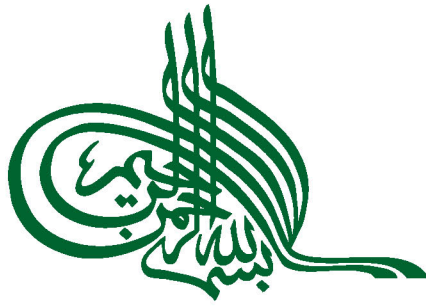




The Shura Council
Kingdom of Saudi Arabia

LAW OF THE SHURA COUNCIL





LAW OF THE SHURA COUNCIL

Royal Order No. A/91

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Royal Order No. A/91
27 / 08 / 1412 A.H (1992 A.D)

By The Help Of Allah Almighty

We, Fahd Bin Abdul Aziz, king Of the Kingdom Of saudi Arabia, After Reviewing The Shura Council Law Issued Bya Royal Order Dated 1347 H We Ordered The Following:

First: Issuing Shura Council Law As Attached

Second: This Law Shall Replace Shura Council Law Issued In 1347 H And The New Council Shall Be Regulated According To The Royal Order

Third: Act In Accordance Withal The Laws, Orders, And Resolutions That Are Currently Adopted, Until They Are Amended In Pursuance With Shura Council Law.

Fourth: This Law Shall Be Applied Within Six Month Ofits Publication.

Fifth: This Law Shall Be Published In The Official Gazette.

Signature

Fahd Bin Abdul Aziz

LAW OF THE SHURA COUNCIL

Article 1:

In compliance with Almighty God's words:

“Because of the mercy of God you dealt with them gently. And were you severe, harsh-hearted, they would have broken away from about you; so pass over (their faults) and ask for (God's) forgiveness for them ; and consult them in the affair. Then when you have taken a decision, put your trust in God. Certainly God loves those who put their trust (in Him).” (III, 159)

and His words

“Those who answer the call of their Lord (i.e. to believe that He is the only one Lord (God) and to worship none but Him Alone) and offer their prayer perfectly, and who (conduct) their affairs by mutual consultation, and who spend of what we have bestowed on them.” (XLII, 38) and following His Messenger Peace Be Upon Him (PBUH) in consulting his Companions and urging the nation to engage in consultation, The Shura Council shall be established to exercise the tasks entrusted to it, in accordance with this Law and the Basic Law of Governance, while adhering to the Quran and the Sunna of the Messenger (PBUH), maintaining brotherly ties and cooperating unto righteousness and piety.

Article 2:

The Shura Council shall hold fast to the bond of God and adhere to the sources of Islamic legislation. Members of the Council shall serve public interest and preserve the unity of the community, the entity of the State and the interests of the nation.

Article 3:

The Shura Council shall consist of a chairman and one hundred fifty¹ members chosen by the King from among scholars, experts and specialists, provided women representation² therein be not less than (20%) of the members. Their rights, duties, and all their affairs shall be specified by royal order.

Article 4:

A member of the Shura Council shall be:

- (a) a Saudi national by descent and upbringing.
- (b) well known for uprightness and competence.
- (c) not less than thirty years of age.

Article 5:

Any Shura Council member may submit a request to be relieved from membership to the Chairman of the Shura Council, who in turn shall bring it before the King.

Article 6:

If a Shura Council member fails to perform his duties, he shall be interrogated and tried according to rules and procedures to be issued by royal order.³

Article 7:

When the position of a Shura Council member becomes vacant for any reason, the King shall choose a replacement and issue a royal order to⁴ this effect.

1 As amended by Royal Order No. (A/26) dated 2/3/1426H. The original number was sixty and then was increased to ninety and then to one hundred and twenty and subsequently to one hundred and fifty by Royal Order No. (A/62) dated 1/3/1418H, Royal Order No. (A/78) dated 1/3/1422H and Royal Order No. (A/26) dated 2/3/1426H respectively.

