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المركز الوطني للوثائق والمحفوظات

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In the Name of God
the Compassionate
the Merciful

المركز الوطني للتأليف والمحفوظات



**This translation is provided
for guidance. The governing
text is the Arabic text.**

المركز الوطني للوثائق والمحفوظات

No.: M/53

Date: 13/8/1433H

**With the help of Almighty God,
We, Abdullah ibn Abdulaziz Al Saud,
King of Saudi Arabia,**

Pursuant to Article 70 of the Basic Law of Governance, issued by Royal Order No. (A/90) dated 27/8/1412H;

pursuant to Article 20 of the Law of the Council of Ministers, issued by Royal Order No. (A/13) dated 3/3/1414H;

pursuant to Article 17 (amended) and Article 18 of the Shura Council Law, issued by Royal Order No. (A/91) dated 27/8/1412H;

upon perusal of Shura Council Resolutions No. (51/36) dated 4/7/1429H and No. (40/39) dated 10/7/1432H; and

upon perusal of Council of Ministers Resolution No. (261) dated 12/8/1433H;

have decreed as follows:

First: The Enforcement Law shall be approved as per the attached form.

Second: One or more circuits must be designated at courts in major cities and counties. Such circuits shall, under the Enforcement Law, execute decisions and orders issued by quasi-judicial committees pending transfer of the powers of these committees to competent courts.

Third: HRH Deputy Prime Minister, the ministers and heads of relevant independent agencies – each within their jurisdiction – shall implement this Decree of ours.

(Signed)

Abdullah ibn Abdulaziz Al Saud



المركز الوطني للوثائق والمحفوظات

Article 1

The following terms and phrases – wherever mentioned in this Law – shall have the meanings assigned thereto unless the context requires otherwise:

Law: Enforcement Law.

Regulations: Implementing Regulations of this Law.

Minister: Minister of Justice.

Enforcement Judge: Head of the enforcement circuit and its judges, a judge of the enforcement circuit, or a judge with the power of an enforcement judge, as the case may be.

President: Head of the enforcement circuit, a judge of the enforcement circuit, or a judge with the power of an enforcement judge, as the case may be.

Enforcement Officer: A person in charge of executing enforcement procedures in accordance with the provisions of the Law.

Process Server: A court process server, the party seeking enforcement, or a person licensed by the Ministry of Justice to serve notices, court dates, orders, and judicial documents required for enforcement.

Judicial Sale Agent: A person licensed by the Ministry of Justice to sell the assets of a debtor in order to repay the creditor.

Decisions: The orders and procedures carried out by the enforcement judge except for his judgment on disputes.

Enforcement Disputes: Suits arising from enforcement contesting its validity filed by the litigants or others.

Chapter One

Section One: Powers of the Enforcement Judge

Article 2

Except for judgments and decisions issued in criminal and administrative suits, the enforcement judge shall have the power of compulsory enforcement and supervision thereon, and shall be assisted by an adequate number of enforcement officers. Provisions of the Law of Civil Procedures shall be applied unless otherwise provided for in this Law.

Article 3

The enforcement judge shall decide on enforcement disputes regardless of their value, in accordance with provisions governing summary proceedings. The enforcement judge shall also issue enforcement decisions and orders and may seek the assistance of the police or the law enforcement agency. He shall also have the power to impose or lift travel bans, order imprisonment or release, order disclosure of assets, and review insolvency claims.

Article 4

The venue of jurisdiction of the enforcement judge shall, as the case may be, be:

- 1- in the court circuit issuing the enforcement document;
- 2- in the location where the document is issued;
- 3- in the debtor's domicile; and

4- in the location of the debtor's real estate or movable assets.

The Regulations shall specify the necessary provisions of this Article.

Article 5

In case of multiple enforcement circuits, the enforcement judge who carries out the initial enforcement proceeding shall have the power to supervise the enforcement and distribution of its proceeds. He may assign an enforcement judge from another circuit to enforce upon the debtor's property. The Regulations shall specify necessary provisions.

Article 6

All decisions of the enforcement judge shall be final. His judgments relating to enforcement disputes and insolvency claims shall be subject to appeal and the appeal judgment shall be final.

Article 7

In case of aggression, resistance, or attempt to hinder execution, the enforcement judge shall take all precautionary measures. He may order the competent agencies to provide necessary assistance. Enforcement officers may not break doors or undo locks forcibly to carry out the enforcement except with the permission of the enforcement judge pursuant to a signed warrant.

Section Two: Enforcement Document

Article 8

- 1- The enforcement circuit in each general court shall undertake the enforcement and its proceedings. More circuits may be formed if the need arises.
- 2- A single judge in a general court shall carry out the enforcement and its proceedings.
- 3- Foreign judgments, orders, and documents shall be enforced by one judge, or more if necessary.

The Supreme Judicial Council may, when necessary, establish enforcement courts.

