



Law No. 16 of 2017 On Court Appointed Experts



No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means electronic, mechanical, photocopying, recording or otherwise without the prior permission of Sultan Al-Abdulla & Partners.

© SULTAN AL-ABDULLA & PARTNERS 2017

Law No. 16 of 2017 On Court Appointed Experts



سلطان العبدالله ومشاركوه
Sultan Al-Abdulla & Partners

| www.qatarlaw.com

The Law No 16 of the year 2017 On Court Appointed Experts

We, Tamim bin Hamad Al Thani, the Emir of the State of Qatar,

After perusal of the Constitution, and
The Civil and Commercial Procedures Law as promulgated by virtue of the Law No. 13 of the year 1990 and amending laws thereto, and
The Judicial Authority Law as promulgated by virtue of the Law No. 10 of the year 2003; as amended by virtue of the Decree Law No. 21 of the year 2010, and
The Criminal Procedures Law as promulgated by Law No. 23 of the year 2004, as amended by virtue of Law No. 24 of the year 2009, and
Law No. 10 of the year 2012 regulating Consultancy Services Works, and
The Law on Civil Human Resources promulgated by virtue of Law No. 15 of the year 2016, and
The proposal presented by the Minister of Justice, and
The draft law proposed by the Council of Ministers, and
After consulting the *Shura* Council,

We hereby decree as follows:

Chapter 1 Definitions and General Provisions

Article 1

For purposes of implementing the present Law, the following words and terms shall have the meanings assigned respectively thereto, unless the context otherwise requires:

- | | |
|------------|---|
| Ministry: | The Ministry of Justice. |
| Minister: | The Minister of Justice. |
| Committee: | The Committee of the Experts Affairs as described in Article (3) of this Law. |

Department:	The Department of Experts within the Ministry.
Expertise:	Technical work practiced by an expert, including translation works, pursuant to a judgment or an order issued by a judicial authority, or upon request from another authority in accordance with Article (2) of this Law.
Register:	Register for listing Experts in the Ministry as prescribed in Article (6) of this Law.
Expert:	Natural or juristic person listed in the Register, or that performing Expertise tasks in the Department.
Competent Medical Authority:	The medical authority determined by the authority concerned with public health affairs in the State.



Article 2

The Experts in the Register and the Experts in the Department shall practice Expertise work before the judicial authorities, or before any other authority(ies), as determined pursuant to the Minister's decision.

Chapter 2 The Committee of the Experts Affairs

Article 3

A Committee shall be established in the Ministry, named "The Committee of Experts Affairs". It shall be constituted as follows:

- Three members from the Ministry to be elected by the Minister, one of which shall be the president [of the Committee].
- One Court of Appeals judge member, to be nominated by the Supreme Judicial Council.

- One Public Prosecution member, to be appointed by the Attorney General.
- Two Experts to be elected by the Minister.

The membership period shall be three years, renewable for a similar period(s).

A decision shall be issued by the Minister to name the president of the Committee and its respective members, and determine the functioning system and the incentives.

The Committee shall have a secretary to be assisted with one or more of the Ministry's officials. A decision shall be issued by the Minister to appoint the assistants and determine their authorities.

Article 4

The Committee shall handle the competences prescribed in this Law. The Committee may be mandated to undertake other tasks related to Expertise work by a Minister's decision.

Chapter 3 Experts in the Register

Article 5

Without prejudice to Article (45) of this Law, it shall be prohibited to practice Expertise work prior to registration in the Register in accordance with the provisions of this Law.

Article 6

A Register shall be set up in the Department for listing Experts in various fields of Expertise. There shall be a file for each Expert to contain all that is related to that Expert's practice of Expertise work.

Sub-Registers may be set up to classify the Experts listed in the Register based on their qualifications and years of experience.

A decision may be issued by the Minister regarding the regulation of the Register and its sub-Registers, and the determination of its data and the rules and procedures for classifying the registered Experts.