2 As amended by Royal Order No. (A/44) dated 29/2/1434H.

3 Royal Order No A/15 dated 3/3/1414H was issued approving the Rules for Investigation and Trial of Shura Council Members.

4 As amended by Royal Order No. (A/181) dated 14/12/1428H.

Article 8:

A Shura Council member may not exploit his membership for his own interest.

Article 9:

Membership of the Shura Council may not be combined with any government post or the management of any company, unless the King deems it necessary.

Article 10:

The Chairman, the Vice Chairman, the Assistant Chairman and the Secretary General of the Shura Council shall be appointed and relieved by royal orders. Their grades, rights, duties and all their affairs shall be defined by royal order.

Article 11:

Prior to assuming their duties, the Chairman, the members and the Secretary General of the Shura Council shall take the following oath before the King:

“I swear to God Almighty to be loyal to my religion, then to my King and Country, and not to reveal any of the State’s secrets, to preserve its interests and laws, and to perform my duties with sincerity, integrity, loyalty and fairness.”

Article 12:

The city of Riyadh is the seat of the Shura Council. The Council may convene in another area within the Kingdom if the King deems it appropriate.

Article 13:

The term for the Shura Council shall be four Hijri years effective from the specified date in the royal order issued for its formation. A new Council shall be formed at least two months before the end of the current Council's term. If the term expires before the formation of the new council, the previous one shall remain active until the new council is formed. When a new council is formed, the number of the newly selected members shall not be less than half of the Council's members.

Article 14:

The King, or whomever he may deputize, shall deliver an annual Royal speech at the Shura Council on the domestic and foreign policy of the State.

Article 15:

The Shura Council shall express its opinion on the public policies of the State referred to it by the President of the Council of Ministers. The Council shall specifically have the right to exercise the following:

- (a) Discuss the general plan for economic and social development and provide an opinion on it.
- (b) Review laws and regulations, treaties, international agreements, and concessions, and provide whatever suggestions it deems appropriate.
- (c) Construe laws.
- (d) Discuss annual reports submitted by ministries and other government agencies, and provide whatever suggestions it deems appropriate.

Article 16:

A meeting of the Shura Council shall not be valid without a quorum of at least two-thirds of its members, including the Chairman or whomever he deputizes. Resolutions shall not be considered valid without the approval of the majority of the Council members.

Article 17:

The Shura Council's resolutions shall be brought before the King who shall decide what of said resolutions to be referred to the Council of Ministers.

- If the views of both the Council of Ministers and the Shura Council coincide, the resolutions shall come into force following the King's approval.
- If the views are at variance, the matter shall be referred back to the Shura Council to express its views regarding it and then bring it before the King to decide whatever he deems appropriate.⁵

Article 18:

Laws, treaties, international agreements, and concessions shall be issued and amended by royal decrees after review by the Shura Council.

Article 19:

The Shura Council shall form from among its members the specialized committees necessary to exercise its powers. The Council may also form ad hoc committees to discuss any issue on its agenda.

⁵ As amended by Royal Order No. (A/198) dated 2/10/1424H. The original text of this Article was as follows: "The Shura Council's resolutions shall be brought before to the President of the Council of Ministers who shall refer them to the Council of Ministers for consideration. If the views of both Councils coincide, the resolutions shall come into force following the King's approval. If the views are at variance, the King may decide whatever he deems appropriate."

Article 20:

The Shura Council's committees may seek the assistance of whomever they deem fit of non-council members upon the approval of the Chairman of the Council.

Article 21:

The Shura Council shall have a general panel composed of the Chairman of the Council, the Vice Chairman, the Assistant Chairman⁶ and heads of the specialized committees.

Article 22:

The Chairman of the Shura Council shall submit to the President of the Council of Ministers a request to call any government official to attend the sessions of the Shura Council when matters relating to his jurisdiction are discussed. He shall have the right to participate in the discussion but not the right to vote.

