**Ministry of Justice, Islamic Affairs and Waqf**

**Decision No. (23) of 2023 amending certain Procedures Regulation for Commercial Proceedings promulgated by Decision No. (30) of 2020[[1]](#footnote-1)**

**Minister of Justice, Islamic Affairs and Waqf:**

Having reviewed the Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971, as amended, in particular Articles (7) bis, and (62) bis thereof;

Evidence in Civil and Commercial Matters Law promulgated by Legislative Decree No. (14) of 1996, as amended;

Judicial Authority Law promulgated by Legislative Decree No.(42) of 2002, as amended;

Procedures Regulation for Commercial Proceedings promulgated by Decision No. (30) of 2020;

And the Decision No. (117) of 2021 Determining the Language Other than Arabic that may be Used Before the Courts, as Well as the Mechanism and Scope of Application:

And after the approval of the Supreme Judicial Council,

And upon the submission of the Undersecretary for Justice and Islamic Affairs,

**Hereby Decides:**

**Article One**

Texts of Articles (3), Paragraph (a) Clause (4), and (11) Clauses (2), (8), and (15) of the Procedures Regulation for Commercial Proceedings promulgated by Decision No. (30) of 2020, shall be replaced by the following texts:

**Article (3), Paragraph (a) Clause (4)**

4) A portfolio that includes the documents on which his Lawsuit is based, including expert reports if any, provided that a list of its vocabulary is attached to the portfolio. If any of the documents are drafted in a language not used before the court, a translated version of such documents in the language used before the court shall be included.

**Article (11) clauses (2) and (8):**

2) A portfolio including all relevant documents upon which the defendant relies on in his defence, including expert reports if any, provided that a list of its vocabulary is attached to the portfolio. If any of the documents are drafted in a language not used before the court, a translated version of such documents in the language used before the court shall be included.

8- Requests for the empowerment of experts, requests relating to the litigant’s desire to submit expert reports on a specific issue or issues, notification of the litigant’s desire to submit an expert report on the same issue or issues mentioned in the experience reports submitted by the other litigant, and requests relating to the litigant’s desire to be given a specific and appropriate deadline to submit a translation of the document based on the language used before the court, this in exceptional cases where it is not possible to submit the said translation within the deadlines specified in the schedule given the size of the document, the language of translation and the availability of translators.

**Article (15)**

**Requests for Evidentiary Procedures**

a) Litigants shall submit a request for evidentiary procedures, in the stage of Lawsuit management within the deadline specified in the schedule.

b) In the event that any of the litigants submitted expert reports after the deadline set forth in the schedule for the submission of evidence, the remaining litigants shall have the right to submit expert reports on the same issue or issues mentioned in the previous reports, provided that they notify the Lawsuit Manager of their desire to exercise this right before the expiration of the deadline immediately following the date for the submission of evidence. The submission of said reports shall occur within a period not exceeding (60) days from the date of submission of the previous expert reports.

c) In the event that any of the litigants requested a time frame to submit expert reports at the end of the deadline set forth in the schedule for the submission of evidence, they shall specify the issue or issues in which the experience is requested. The remaining litigants shall have the right to submit expert reports on the same issue or issues mentioned in the previous reports, provided that they notify the Lawsuit Manager of their desire to exercise this right before the expiration of the deadline immediately following the date for the submission of evidence. The submission of said reports shall occur within a period not exceeding (60) days from the date of the litigant’s request for time frame to submit expert reports.

d) If the litigant submits, within the deadline specified in the schedule, any customary documents on which his Lawsuit or defence relies, the other litigant shall, if he denies all or some of the said documents, specifically determine the document that he disputes the authenticity, and his denial should be explicit, definitive, and accompanied by an explanation of the reasons of denial, in terms of non-conformity to the original document or the absence of the original copy of the document. This shall be done before the end of the deadline following the submission of the copy of the document. In this case, the first litigant shall have the right to submit the original document, provided he informs the Lawsuit Manager of his desire to exercise this right before the expiry of the next deadline immediately, and that the original document shall be submitted in the first scheduled session for the consideration of the Lawsuit at the latest.

e) The competent Commercial Court shall consider, at the Lawsuit management stage, the requests for the enablement of experts, and the head of the office may instruct the administrative authorities to provide the information or documents in their possession.

f) In the event that the Court ordered the enablement of an expert to execute their duties at the request of the litigant prior to the expiration of the evidentiary submission deadline, the remaining litigants shall have the right to submit expert reports on the same issue or issues contained within the enablement order.

**Article Two**

Two new articles numbered (11) bis and (11) bis (1) are added to the Procedures Regulation for Commercial Proceedings promulgated by Decision No. (30) of 2020, with the following texts:

**Article (11) bis**

**Document translation and limitations of their dispute**

Without prejudice to the provisions outlined in Paragraph (d) of Article (15) of this decision, a litigant shall, when submitting a translated version of the document drafted in a language that is not used before the court, attach a copy of the original document. If the other litigant disputes the conformity of the translation to the original, they shall provide a detailed description of the specific aspects of non-conformity.

**Article (11) bis (1):**

**The power of the court to order the litigant to submit an expert report**

In cases where the Lower Commercial Court undertakes the management of a commercial Lawsuit, the court may, at any time during the management of the Lawsuit, order the relevant litigants to submit an expert report on a particular issue that requires specialized technical or practical expertise and it is permissible for all other litigants to submit expert reports on the same issue.

**Article Three**

The Undersecretary for Justice and Islamic Affairs shall implement the provisions of this Decision, and it shall come into force from the day following the date of its publication in the Official Gazette.

**Minister of Justice, Islamic Affairs and Waqf**

**Nawaf bin Mohammed Al-Maawda**

Issued on: 10 Shaaban 1444 A.H.

Corresponding to: 2 March 2023

1. This is an unofficial translation and in the event of any conflict or discrepancy between the English text and the Arabic text, the Arabic text shall prevail. [↑](#footnote-ref-1)