Article 7

Whoever is registered in the Register shall meet the following:

A-If a natural person:

- 1- Shall be of a Qatari nationality. A non-Qatari person may be registered too, subject to the Minister's approval.
- 2- Shall hold a university qualification from a university or a higher institution recognized in their field of expertise.
- 3- Shall be of a good reputation and character.
- 4- There shall not be a final conviction issued against them in a felony or a crime of disgrace or dishonesty.
- 5- There shall not be a final judgment or disciplinary decision issued against them regarding removal of registration.
- 6- His/her experience after graduation shall not be less than ten years in the particular field of Expertise regarding which he/she seeks registration.
- 7- To be medically fit to practice the works of Expertise regarding which he/she is seeking registration, pursuant to a certificate from the Competent Medical Authority.
- 8- Shall obtain approval from their employer.
- 9- Shall pass the tests and training courses determined by the Ministry.

There may be exemptions regarding the condition numbers A(2) and A(6) of this Article in certain fields as determined by decision from the Minister based on the Committee's recommendations.

B- If a juristic person:

- 1- Shall be a company established in accordance with the provisions of the law regulating companies. The shares of the Qatari shareholder(s) in such company may not be less than 51% of its share capital.
- 2- There shall not be a final judgment issued declaring its bankruptcy.
- 3- Its employees shall satisfy the conditions required for natural persons in the field of Expertise in which registration is sought.

Article 8

Licensed international consultancy services firms of specialized expertise shall be permitted to register branches in the State of Qatar, in accordance with the conditions and terms issued through a decision from the Minister.

Article 9

Applications for registration in the Register shall be submitted by the concerned person to the Department pursuant to the form made for this purpose, accompanied by the supporting documents. Applications chronologically ordered by their order of submission in a special register made for this purpose.

A decision shall be issued by the Minister, upon recommendation of the Department, determining the application form and the list of the supporting documents, the registration form and the registration system.

Article 10

The Department shall present the registration applications to the Committee accompanied with the Department's opinion on the

applications. The Committee shall decide on such applications within thirty days as of the date of its submission. The Committee shall notify the concerned applicant of its decision on the address mentioned in the registration form, or through any other means indicating [the applicant]'s awareness of the decision.

A dismissal decisions shall be with cause. The lapse of the thirty days period mentioned above without any response to the application shall be considered an implicit dismissal.

Applicant whose application is dismissed may file an appeal before the Minister within thirty days as of the date of notification of the decision or the date when its application is deemed implicitly dismissed. The Minister shall make a determination on the appeal within fifteen days as of the date of the lodging of the appeal. The lapse of this period without any response to the appeal shall be considered an implicit dismissal. The Minister's decision on the appeal shall be final.

Article 11

Registration in the Register shall not conclude until payment of the prescribed fee is fulfilled, in addition to submission of an insurance agreement with an insurance company licensed to practice insurance in the State of Qatar against liability of work faults, in accordance with the terms issued by the Minister's decision.

The registration term shall be two years, renewable for similar period(s).

Renewal applications shall be submitted within the month preceding the end of the registration term, and payment of the prescribed renewal fee shall be fulfilled.

Registration fees and renewal fees shall be determined through a decision issued by the Minister.

The Committee may accept the application if submitted within the three months following the end of the registration term if the applicant provides an excuse acceptable to the Committee. If

the said period lapses without the renewal application submitted, the Expert's registration shall be cancelled.

The Committee shall publish the names of the registered Experts periodically, as updated, in accordance with the terms issued through a decision by the Minister.

The Supreme Judicial Council, the Public Prosecution and the other concerned authorities shall be provided with the names of the Experts listed in the Register, their qualifications and fields of expertise, and any changes made in this information.

Article 12

Without prejudice to Article (337) of the Civil and Commercial Procedures Law, an Expert shall not undertake Expertise work until he/she performs the oath, before the Minister or whoever the Minister authorizes, as follows:

"I swear by God that I will perform my duties with integrity, honesty and grace, and respect the rules of Islamic Sharia and the country's laws, and keep the secrets of my job according to the principles and customs of my job."

The person in charge of managing the juristic person and all of their employees working in the field of Expertise shall perform the oath described in the above paragraph.