Article 23:

The Shura Council shall have the right to propose a new draft law or an amendment to a law in force and study the same in the Council. The Chairman of the Shura Council shall bring what the Council decides before the King.⁷

Article 24:

The Chairman of the Shura Council shall submit a request to the President of the Council of Ministers to provide the Council with statements and documents in the possession of government agencies, which the Council deems necessary to facilitate its work.

⁶ As amended by Royal Order No. (A/181) dated 14/12/1428H.

⁷ As amended by Royal Order No. (A/198) dated 2/10/1424H. The original text of this Article was as follows: 'Any group of ten members of the Shura Council shall have the right to propose a new draft law or an amendment to a law already in force and submit it to the Chairman of the Council. The Chairman shall bring the proposal before the King.'

Article 25:

The Chairman of the Shura Council shall bring an annual report before the King regarding the Council's work in accordance with provisions of the Internal Regulations of the Council.

Article 26:

Civil service laws shall apply to the employees of the Council's bodies unless the Internal Regulations provide otherwise.

Article 27:

The Shura Council shall be allocated a special budget to be approved by the King. It shall be spent in accordance with rules to be issued by royal order.⁸

Article 28:

The Shura Council's financial matters, auditing and closing accounts shall be instituted in accordance with special rules to be issued by royal order.⁹

Article 29:

The Internal Regulations of the Shura Council shall define the powers of its Chairman, the Vice Chairman, the Assistant Chairman,¹⁰ the Secretary General, its bodies, the methods of conducting its meetings, the management of its work and its committees' work and the voting procedure. The regulations shall also specify rules of debate, principles of responding, and other matters conducive to order and discipline within the Council, so that it may exercise its jurisdiction for the welfare of the Kingdom and the prosperity of its people. These regulations shall be issued by royal order.

Article 30:

Amendment to this Law can only be made in the same manner of its promulgation.

8 Royal Order No A/15 dated 3/3/1414H was issued approving the Rules Regulating the Financial and Personnel Affairs of the Shura Council.

9 Royal Order No A/15 dated 3/3/1414H was issued approving the Internal Regulations of the Shura Council.

10 As amended by Royal Order No. (A/181) dated 14/12/1428H.

INTERNAL REGULATIONS OF THE SHURA COUNCIL

Royal Order No. (A/15)

3 Rabi Al-Awwal 1414H – 21 August 1993

Published in Umm al-Qura Gazette No. 3468

10 Rabi Al-Awwal 1414H – 28 August 1993

Chapter One

Powers of the Chairman of the Council, the Vice Chairman and the Secretary General

Article 1:

The Chairman of the Council shall oversee all the functions of the Council, represent the Council in its relations with other agencies and organizations and speak on its behalf.

Article 2:

The Chairman of the Council shall preside over all sessions of the Council and meetings of the general panel as well as committee meetings he attends.

Article 3:

The Chairman of the Council shall open and adjourn the Council's sessions, manage the discussions and participate in them, give the floor, specify the topic for discussion, draw the attention of speakers to the time limit and the subject matter of discussion, end discussion and put matters to vote. He may do whatever he deems necessary to maintain order during sessions.

Article 4:

The Chairman of the Council may call the Council, the general panel or any other committee for an emergency session to discuss a specific topic.

Article 5:

The Vice Chairman of the Shura Council shall assist the Chairman when present and assume his powers in his absence.

Article 6:

In the absence of the Chairman, the Vice Chairman shall preside over the Council's sessions and the meetings of the general panel. In case both are absent, the Assistant Chairman shall preside over the Council and the general panel's meetings. The Vice Chairman and the Assistant Chairman shall have the same powers specified for the Chairman.¹¹

Article 7:

The Secretary General or whoever acts for him shall attend the Council's sessions and the meetings of the general panel. He shall oversee the taking of minutes and announce to members the schedule and agenda of the sessions. In addition, he shall attend to all duties assigned to him by the Council, by the general panel or by the Chairman of the Council. He shall be accountable before the Chairman of the Council regarding the financial and administrative affairs of the Council.

¹¹ As amended by Royal Order No. (A/181) dated 14/12/1428H.