Article 9

Compulsory execution may not be carried out except with an enforcement document for a due and specified right. Enforcement documents are:

- 1- judgments, decisions and orders issued by courts;
- 2- arbitral awards which include the enforcement order in accordance with the Law of Arbitration;
- 3- settlement documents issued by competent bodies or endorsed by courts;
- 4- negotiable instruments;
- 5- attested contracts and documents;
- 6- judgments, judicial orders, arbitral awards and attested documents issued in a foreign country;
- 7- ordinary documents whose content is acknowledged in whole or in part; and

8- other contracts and documents having the power of the enforcement document under the law.

Article 10

Judgments, decisions and orders may not be subject to compulsory execution as long as they are challengeable, unless they are self-executing or self-execution is provided for in relevant laws.

Article 11

Without prejudice to treaties and agreements, the enforcement judge may not execute a foreign judgment or order except on the basis of reciprocity and upon ascertaining that:

- 1- the courts of the Kingdom have no jurisdiction to review a dispute regarding which a judgment or order is issued, and that the foreign courts issuing such judgment or order have jurisdiction over it in accordance with rules of international judicial jurisdictions stated in their laws;
- 2- the litigants of a lawsuit in which a judgment is rendered are summoned to appear, are duly represented, and are given the right to defend themselves;
- 3- the judgment or order becomes final in accordance with the law of the court issuing it;
- 4- the judgment or order is not in conflict with any other judgment or order issued on the same case by a competent judicial body in the Kingdom; and
- 5- the judgment or order is not in conflict with public order in the Kingdom.



Article 12

The provisions of the previous Article shall apply to arbitral awards issued in a foreign country.

Article 13

Attested documents issued in a foreign country may, on the basis of reciprocity, be enforced under the same conditions stipulated in the laws of that country for enforcement of enforceable attested documents issued in the Kingdom.

Article 14

Judgments, judicial orders, arbitral awards and attested documents issued in a foreign country shall be presented to the enforcement judge in charge of enforcement of foreign judgments to ascertain that they fulfill the conditions required for enforcement and affix the seal of enforcement thereon.

Article 15

- 1- If the debtor acknowledges an entitlement written on an ordinary paper, such acknowledgment shall be recorded by the enforcement judge and the paper shall be deemed an enforcement document.
- 2- If the debtor challenges such entitlement or part thereof, the enforcement judge shall order the debtor to sign a statement giving grounds for such challenge, subject to penalties stipulated in this Law. Such paper shall be deemed an enforcement document with regard to the unchallenged part. The creditor may file a suit for the remainder before the competent court.

Section Three: Disclosure of Assets

Article 16

The enforcement judge may order the debtor to disclose assets sufficient to repay the enforcement document. The disclosure and attachment order shall be issued upon notifying the debtor of the enforcement order. However, if it appears to the enforcement judge that the debtor is persistently in default as reflected by his credit history or circumstantial evidence, the judge may order disclosure and attachment of his assets prior to notifying him of the enforcement order.

Article 17

All competent authorities or bodies overseeing asset registration as well as the debtor's debtor, accountant, and employees shall disclose the assets of the debtor pursuant to the order of the enforcement judge in a period not exceeding ten days from the date of notification.

Article 18

Asset registration entities or the bodies overseeing them or their management, as the case may be, shall:

- 1- set up departments to handle the various orders of the enforcement judiciary;
- 2- build asset databases, whether real estate, financial, commercial, intellectual or any other asset;
- 3- maintain confidentiality of the data and information to which the employees are privy and not disclose such data or information for any reason;



- 4- set up a security system to prevent unauthorized access to the data; and
- 5- notify asset owners of the data disclosed after a period specified by the Regulations, subject to applicable laws.

Article 19

Disclosure of assets may be exchanged with other countries pursuant to an enforcement judge order on the basis of reciprocity, with the exception of cases provided for by applicable laws or Council of Ministers resolutions, or matters jeopardizing the national security of the Kingdom.

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Section Four: Assets Subject to Enforcement

Article 20

All debtor's assets shall guarantee his debts. Attachment of debtor's assets shall invalidate any action by the debtor regarding his attached assets.

Article 21

Attachment and enforcement shall not apply to:

- 1- State assets;
- 2- the residence of the debtor and his dependents, whose adequacy is determined by the enforcement judge, unless it is pledged to the creditor;
- 3- means of transport of the debtor and his dependents, whose adequacy is determined by the enforcement judge, unless it is pledged to the creditor;
- 4- wages and salaries, except for:
 - a) one-half of the total wage or salary for the payment of alimony and child support; and
 - b) one-third of the total wage or salary for the payment of other debts;

In case of contention of debts, half of the total wage or salary shall be allocated for payment of alimony and child support, and one-third of the other half shall be allocated for other debts. In case of multiple debts, one-third of the half of the wage or salary shall be distributed among creditors in accordance with Sharia and the law.



- 5) tools necessary for the debtor to practice his profession;
and
- 6) the debtor's personal items, whose adequacy is determined by the enforcement judge.