Minutes of performance of the oath shall be written and lodged in the Expert's file.

Article 13

The Expert listed in the Register shall notify the Department if he/she stops practicing Expertise work if a preventive reason arises and prevents them from practicing. The Expert may apply to resume the practice of Expertise work when that prevention is no longer present.

Article 14

The Committee shall issue a decision of cancellation of an Expert's registration in any of the following cases:

- 1- If the Expert no longer meets any of the requirements for Registration.
- 2- If the timeline set for applying for renewal lapses without submitting the renewal application.

Article 15

The Committee shall notify the Expert of the cancellation decision within ten days as of the date of its issuance. The Expert may appeal the decision before the Administrative Circuit of Appeals within sixty days as of the date of notification.

Article 16

Subject to decision by the Minister, it shall be possible to permit unregistered Experts to undertake Expertise work in a specific court case or in a certain technical matter that requires exceptional specialized expertise.

Those permitted to undertake such exceptional tasks shall not proceed with the task until they perform the oath, described in Article (12) of this Law, before the Minister or whoever the Minister authorizes.

Those permitted so are bound by the obligations stipulated in the clauses numbers (1, 2, 3, 4, 5, 6, 9, 12) of Article (17) of this Law.

Article 17

An Expert listed in the Register shall be obligated to:

- 1- Perform their work personally with accuracy, integrity and honesty.
- 2- Consider the norms and the technical principles of their field of expertise.

- 3- Not disclose the information obtained in the course of performance of Expertise work.
- 4- He/she or their relatives until the fourth degree shall not have a direct or indirect interest in any work related to the matter regarding which the Expert is undertaking Expertise work.
- 5- His/her employer shall not be a party to the dispute or the task regarding which he/she is assigned to provide Expertise work.
- 6- He/she shall not accept to undertake Expertise work in respect of a dispute he/she has previously provided advice in regards to, to any of its parties, or he/she has reviewed documents related to that dispute prior to being mandated.
- 7- Update and improve their skills related to their field of specialization.
- 8- Post their name, registration number and the name of the firm he/she works through in all of their papers and letter, and the certificates and reports which he/she signs.
- 9- Notify the Ministry of their address and any change thereto, within a week as of the date of that change.
- 10- Notify the Minister of any amendment or change to the details of their registered information within a week as of the date of the amendment/change.
- 11- Keep a special register to include the data of the Expertise work he/she has completed.
- 12- Keep a true copy of the reports he/she produces, until a final judgment is rendered in the case on which he/she undertook Expertise work, and for five years as of completion of the Expertise task if provided in a context other than court cases.

Article 18

The Department shall notify the Expert listed in the Register of any complaint filed against them. The Expert must respond to the Department within fifteen days as of the date of the notification. The complaint shall be presented to the Minister along with the Expert's response, for the Minister to decide dismissal or referral to the competent unit in the legal affairs department of the Ministry to proceed with investigation. The years of experience of the person undertaking investigation shall not be less than the years of experience of the Expert subject to the investigation.

The Minister, after reviewing the outcome of the investigation, shall either retain the complaint or refer the Expert to the Committee to consider the Expert's disciplinary accountability.

Article 19

An Expert may be referred for consideration of their disciplinary accountability if the Expert breaches any of the obligations stipulated pursuant to the provisions of this Law, or if the Expert commits a severe fault in their work, or if the Expert refrains from performing any of the tasks he/she is assigned to, without having an acceptable excuse.

Article 20

Referral for consideration of an Expert's disciplinary accountability shall be made through a decision issued by the Minister. Such decision shall mention the specific accusation and the supporting evidence.

The Expert referred for disciplinary accountability shall be notified of a copy of the referral decision and be notified to appear before the Committee at least ten days before the hearing date. This shall be done through registered notice or any other means that informs the Expert [of the decision/hearing].

Article 21

The Committee may carry out the investigations it considers necessary on its own, or it may delegate any of its members to carry out these investigations. The Committee may stop the Expert from practicing Expertise work until the consideration of their disciplinary accountability is completed.