Chapter Two

The Council's General Panel

Article 8:

The Council's general panel shall consist of the Chairman of the Council, the Vice Chairman, the Assistant Chairman¹² and heads of the Council's specialized committees.

Article 9:

The general panel's meetings shall not be valid unless attended by at least two thirds of its members. It shall pass resolutions by majority vote of members present. In case of a tie, the Chairman shall cast the deciding vote.

Article 10:

Minutes shall be prepared for every meeting of the general panel, stating the time and place of the meeting, the names of those present and absent, a summary of the discussions and the text of the recommendations. The minutes shall be signed by the Chairman of the meeting and the members present.

Article 11:

The general panel shall have power to perform the following:

- (a) Devising a general plan for the Council and its committees to enable it to carry out its duties and realize its objectives.
- (b) Setting the agenda of the Council sessions.
- (c) Deciding upon objections referred to it by the Council's Chairman or the Council regarding the contents of the session minutes, the results of voting, the counting of votes or any other objections raised during Council sessions, and its decision thereon shall be final.
- (d) Issuing the rules necessary for regulating the functions of the Council and its committees, without prejudice to the Council's Law and regulations.

¹² As amended by Royal Order No. (A/181) dated 14/12/1428H.

Article 12:

The Shura Council shall hold a regular session at least once every fortnight. The date and time of the session shall be determined pursuant to a decision by the Council's Chairman. He may advance or postpone sessions when necessary.

Article 13:

The agenda of a session shall be distributed to members before convening, along with reports pertaining to topics listed on the agenda and whatever the general panel deems necessary.

Article 14:

A Shura Council member shall review the items on the agenda within the premises of the Council. In any event, he may not take outside the Council any papers, laws or documents related to his job.

Article 15

A member who wishes to speak during the session shall submit a request in writing, and requests shall be listed in the order submitted.

Article 16:

The Chairman shall permit members to speak taking into consideration the order of receipt of their requests and whatever is of interest to the discussion.

Article 17:

A member shall not speak on a single topic for more than five¹³ minutes, without the permission of the Chairman. A member shall address only the Chairman or the Council, and the Chairman alone may interrupt a speaker.

Article 18:

The Council may postpone the discussion of a topic or revisit it. The Chairman may temporarily adjourn the session for not more than one hour.

Article 19:

Minutes shall be prepared for each session, stating the venue and date of the session, the time of opening, the name of its chairman, the number of members present, the names of those absent and the reasons for their absence, if any, a summary of the discussions, the numbers of those voting in favor and those voting against, the result of the vote, the texts of the resolutions, whatever is related to the postponement or suspension of the session and the time of its adjournment, as well as any other matter the Chairman wishes to record.

Article 20:

The Chairman of the Council and the Secretary General or whoever is acting for him shall sign the minutes after they have been read to the Council. Any member shall have the right to view them.

¹³ As amended by Royal Order No. (A/181) dated 14/12/1428H.

Article 21:

The Shura Council shall, at the outset of its term, form the necessary specialized committees from amongst Council members to exercise its powers.

Article 22:

Each specialized committee shall be formed of a number of members to be determined by the Council, provided that the number is not less than five. The Council shall select these members and name from among them the chairman of the committee and the vice chairman, taking into consideration committee's needs, members' qualifications and women participation.¹⁴ The Council may also form ad hoc committees to study a certain topic, and each committee may form one or more sub-committees from among its members to study a specific topic.

Article 23:

The Council may reconstitute its specialized committees and form others.

Article 24:

A committee chairman shall manage its functions and speak on its behalf before the Council. In the absence of the chairman, his vice chairman shall replace him. In the absence of the chairman and the vice chairman the eldest member shall chair the committee.

Article 25:

The committee shall convene upon the invitation of its chairman, the Council or the Chairman of the Council.

¹⁴ As amended by Royal Order No. (A/44) dated 29/2/1434H.