Article 22

- 1- A person whose assets are attached may, at any stage of the attachment procedures, deposit a sum of money sufficient to repay the debt in a court account designated for repayment of the debt. Such deposit shall free the attached assets and subject the deposited fund to attachment.
- 2- Attachment may be enforced only against the part of the debtor's assets that satisfies the claimed debt, unless the attached assets are indivisible.
- 3- The enforcement judge shall determine the assets subject to enforcement to guarantee prompt repayment.

Chapter Two

Provisional Attachment

Article 23

The competent authority considering the dispute shall have the power of ordering provisional attachment in accordance with the provisions of summary proceedings.

Article 24

The creditor may request provisional attachment of the debtor's movable property if the debtor has no established residence in the Kingdom or the creditor justifiably fears that the debtor's property may disappear or be smuggled.

Article 25

A lessor of a real property may request provisional attachment of the movable property or produce of the leased asset to guarantee payment of the due rent.

Article 26

A claimant of ownership of a movable property may request provisional attachment of said property while in the possession of others when there is compelling evidence supporting his claim.

Article 27

A creditor of an established due debt may, even without an enforceable judgment, request provisional attachment against debts due to his debtor by third parties even if such



debts are deferred or conditional as well as his funds or movable property in the possession of third parties. The garnishee shall, within ten days from the date of notification of the attachment, disclose all debts, realties and properties he owes to the debtor and shall, within ten days from the date of notification of a valid attachment order, deposit the same in the court's account or a part thereof sufficient to satisfy the debt.

Article 28

Provisional attachment in the aforementioned cases may not be enforced unless the debt is evident and due.

Article 29

Provisional attachment provided for in the aforementioned articles may be enforced only by court order or the authority having subject matter jurisdiction to consider the dispute in the area where the person whose properties are attached resides. Prior to issuing its order, the court or authority may carry out the necessary inquiry if it finds that the documents in support of the attachment request are insufficient.

Article 30

If the claim is filed before a court or a competent authority, such court or authority shall have jurisdiction to issue the provisional attachment order.

Article 31

The debtor whose property is subject to attachment and the garnishee shall be notified of the attachment order within

a maximum period of ten days from the date of issuance of such order; otherwise, the attachment shall be deemed null and void. The claimant shall, within the ten days referred to above, institute a claim before the court or the competent authority to prove the right and validity of the attachment; otherwise, the attachment shall be deemed null and void.

Article 32

The party seeking attachment shall present to the court or the competent authority a notarized written security from a solvent guarantor or a guarantee satisfying all the rights of the defendant as well as any sustained damage in case the claim is proved to be invalid.

Article 33

Attachment procedures, except those related to sale, shall apply to provisional attachment of movables and garnishments.

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Chapter Three

Enforcement Proceedings

Section One: Attachment

Article 34

- 1- Enforcement shall be carried out pursuant to an application submitted to the enforcement judge by the party seeking enforcement, using the form specified in the Regulations.
- 2- (a) The enforcement judge shall ascertain that the enforcement order is included in the enforcement document stipulated in Article 9(1, 2 and 3) of this Law.

(b) With exception to the provision of paragraph 2(a), the enforcement judge shall ascertain that the enforcement documents stipulated in Article 9(4, 5, 6, 7 and 8) satisfy the statutory conditions and shall affix the seal of enforcement thereon including the phrase (enforcement document), the name of the court, and the name of the enforcement judge and his signature.
- 3- The enforcement judge shall promptly issue an enforcement order to the debtor along with a copy of the enforcement document stamped as a true copy by the court. The debtor shall be notified in accordance with the notification rules provided for in the Regulations. If the debtor cannot be notified within 20 days from the date of issuance of the enforcement order, the

enforcement judge shall order immediate publication of the notification in the most widely circulated newspaper in the area of the court and the debtor shall incur the cost of such publication along with the due debt.

- 4- The Ministry of Justice and relevant authorities shall coordinate with regards to the addresses of the persons whose places of residence are unknown.

Article 35

- 1- Attachment of a movable property shall be executed by the presence of the enforcement officer at the location of the property or by issuing an order to the competent registration authority, as the case may be. The officer shall prepare the minutes of the attachment upon the order of the enforcement judge. The gist of the minutes shall be indicated in the property registry.
- 2- If the attachment cannot be completed in a single day, it may be completed in consecutive days even during official holidays.
- 3- Attached property may not be moved from the place of attachment except upon an order by the enforcement judge.

Article 36

- 1- The enforcement judge shall appoint, along with the enforcement officer, one accredited valuer (or more) specialized in valuating the attached property to determine its value and record the valuation in the attachment minutes with his signature. The enforcement judge may assign the enforcement officer to valuate



property of low value as determined by the Regulations, unless the creditor and debtor agree on its value.