Article 22

The hearings and the deliberations of the Committee shall be confidential. The Expert shall personally appear before the Committee and he/she may appoint a lawyer to defend him/her. If the Expert does not appear and does not appoint a lawyer on his/her behalf, the Committee may issue its decision in absentia after assuring that the notification was duly done.

The Committee shall issue reasoned decisions, and the Expert shall be notified of the decision within fifteen days as of the date of its issuance, through any means that informs the Expert of the decision.

Article 23

The Committee may impose any of the following disciplinary penalties:

- 1- To rebuke the Expert.
- 2- Suspending the Expert's registration for a period not exceeding one year.
- 3- Cancelling the Expert's registration.

Article 24

The Committee's decision shall be final. The concerned parties may appeal such decision before the Administrative Circuit of the Court of Appeals within sixty days as of the date of issuance of the decision for the Department, or sixty days for the Expert as of the date of notification of the Expert.

Article 25

The Public Prosecution shall notify the Committee of any criminal case filed against Experts and any judgments issued against them.

Article 26

The Committee shall notify the Department of the disciplinary decisions in order for the Department to execute the decision and record it in a special record, and indicated in the Register.

Article 27

An Expert, against whom a decision of cancellation of registration is issued, may request the Committee, after three years as of the date of issuance of such decision, to reinstate them in the Register. If the Committee finds the period that passed is sufficient to remedy the cause for disciplinary action and reform the Expert's status, the Committee may decide to reinstate the Expert.

If such request is rejected, the Expert may not apply again until after, at least, one year as of the date of rejection to reinstate.

The procedures followed for application for reinstatement shall be the terms and procedures for registrations, and appeal, as prescribed in this Law.

Chapter 4 Department of Experts

Article 28

A department named the Department of Experts shall be set up at the Ministry of Justice to handle the provision of technical expertise in the fields of engineering, accounting and any other fields or specializations determined by the Minister.

A decision by the Minister shall be issued to determine the regulation of this department and determine its other competences.

Article 29

Whoever is appointed for a role of a Department Expert shall meet the following:

- 1- Shall be of a Qatari nationality. The Minister may approve registration of a non-Qatari person.
- 2- Shall hold a university qualification from a university or a higher institute recognized in their field of expertise.
- 3- Shall be of good reputation and character.
- 4- There shall not be a final conviction issued against him in a felony or a crime of disgrace or dishonesty.
- 5- There shall not be a final judgment or disciplinary decision issued against him regrading removal of registration.
- 6- His experience after graduation shall not be less than ten years in the particular field of Expertise regarding which he seeks registration.
- 7- To be medically fit to practice the works of Expertise regarding which he is seeking registration, pursuant to a certificate from the Competent Medical Authority.
- 8- Shall pass the tests and training courses determined by the Ministry.

Article 30

A decision shall be issued by the Minister regarding determination of titles for the positions of Department Experts, the hierarchy thereof and its equivalent level with the corresponding positions in the Civil Human Resources Law and the promotion process.

Article 31

As an exception to the provisions of the two preceding articles, the Minister may delegate some of those of exceptional specializations to carry out Expertise work to which they are assigned.

Terms and conditions regarding delegation of these Experts, their disciplinary procedures and their incentives, shall be determined by virtue of a decision issued by the Minister.

Article 32

Without prejudice to the obligations of civil servants set out in the Civil Human Resources Law, a Department Expert shall abide by the following:

- 1- The obligations prescribed in clauses (1, 2, 3, 4, 5, 6, 7, 11) of Article (17) of this Law.
- 2- Shall ensure his capacity as a Department Expert is independent from any other occupation, commercial activity or activity that conflicts with his role as a Department Expert. A Department Expert may not act as an arbitrator in any dispute relating to their job without obtaining the Minister's approval, even if such task is unpaid. He is prohibited from providing consultancy reports, and is also prohibited from acting as a judicial guardian.

The Minister, through a decision, may determine other works which Department Experts are prohibited from undertaking.

Article 33

The Committee shall be consulted in the issues related to the Department Experts, in particular, the following issues:

- 1- Appointment of Experts, their promotion and transfer.
- 2- Delegation of Experts for tasks other than their position in the Department.