Article 26:

Committee meetings shall be held in camera, and they shall not be considered valid unless at least two thirds of the committee members are present. Each committee shall prepare its agenda upon its chairman's suggestion, and shall issue its recommendation by majority vote of the members present. In case of a tie the Chairman shall cast the deciding vote.

Article 27:

Committees shall review whatever is referred to them by the Council or its Chairman, and if the topic concerns more than one committee, the Chairman of the Council shall decide which committee is most qualified to review it, or he may refer it to a committee comprising all members of the committees concerned under the chairmanship of the Chairman of the Council, the Vice Chairman or the Assistant Chairman.¹⁵

Article 28:

Any Council member may express his opinion on any topic referred to a committee, even if he is not a member thereof, provided that his opinion is submitted in writing to the Chairman of the Council.

Article 29:

Minutes shall be prepared for every committee meeting, stating the date and venue of the meeting, the names of members present and absent, a summary of the discussions and the text of its recommendations. The chairman and the members present shall sign the minutes.

Article 30:

When a committee completes the review of a certain topic, it shall draft a report that includes the topic referred to it, the committee's views, its recommendation and the grounds thereof as well as the views of the minority, if any.

¹⁵ As amended by Royal Order No. (A/181) dated 14/12/1428H.

Voting and Adoption of Resolutions

Article 31:

Council resolutions shall be adopted by majority vote as provided for in Article (16) of the Council's Law. In case a majority vote is not attained, the topic shall be resubmitted for voting in the following session. In the event the topic does not win a majority vote in this session, the issue shall be brought before the King along with any relevant study and the results of voting in both sessions.

Article 32:

No discussion or presentation of new views shall be allowed during the voting process. In all cases, the Chairman shall cast his vote after the members.

Chapter Six

General Provisions

Article 33:

The Chairman of the Shura Council shall submit the annual report as provided for in Article (25) of the Council's Law within the first three months of the following year. This report shall include all studies and activities carried out that year in addition to all resolutions adopted and the current status of issues pending before the Council.

Article 34:

Financial and personnel affairs of the Council shall be regulated in accordance with the Rules Regulating the Council's Financial and Personnel Affairs. The Chairman of the Shura Council shall issue the necessary rules regulating administrative and financial activities of the Council, including the organizational structure and the functions of the various departments of the Council, without prejudice to the Law of the Shura Council and its regulations.

REGULATIONS OF RIGHTS AND DUTIES OF SHURA COUNCIL MEMBERS

Royal Order No. (A/15)

3 Rabi Al-Awwal 1414H – 21 August 1993

Published in Umm al-Qura Gazette No. 3468

10 Rabi Al-Awwal 1414H – 28 August 1993

Article 1:

Membership of the Shura Council shall take effect from the beginning of the Council's term as specified in the order of its formation according to Article (13) of the Law of the Council. A substitute member's term of office shall commence on the date specified in the royal order naming him a member and shall expire at the end of the Council's term. In case the term of the Council ends before the new Council is formed, his membership shall remain valid until the new council is formed, unless his membership is terminated.

Article 2:

A Shura Council member shall receive a monthly remuneration of twenty thousand riyals during his term of office and shall be treated as those holding "Grade Fifteen" in terms of allowances, stipends, compensations, benefits, and leaves. This shall not affect the pension to which a member may be entitled.

Article 3:

A full-time Council member, who prior to his appointment in the Council held a public position, shall retain the grade he held before joining the Council. His term of office in the Council shall be taken into consideration with respect to increments, promotions and retirement. A member shall pay, during his term of office, his pension premiums according to the salary of his original position.

A member may not combine the remuneration and benefits prescribed for Council members and the salary and benefits from his public position.

In case the public position salary exceeds the remuneration prescribed for members, the Council shall pay the member the difference. If his public position provides him with greater benefits than those provided by the Council, the member shall continue to receive them.

Article 4:

As an exception to Article (2) of these Regulations, a Council member shall be granted a forty-five-day annual leave. The scheduling of members' leaves shall be determined by the Chairman, who shall ensure that granting leaves shall not affect the quorum needed for Council sessions.