- 2- If the valuation of the movable property requires entry to the property, the valuer and the enforcement officer shall enter it in the presence of the police. The enforcement judge may authorize the use of force in case of the debtor's refusal or absence.

Article 37

The enforcement officer shall deposit the money, jewelry, precious metals, antiques and other valuable items in the court's account or in its treasury, as the case may be.

Article 38

The enforcement officer may, if necessary, secure the attached property by placing locks and seal of the court and recording the same in the minutes.

Article 39

Fruits and crops may be attached before ripening and the enforcement officer shall place a signboard at the entrance of the cultivated land to which the attachment minutes shall be affixed. The fruits and crops shall be sold when ripe.

Article 40

Attachment minutes shall be prepared according to the Regulations, and shall include:

- 1- the identity of the claimant, defendant and garnishee;

- 2- the enforcement document and the attachment order's number, date, and issuing authority;
- 3- property designation, description, amount, weight, type, quantity, and value-determining characteristics, ownership document and registration details, as the case may be;
- 4- type of property title deed, its number, date and issuing authority as well as property location, borders, dimensions, and size;
- 5- value of the attached property as determined by the valuer;
- 6- place of attachment;
- 7- name of the receiver entrusted with safeguarding the attached property; and
- 8- name of the sale agent and sale time, date, and place.

Attachment minutes shall include the signatures of the enforcement officer, debtor (if present), receiver, and other parties identified in the minutes, in accordance with the Regulations.

Article 41

Attachment minutes shall be displayed in the place where enforcement announcements are posted within five days from the date of attachment. This shall be deemed notification to all parties concerned with the attached property. However, the enforcement officer shall notify the defendant and any party identified by the enforcement judge to have a right



to the attached property if their addresses are known to the enforcement judge.

Article 42

The enforcement judge may entrust the defendant with the custody of the attached property under his control provided he furnishes a security or a solvent guarantor that guarantees non-infringement on the attached property in a manner detrimental to the creditor. If the defendant refuses custody or fails to provide a security or a guarantor, the enforcement judge shall appoint a licensed receiver.

Article 43

In all events, the attached property shall be delivered to the receiver by virtue of the attachment minutes signed by him. The receiver may not benefit from, nor lend or expose the attached property to damage. The enforcement judge may allow the receiver to manage the attached property if necessary and the receiver shall safeguard the revenues of the property along with the property. If the receiver is the owner of the attached property, the enforcement judge may allow him to benefit therefrom.

Article 44

A receiver who is not an owner of the attached property shall be entitled to the due fees in return for his custody and management. Said fees shall be estimated by virtue of an order from the enforcement judge and shall be calculated towards enforcement fees.

Article 45

Attachment on a real estate shall be carried out by virtue of attachment minutes, and the authority issuing the title deed shall be provided with a copy of the minutes to indicate the same in the deed registry.

Article 46

If the debtor fails to comply or to disclose property sufficient to satisfy the debt within five days from the date of notifying him of the enforcement order or from the date of its publication in a newspaper if notification is not possible, he shall be deemed in default. The enforcement judge shall immediately order:

- 1- banning the debtor from travel;
- 2- banning the debtor from issuing a power of attorney whether directly or indirectly regarding the property and whatever relates thereto;
- 3- disclosing the debtor's present and future property to the extent that satisfies the debt in the enforcement document as well as attaching and enforcing against such property in accordance with the provisions of this Law;
- 4- disclosing the debtor's commercial and professional licenses and records; and
- 5- notifying a licensed credit agency of non-enforcement.

In addition to the above, as the case may be, the enforcement judge may:

- a) bar government agencies from dealing with the debtor and ordering the garnishment of any dues they may have. Said agencies shall notify the enforcement judge of their compliance;
- b) bar financial institutions from dealing with the debtor;
- c) order disclosure of the property of the debtor's spouse, children, and whoever the circumstantial evidence indicates that any property may be transferred to or that he is being favored therewith. If the suspicion is established by evidence or presumptions that property has been concealed, the matter shall be referred to the competent judge for review; and/or
- d) imprison the debtor in accordance with the provisions of this Law.

Article 47

The enforcement judge may question the debtor, his accountant, employees, persons suspected of favoring him and his debtors for the purpose of tracing his property. Said judge may assign an expert to trace the debtor's property.

Article 48

The original copy of the enforcement document shall be appended with what is actually executed and the enforcement document data shall be recorded in the court's registry for enforcement documents.

Section Two: Sale of Attached Property

Article 49

No person may be admitted to the auction hall unless qualified. Participants in the auction shall qualify pursuant to arrangements set by the Ministry of Justice in agreement with the Saudi Arabian Monetary Agency (SAMA) which regulate financial competency of the participants in the auction as well as method of money deduction and payment upon winning the auction as specified by the Regulations.