3- Setting up sections within the Department.

Article 34

A Department Expert who violates any of the obligations prescribes pursuant to this Law or the Law of Civil Human Resources, or deviates from their duties, shall be subject to disciplinary accountability.

Article 35

The Committee shall be mandated to discipline Department Experts. Referral of these Experts to question their disciplinary accountability may be done through a decision issued by the Minister.

Article 36

The Committee may impose any of the following disciplinary penalties on Department Experts:

- 1- Notice.
- 2- To rebuke the Expert.
- 3- Salary deduction for a period not exceeding forty five days a year, but no more than fifteen days consecutively.
- 4- Suspension from work and non-payment of half the salary for a period not exceeding three months.
- 5- Job dismissal without prejudice to entitlement to pension and/or end of service benefits.

Article 37

The Minister may impose penalties of notice, rebuke or salary deduction for a period not exceeding fifteen days a year. The Expert shall be notified of the decision through a registered letter

or any other means that indicates awareness of the decision. The Expert may appeal the decision before the Minister within ten days as of the date of notification. The Minister shall decide on the appeal within fifteen days as of the date of filing the appeal. The lapse of this period without any response to the appeal shall be considered an implicit dismissal. The Minister's decision on the appeal shall be final.

Article 38

Provisions of Articles numbers (12, 20, 21, 22, 24, 25, 26) of this Law shall apply to the Department Experts.

The Civil Human Resources Law shall apply to the Department Experts regarding any issue that is not provided for in a specific provision in this Law.

Chapter 5

Penalties and Final Provisions

Article 39

Without prejudice to any stricter punishment provided for under any other law, a penalty of imprisonment for a period not exceeding one year and a fine not exceeding (50,000) fifty thousand Qatari Riyals, or any of these two penalties shall be imposed on anyone who practices Expertise work without being listed in the Register, without being an Department Expert or permitted to practice pursuant to Article (16) of this Law; or anyone who practices Expertise work after being notified of cancellation of their registration, or during the period of suspension of registration, or intently harms any party, or violates the obligation provided for in Article (17)(3) of this Law.

Article 40

The person in charge of the management of a juristic person who violates this Law shall be punishable with the same penalties for the actions committed in violation of this Law, if proven that he/she was aware of such violation or if their fault in performing

their managerial responsibility played a part in the occurrence of the violation.

Article 41

The penalties laid out in this Law shall be doubled if a crime is repeated. Recidivism shall apply to all the crimes laid out in this Law.

Recidivism shall apply if a person commits a similar crime within three years as of the date of the end of the penalty imposed on them, or as of the date of dropping the penalty for reasons of prescription.

Article 42

The Minister shall issue a decision for delegating officials who shall undertake the technical inspection of the work of the Department Experts and technical supervision of the Experts listed in the Register in respect of their reports on court cases and the tasks assigned to them. Competences and authorities of these officials, and the rules and procedures of their duties, shall be determined through a decision issued by the Minister.

Article 43

Officials of the Ministry who are granted judicial officer authority pursuant to a decision from the Attorney General in agreement with the Minister, may record and prove the crimes committed in violation of this Law and its executive decisions.

Article 44

The provisions of the eighth chapter of the second book of the Civil and Commercial Procedures Law and the provisions numbers (95-99) of the Criminal Procedures Law shall apply to any issue that is not provided for in a specific provision under this Law.

Article 45

All such persons practicing Expertise work, by the time this Law comes into force, shall reconcile their statuses in accordance with the provisions of this Law within a maximum period of six months as of the date of effectiveness.

Article 46

The Minister shall decree the necessary decisions to put into force the provisions of this Law

Article 47

All authorities concerned shall, respectively, put this Law into force. The present Law shall be published in the Official Gazette.

**Tamim bin Hamad Al Thani,
The Emir of the State of Qatar**

Enacted in the Emiri Court on 21/ 12/ 1438 H;
Corresponding to: 12/ 09/ 2017.



سلطان العبدالله ومشاركوه
Sultan Al-Abdulla & Partners