Procedures & Order**

1. Hearing Order
	1. The Committee shall hold its hearing sessions at the Committee's headquarters in Riyadh. It may – as an exception – hold the hearing outside its headquarter, if necessary, after coordination with the litigants, and with the Minister's consent.
	2. The Committee shall hold its hearing sessions outside the official working hours. It may hold some of its sessions during official working hours if the defendant is a prisoner who cannot be brought outside the official working hours, or for any other reasons that the Committee deems fit.
	3. Lawsuits where the litigants are prisoners, detainees or on the deportation list are given priority over other cases.
	4. The committee chairman shall be in charge of order and management of the hearing.
2. The hearing may be held and the litigants' motions and petitions be delivered in the presence of any of the committee members. If the session took place with the presence of only one committee member, this member shall be the chairman of the committee.

**Article 6: Considering a Lawsuit**

1. The Committee may not consider the lawsuit case unless the defendant in person or his/her attorney attends. If the defendant or his/her attorney fails to attend after been notified, the session shall be adjourned and a further date set for the hearing.
2. If the defendant or his/her attorney in the same case are notified of the date of the hearing in person, or a memorandum of defense is deposited with the committee by the defendant or his/her attorney prior to the scheduled hearing of the case, or if the defendant appears at any of the hearings and fails to appear again, the committee shall rule on the lawsuit and the judgment shall not be deemed in absentia with respect to the defendant.
3. If the defendant is an expatriate and has left the Kingdom of Saudi Arabia on a final exit visa or on an exit/re-entry visa and has not returned, or if his/her residence could not be reached - after following all the specified ways aforementioned under Article (4) of this Regulations & Procedures Manual, the lawsuit file shall be returned to the case applicant.
4. The Committee shall, in its consideration of the case, abide by the general principles of justice and litigation, the investigation principles requirements, the regulations applied in the Kingdom and the Islamic jurisprudence. It is obliged to hear the defendants' statements, enable them to present their defense and give them sufficient opportunity to respond to the case, taking on consideration the circumstances accompanying the case at hand. The Committee shall be entitled to review all relevant documents and reports of the case and to complete such matters as may be necessary to pass its judgment.
5. The Committee may, when necessary, decide to assign an expert or more, and the expert's fees and expenses shall be upon the accused if convicted.
6. The Committee may, when necessary, seek the assistance of legal advisers, lawyers or others, permanently or temporarily, after the Minister's approval.

**Article 7: Committee Verdicts**

The Committee's Judgment shall include at least the following information:

1. The litigants' names, capacities and places of residence, specified hearings dates, the verdict's date and number, and the hearings' attendees and their capacities.
2. Detailed facts of the case as listed in the statement of claim and their defenses thereto, including: written, digital and oral petitions during the hearings.
3. Reasons, findings and grounds for judgment.
4. The verdict shall be pronounced in a clear manner stating that the litigants have the right to appeal to the judgment within 30 days of the date specified for receipt of the copy of the decision.

**Article 8: Rendering Judgments**

1. The judgment decree shall be pronounced during the specific hearing in which the Committee has decided to pronounce the judgement, in presence of the plaintiff, the defendant or his/her attorney. The committee may postpone the verdict to a later date.
2. Litigants shall receive a copy of the judgment decree during the verdict session, or within a period not exceeding 30 days from the verdict date or the last hearing.
3. If the defendant is imprisoned or detained and has already attended the hearing but the verdict was not issued during the hearing, the authority in charge of him/her or his/her attorney (as the case may be) shall receive an official letter including the judgment decree and a receipt form. The receipt form shall be returned to the Committee explaining the date on which the defendant received a copy of the judgment decree.
4. If the defendant does not attend to receive the judgment decree, despite being informed in writing or in person of the date of receiving the judgment decree, the judgment decree shall be deemed to have been received on the date specified for the receipt, and the statutory objection period shall be applied to the verdict.
5. The judgment decree delivered to litigants shall be sealed after adding the following text: "this verdict is preliminary and non-enforceable unless it is deemed to be final".

**Article 9: Objecting to Judgements**

1. The judgment shall be deemed final if either of the parties to the case approves the verdict, or if the appeal period has expired. The Committee shall clarify this matter in the statement of claim.
2. An appeal for a revision shall by means of a brief deposited with the Secretariat of the Committee. Such brief shall contain the appealed judgment, its number, date, grounds for objection, claims of the appellant and his signature as well as the date of depositing the brief. The concerned party may file an appeal against the decision without submitting a memorandum, and the objection may be submitted digitally according to the procedures specified for that purpose.
3. The Committee may reconsider the judgment in accordance with the objections filed, in the presence of the litigants (if their attendance is required). In this case, the Committee shall confirm its verdict or amend it according to what it deems appropriate. If one or both of the litigants are not contented with the verdict, the Committee shall transfer its judgment decree with a copy of the hearing minutes, memorandum of objection and the lawsuit file to the General Secretariat of Committees for Banking and Financial Disputes and Violations.

**Article 10: Annual Report**

The Committee shall submit an annual report at the end of every Hijri year to the Minister, including its accomplishments, a summary of the cases in which it ruled and their types, and the pending lawsuits.

**Article 11: Applicable Laws**

Any lawsuit not provided for in this Regulations & Procedures Manual, the Committee shall apply the provision of the Law of Procedure Before Shari'a Courts promulgated by Royal Decree No. (M/1) dated 22/1 / 1435H and the Law of Criminal Procedure promulgated by Royal Decree No. (M/2) dated 22/1 / 1435H to the cases brought before it, in a manner consistent with the nature of the proceedings in question.

**Article 12: The Committee Secretariat Functions**

The Chairman of the Committee shall determine the tasks and procedures for the Committee's Secretariat and the organization therein.

**Article 13: Regulations & Procedures Manual Application**

This Regulations and Procedures Manual shall enter into force from the date of its issuance.