Article 50

- 1- An auction shall be announced within a period not exceeding 30 days and not less than 15 days from the auction date. Such announcement shall be displayed on the site designated for enforcement announcements and posted on the entrance of the attached property indicating the day, time and location of the sale as well as the type and a brief description of the attached property. The enforcement judge may order publication of this announcement in one daily newspaper or more, deducting publication cost from the sale proceeds.
- 2- The auction shall commence in the presence of the enforcement officer and the agent shall announce the initial value of the attached property for opening the auction. The property may not be sold for less than the reserve price. In the event of no sale, the enforcement officer shall set another date for the auction within two days, and the attached property shall be sold to the highest bidder unless the property is a real estate, precious metal, jewelry or the like where the



enforcement judge shall order revaluation. The auction shall be opened according to the last valuation and the property shall be sold to the highest bidder.

The winning bidder shall pay immediately according to the Regulations.

- 3- If the winning bidder fails to pay within the set time, the property shall be reauctioned at his own risk in accordance with paragraphs 1 and 2 of this Article. The defaulting bidder shall incur the shortfall and the auction cost and shall be entitled to any excess amount.

Article 51

No one may influence the auction price by any arrangement and the judge shall request the Bureau of Investigation and Public Prosecution to conduct the required investigation in case of suspicion of collusion.

Article 52

The enforcement officer shall stop the sale of the remainder of the debtor's property if the sale proceeds satisfy the debt for which the attachment is placed, in addition to the enforcement expenses, or if the defendant pays the due amount.

Article 53

- 1- The enforcement officer shall prepare minutes recording procedures taken, name of winning bidder and auction price.
- 2- The enforcement judge shall issue a decision declaring the winning bidder after depositing the amount in the

court's account. Such decision shall include summary of the minutes of the attachment and sale as well as delivery of sold property to the buyer. The sale decision shall be deemed an enforcement document.

Article 54

The decision awarding the auction shall clear the property from any claims against the winning bidder.

Article 55

Securities subject to Capital Market Law shall be sold by means of a broker licensed by the Capital Market Authority. The Ministry of Justice and the Capital Market Authority shall agree on necessary terms and conditions for the sale of such securities in a manner that ensures fair price and execution.

Article 56

- 1- Bank accounts shall be opened in the name of the court for the deposit of enforcement proceeds and disbursement therefrom. The Regulations shall specify the provisions for deposit, disbursement and management of such accounts.
- 2- Precious metals, jewelry and the like shall be deposited in the safe of the bank in which the accounts of the enforcement court are opened.

The Regulations shall provide for the provisions and procedures facilitating the participation of banks in the enforcement procedures upon agreement between the Minister and the Governor of SAMA.

Section Three: Distribution of Enforcement Proceeds

Article 57

Enforcement proceeds shall be distributed, by order of the enforcement judge, to claimant creditors and parties involved in the proceedings.

Article 58

If the enforcement proceeds are not sufficient to satisfy the due rights of concerned parties (claimant creditors and parties to the proceedings) and said parties agree to an amicable settlement between them regarding distribution of said proceeds, the enforcement judge shall record their agreement in minutes signed by the enforcement officer, claimants and parties to the proceedings, and the judge. These minutes shall be deemed an enforcement document against them.

Article 59

If the proceeds are insufficient and the concerned parties fail to reach an amicable settlement for the distribution of the proceeds, this shall be recorded in minutes signed by the enforcement judge, the enforcement officer and concerned parties. The enforcement judge shall issue a judgment for the distribution of the proceeds among creditors in accordance with legal and Sharia principles.

Section Four: Garnishment

Article 60

- 1- Garnishment of funds owed to debtors held by a financial institution, which are specified by the Regulations, shall be carried out by the supervisory authority in accordance with the following conditions:
 - a) Garnishment of a credit current account shall be made by the financial institution barring the holder of the account from withdrawing from the balance or any incoming deposits. The financial institution may, upon approval of the enforcement judge, deduct debt liabilities receivable on the account before garnishing the balance.
 - b) Garnishment of investment accounts shall be made by the financial institution barring the holder of the account from withdrawing from the cash credit balance or any incoming deposits. If the cash credit balance is allocated for payments for positions or other investments on their due dates, which are established before notifying the financial institution of the garnishment, they shall not be subject to garnishment proceedings except upon closure of all positions.
 - c) Garnishment of term deposits shall be carried out by barring the debtor from withdrawal while allowing said deposits gain Sharia-compliant interests if the debtor so requests, notifying the enforcement judge of their nature, due date and consequences of early withdrawal.



- d) Garnishment of assets deposited in safe deposit boxes shall be carried out by opening the safe deposit boxes and listing their contents in the presence of the enforcement officer at the financial institution. Minutes to this effect shall be signed by the enforcement officer, the financial institution officer and, if possible, the debtor. The debtor's key of the safe deposit box shall be delivered to the enforcement court.
 - e) Garnishment of insurance claims shall be made by recording the content of the enforcement document on the register of the debtor's entitlements. Any due or future compensation shall be deposited in the enforcement court's account.
 - f) The authorities overseeing financial institutions shall set necessary procedures that ensure prompt execution of the enforcement judge's order.
- 2- The enforcement judge shall be notified of the outcome of garnishment within three working days from the date of receipt of the garnishment order.
 - 3- The enforcement judge shall order the authority overseeing the financial institution to transfer to the court's account the debtor's due cash credit balances referred to in paragraph 1 (a, b, c, d and e) of this Article in an amount sufficient to satisfy the debt.