Article 5:

A Council member shall adhere to total impartiality and objectivity in all his activities at the Council. He shall not raise before the Council an issue related to personal interest or conflicting with public interest.

Article 6:

A Council member shall regularly attend Council sessions and committee meetings. When he is unable to attend a Council session or a committee meeting, he shall notify the Chairman of the Council or the committee chairman in writing. He may not leave a Council session or a committee meeting before adjournment without permission from the Chairman of the Council or the committee chairman, as the case may be.

RULES REGULATING FINANCIAL AND PERSONNEL AFFAIRS OF THE SHURA COUNCIL

Royal Order No. (A/15)

3 Rabi Al-Awwal 1414H – 21 August 1993

Published in Umm al-Qura Gazette No. 3468

10 Rabi Al-Awwal 1414H – 28 August 1993

Article 1:

The fiscal year of the Shura Council shall be the same as the State's.

Article 2:

The Chairman of the Shura Council shall prepare a draft of the Council's annual budget and bring it before the King for approval.

Article 3:

The Council's budget, after its approval, shall be deposited with the Saudi Arabian Monetary Agency, and spending shall be authorized by the Council's Chairman or Vice Chairman.

Article 4:

If the funds allocated in the Council's budget do not cover all expenditures, or if an expenditure unanticipated at the time of preparation of the budget arises, the Chairman shall prepare a statement for the required additional funds and bring it before the King for approval.

Article 5:

Titles and grades of Council positions shall be determined in its budget. Titles may be modified and grades lowered during the fiscal year by a decision of the Council's Chairman.

Article 6:

Positions of Grades Fourteen and Fifteen shall be filled with the King's approval, while other Council positions shall be filled in accordance with the Civil Service Law and its regulations, and they shall be exempted from the provisions governing job competition.

Article 7:

The general panel of the Council shall set rules for non-Council members who render services to the Council as well as their remuneration, whether they are government employees or otherwise. These rules shall be issued pursuant to a decision by the Chairman of the Council.

Article 8:

The Shura Council shall not be subject to monitoring by any other agency, and there shall be a pre-audit department within the administrative structure of the Council. The general panel of the Council shall undertake the auditing. The Chairman of the Shura Council may request a financial or administrative expert to prepare a report on any of the Council's financial or administrative affairs.

Article 9:

At the end of the fiscal year, the General Secretariat of the Council shall prepare the closing account, and the Chairman of the Council bring it before the King for approval.

Article 10:

Without prejudice to the provisions of these regulations, the Council's financial affairs and accounts shall be governed by the rules observed by ministries and government agencies.

Rules and Procedures for Investigation and Trial of Shura Council Members

Royal Order No. (A/15)

3 Rabi Al-Awwal 1414H – 21 August 1993

Published in Umm al-Qura Gazette No. 3468

10 Rabi Al-Awwal 1414H – 28 August 1993

Article 1:

If a Shura Council member fails to perform any of his duties, he shall be subject to one of the following punishments:

- (a) A written reprimand.
- (b) A deduction of one month's remuneration.
- (c) Termination of membership.

Article 2:

A committee of three Council members selected by the Council's Chairman shall conduct the investigation.

Article 3:

The committee shall inform the concerned member of the alleged violation. It shall hear his statements and put on record his defense in the minutes of the investigation, the committee shall bring the findings of the investigation to the general panel of the Council.


Article 4:

The general panel may form a three-member committee from among its members, excluding the Council's Chairman, Vice Chairman and Assistant Chairman,¹⁶ to try the member accused of the alleged violation. This committee may impose the punishment of reprimand or deduction. If the committee sees that membership be terminated, the matter shall be referred to the Chairman of the Shura Council, who shall, in turn, bring it before the King.

Article 5:

The imposition of any of the above punishments shall not preclude the filing of public or private suits against the member.

16- As amended by Royal Order No. (A/181) dated 14/12/1428H.



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