Article 61

- 1- Garnishment of a company's equity shares and unlisted shares shall be carried out by the Ministry of Commerce

and Industry by endorsement on the ownership registry and recording the content of the enforcement document on the company's register.

2- Garnishment of securities shall be carried out by the Capital Market Authority which shall, within three working days from the date of receipt of the garnishment order, notify the enforcement judge of the outcome of garnishment, in accordance with the following conditions:

- a) Garnishment of securities shall be made by barring the debtor from disposal thereof.
- b) Garnishment of open positions of securities shall be made through barring the debtor from disposal of due amounts following closure thereof.

Article 62

Garnishment of negotiable instruments shall be made according to the following:

- 1- If the check is held by the payee debtor, the enforcement officer shall record the garnishment minutes, and the value or the available part thereof shall be collected and deposited in the court's account.
- 2- Garnishment of the value of the endorsed check and its deposit in the court's account shall be carried out by the drawee bank when the debtor is notified of the enforcement order and the check is presented by the endorsee for collection.
- 3- If the check is dishonored for lack of sufficient funds, the enforcement judge shall subrogate the right of the



debtor to the creditor to claim payment from the drawer or the endorser of the check and the amount shall be deposited in the court's account. In case the drawer or the endorser refuses to pay, the creditor may file a suit with the competent judicial authority of his objection within ten days from the date of claim, and shall notify the enforcement judge of the proceedings of the suit and its outcome. If said period ends without such suit, he must pay the value of the check to the court.

- 4- Garnishment of promissory notes and bills of exchange in the possession of the debtor shall be through drafting the garnishment minutes by the enforcement officer. The amount stated in the negotiable instruments shall be deposited in the court's account and if payment is deferred, collection shall be deferred until maturity date.
- 5- If the drawer or the endorser challenges the beneficiary debtor's entitlement to the value of the promissory notes or bills of exchange, he shall file a challenge suit in accordance with paragraph 3 of this Article.

Article 63

Garnishment of funds due to the debtor in the future shall be made through the party obligated to pay such funds. The enforcement officer, the party obligated to pay such funds and the creditor shall draft minutes of these funds and their due date. Such funds shall be deposited in the court's account, whether they are cash, movables or real estate, in accordance with the conditions provided for in this Law for each type.

Article 64

Attachment of intellectual property shall be made through the competent authority in charge of registering such property by recording the content of the enforcement document in the registry. The enforcement judge shall be notified as to whether or not attachment is carried out within three working days from date of receipt of the attachment order.

Article 65

A creditor may impose an attachment on assets in his possession owed to his debtor by notifying the debtor. Such notification shall include the necessary information to be stated in an attachment notification. In cases where attachment is imposed by order of the enforcement judge, the claimant must, within the ten days following the attachment notification date, file a suit before the competent judicial authority to establish entitlement and validity of the attachment; otherwise, the attachment shall be deemed void.

Article 66

If the garnishee has more than one branch, the notification to any branch shall be deemed effective against the garnishee.

Article 67

If the garnishee disposes of the attached property in a manner contrary to the order of the enforcement judge, said judge shall, upon the claimant's request, enforce against the garnishee's property for a value equal to the attached property.

Chapter Four

Section One: Direct Execution

Article 68

If the subject of the execution is an act or omission and the party subject of the enforcement fails to execute within five days from such order in accordance with provisions of this Law, the enforcement judge shall order the use of force (the police) to take necessary measures for execution unless execution requires the debtor to carry it out himself.

Article 69

If the use of force is not feasible or if execution necessitates that it is carried out by the debtor himself but he fails to do so, the enforcement judge shall issue a judgment imposing a fine not exceeding ten thousand riyals daily to be deposited in the court's account. The enforcement judge may annul the fine or part thereof if the party subject of the enforcement proceeds with execution.

Article 70

If the use of force to carry out execution is not feasible or if a fine is imposed on the debtor and he fails to comply with the enforcement order within the period set by the enforcement judge, said judge may issue an order to imprison the debtor to compel him to comply with the order.

Article 71

Provisions of direct execution shall apply to the legal representative of the private corporate person or the person impeding execution from among the personnel of said private corporate person.

Article 72

Eviction of the occupants of a real estate shall be carried out in the presence of the enforcement officer at the location of the real estate on the day following the lapse of five days from the date of notification of the enforcement order. The enforcement officer shall hand over the real estate to the creditor and he may use force to enter the real estate if necessary.

If the holder of the real estate fails to attend or refuses to receive movables belonging to him, said movables shall be handed over to the judicial custodian and the enforcement judge shall order selling them in an auction after two months, unless received by the possessor, and the amount shall be deposited in the court's account.

If the possessor is indebted to the creditor, the provisions of this Law shall apply to his movables.

Section Two: Enforcement in Family-Related Issues

Article 73

Decisions and judgments in family-related issues shall be executed in accordance with this Law if attachment and sale of property is necessary. If execution requires periodic payment of funds, execution shall be carried out through arrangements specified by the Regulations.

Article 74

Judgments regarding custody of minors, separation of spouses and the like shall be executed by the use of force even if execution requires resorting to the police or entering houses. Execution of the judgment may be repeated as necessary.

Article 75

A judgment ordering a wife's return to the marital home shall not be executed by force.

Article 76

The enforcement judge shall determine the manner of executing the judgment regarding visitation of a minor unless it is provided for in the judgment. Execution shall be carried out by delivering the minor to a proper place suitable for the purpose. The Ministry of Justice shall designate such places in the Regulations, provided they are not located at police stations and the like.

Chapter Five

Section One: Insolvency

Article 77

If the debtor fails to repay the debt and claims insolvency, the enforcement judge shall verify the insolvency claim upon completion of the procedures of disclosure of property, questioning, and tracking of such property in accordance with the provisions of this Law and upon an announcement that includes the grounds for filing for insolvency published in one daily newspaper or more in the area of the debtor.

Article 78

- 1- If the debtor claims insolvency and if it appears to the enforcement judge that there are presumptions that the debtor is concealing property, said judge shall – by virtue of a judgment – seek disclosure of his actual financial status by imprisoning him for a period not exceeding five years, taking into consideration the value of the property. Such judgment shall be subject to review by the court of appeals.
- 2- The enforcement judge shall, during the imprisonment period stipulated in paragraph 1 of this Article, summon the debtor and question him periodically at intervals not exceeding three months so as to disclose his financial status according to the Regulations.
- 3- The Regulations shall determine what constitutes a large or small amount of debt based on debt type and debtor status, in coordination with the Ministry of Interior and the Ministry of Finance.



Article 79

If the debt arises out of an unintentional criminal occurrence and the debtor claims insolvency, the enforcement judge shall establish the debtor's insolvency upon hearing his evidence. In the absence of evidence, the judge shall order the debtor to take oath to establish his insolvency.

Article 80

If the debtor claims insolvency but it becomes evident to the enforcement judge, upon examination, that the claim is fraudulent or if the failure to repay is due to transgression or negligence on the part of the debtor, the judge shall record the occurrence, complete enforcement proceedings, and order detention of the accused and referral of the indictment to the Bureau of Investigation and Public Prosecution within a period not exceeding seven days to initiate the suit. Interested parties may submit a report to the Bureau seeking the filing of the suit and the competent judge shall consider the suit. In case of a conviction, the penalty prescribed in this Law shall apply.

Article 81

- 1- The enforcement judge shall issue his order to the authorities in charge of the assets stipulated in this Law to attach any property the insolvent debtor may receive.
- 2- The judge shall notify a licensed credit agency of the insolvency.

- 3- The creditor may, in the future, present the same enforcement document to the enforcement judge in case of the discovery of any property owned by the insolvent debtor.

Article 82

Upon declaration of bankruptcy, the merchant shall be subject to applicable statutory bankruptcy rules.



Section Two: Imprisonment

Article 83

The enforcement judge shall, under the provisions of this Law, issue a judgment for the imprisonment of the debtor if the debtor refuses execution and the imprisonment shall continue until the execution is carried out.

Article 84

The debtor may not be imprisoned if:

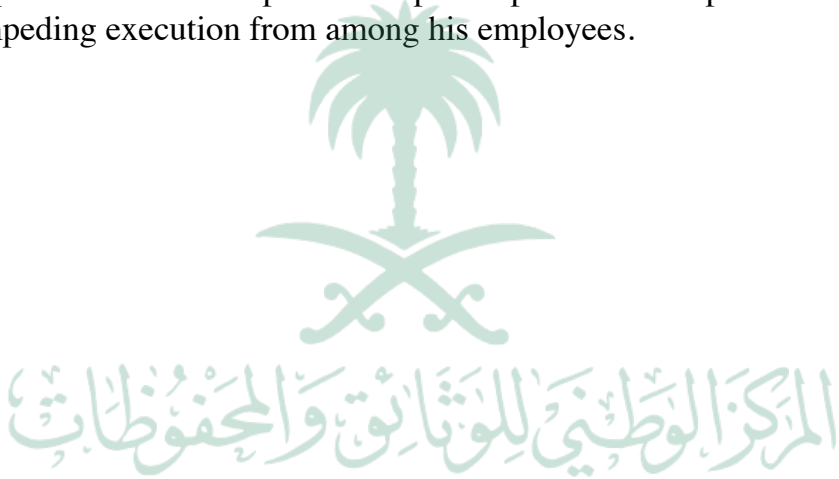
- 1- he has established property sufficient for satisfying the debt and such property can be attached and executed upon;
- 2- he presents a bank guarantee, a solvent guarantor, or in-kind security equivalent to the debt;
- 3- his insolvency is established in accordance with the provisions of this Law;
- 4- he is an ascendant of the creditor, unless the debt is a financial support required by Sharia;
- 5- it is established, by virtue of a certificate from the competent medical board, that he suffers from an ailment that renders imprisonment unbearable; or
- 6- the debtor is pregnant or a mother of an infant younger than two years of age.

Article 85

Enforcement of imprisonment shall not satisfy the debt and such imprisonment shall be enforced apart from criminal prisoners. The prison's administration shall make available the means that enable him to repay or settle his debts.

Article 86

Imprisonment provisions shall apply to the legal representative of the private corporate person or the person impeding execution from among his employees.



Section Three: Penalties

Article 87

Penal courts shall have jurisdiction to consider imposition of penalties provided for in this Law. The Bureau of Investigation and Public Prosecution shall file a suit upon a referral issued by the enforcement judge or a complaint by the aggrieved person.

Article 88

- 1- Any debtor committing any of the following crimes shall be sentenced to a term of imprisonment not exceeding seven years:
 - a) Refusing to comply with executing a final judgment issued against him, or if his concealment or smuggling of his property is established, or if he refuses to disclose his property.
 - b) Initiating a suit with the intention to obstruct execution.
 - c) Resisting execution – by himself or others – by threatening or assaulting an official or a person licensed to carry out execution or committing any such acts against the creditor, or any other unlawful act intended to obstruct execution.
 - d) Providing false statements before the court or during proceedings, or providing false information.
- 2- Any person who assists the debtor in committing any of the crimes provided for in paragraph 1(a, b, c and d) of this Article shall be subject to the penalties stipulated in paragraph 1 of this Article.

Article 89

A public servant and the like shall be imprisoned for a period not exceeding seven years if he prevents or obstructs execution. Such act shall be deemed a crime infringing upon integrity.

Article 90

Any debtor whose indebtedness is established to have been caused by a fraudulent act or the squandering of substantial funds shall be imprisoned for a period not exceeding 15 years even if his insolvency is established in both cases. Such acts shall be deemed serious crimes requiring detention.

Article 91

The following shall be subject to imprisonment for a period not exceeding three years:

- 1- a person privy to information relating to the debtor's assets if he discloses such information. The same penalty shall be applied to any person who becomes privy to such information without a court order;
- 2- the judicial receiver or custodian and their affiliates, if any of them breaches his duty out of negligence, transgression, or evasion of delivery or receipt of funds; and
- 3- the valuer or sale agent and their affiliates, or the bidder in an auction if any of them attempts to influence the price or provides misleading information regarding fair pricing.



Article 92

Any parent or others who refuse, resist or impede execution of a judgment relating to custody, guardianship or visitation shall be penalized by imprisonment for a term not exceeding three months.



المركز الوطني للوثائق والمحفوظات

General Provisions

Article 93

A deputy ministry for enforcement concerned with administrative and financial affairs shall be established at the Ministry of Justice to undertake:

1- licensing the following enforcement service providers:

- a) process servers;
- b) judicial sale agents;
- c) judicial receivers;
- d) judicial custodians;
- e) repossession companies that oversee the process of the lessor's receipt of moveable assets in accordance with controls stipulated by the Ministry of Justice in coordination with the Ministry of Interior; and
- f) enforcement service providers from the private sector upon the Council of Ministers' approval to assign such service to said sectors;

The Regulations shall specify provisions for licensing and qualification of enforcement service providers including financial guarantee, work procedure rules, supervision thereon, policies for defining their wages, and penalties imposed thereupon.

- 2- hiring a company or more to carry out execution proceedings or part thereof under the supervision of the enforcement judiciary;
- 3- drafting regulations for training enforcement employees;

- 4- publishing enforcement announcements; and
- 5- exchanging disclosure of assets with other countries.

Article 94

The application of this Law shall not prejudice treaties and agreements concluded between the Kingdom and other countries, international institutions and organizations.

Article 95

The party aggrieved by the intentional delay in carrying out enforcement procedures may file a suit before the enforcement judge to compensate him for any damage that may have occurred.

Article 96

This Law shall repeal Articles (196 to 232) of the Law of Civil Procedures promulgated by Royal Decree No. M/21 dated 20/05/1421H and Article 13(g) of the Law of the Board of Grievances promulgated by Royal Decree No. M/78 dated 19/9/1428H and any provisions conflicting therewith.

Article 97

The Minister shall issue the Regulations within 180 days from the date of issuance of the Law and shall come into effect upon the Law's entry into force.

Article 98

This Law shall enter into force 180 days from the date of its publication in the Official Gazette.