

**Law No. (87) of 1971
on the State Lawsuits Authority**

In the name of the People,

The Revolutionary Command Council,

- Upon review of Justice System Law No. (29) of 1962 and amending laws thereto;
- The Code of Civil and Commercial Procedure;
- Legal Defence Law No. (8) of 1965 and amending laws thereto;
- Law No. (86) of 1971 on the establishment of the Supreme Council of Judicial Bodies;
- Based on the submission of the Minister of Justice and the approval of the Cabinet;

issued the following law:

Article (1)

The State Lawsuits Authority is a stand-alone authority under the Ministry of Justice. This authority shall be regulated in accordance with this Law and deemed a judicial entity.

Article (2)

The State Lawsuits Authority shall consist of a head and a deputy and a sufficient number of assistant counsellors and attorneys in accordance with the schedule attached.

Article (3)

Branches of the State Lawsuits Authority may be established. Such branches shall be established and their area of jurisdiction determined pursuant to a decree from the Minister of Justice at the recommendation of the head of the Authority.

Article (4)

The Lawsuits Department shall represent the government and public establishments and entities in cases filed by or against them before courts irrespective of type or level and before other bodies accorded judicial competency under the Law, as well as in other judicial procedures.

The State Lawsuits Authority may represent companies or establishments in which the state owns all or a majority share of the capital as well as other bodies subject to state management in cases filed by or against them, pursuant to a decree from the Minister of Justice issued with the approval of the company, establishment, or body.

The head of the Authority may entrust legal counsellors at the public institutions, entities, companies or establishments referred to in the preceding paragraph to handle all or a portion of the cases filed by or against such entities or to handle one of the procedures related thereto.

Article (5)

Conciliation may not take place in cases conducted by the State Lawsuits Authority without consulting the Authority. The Authority may recommend conciliation to the relevant body in cases initiated thereby.

Article (6)

The State Lawsuits Authority may state its opinion causing the administrative body to not lodge or pursue any case or appeal if it finds there is no benefit in lodging or pursuing either, and the administrative body may not act against this opinion without a decree from the competent minister.

Article (7)

Statements of claim, appeals, rulings, and all judicial papers related to the state and to public institutions, entities, and other bodies represented by the State Lawsuits Authority may, in accordance with this Law, be served to this Authority or relevant branches thereof and copies of such documents received thereby. The Lawsuits Authority shall handle notification of the concerned bodies of such cases, appeals, rulings, or documents.

Article (8)

Ministries and public authorities and other like bodies shall inform the State Lawsuits Authority of all documents and information related to cases filed by or against them without delay and the Lawsuits Authority has the right to request delegates from the ministries, authorities, and other like bodies to submit all clarifications requested thereby.

The Lawsuits Authority shall notify the relevant entity of the ruling issued in any case filed by or against it.

Article (9)

The head of the State Lawsuits Authority shall represent the Authority in all of its relations with official entities and the like and shall oversee all activities of the Authority and the members and employees thereof and may in this regard undertake measures and issue instructions to ensure proper operation. The head of the Authority may also entrust the deputy of the Authority with certain of his competencies, and the deputy of the Authority shall act on behalf of the head in the event of his absence.

Article (10)

The branch head shall, under the supervision of the head of the Authority, undertake all technical and administrative activities within his branch's area of jurisdiction, and shall be responsible to the head of the Authority for the proper operation of the branch. The branch head shall submit a report to the head of the Authority on branch activities every six months that includes a list of active cases, as well as cases to be filed and cases that have been settled, including all observations and proposals deemed relevant thereby.

Article (11)

Without prejudice to the provisions of this Law, the same regulations that apply to those holding equivalent positions at the public prosecution shall apply to the head, deputy, counsellors, assistant counsellors, and attorneys of the State Lawsuits Authority, with regard to appointments, promotions, bonuses, assessment of competency level, transfer, delegation, discipline, termination of service, and retirement rights. With regard to State Lawsuits Authority employees, the Supreme Council of Judicial Bodies shall hold the same competence as that granted to members of the public prosecution in this regard.

Article (12)

Transfer of employees of the courts, public prosecution, and members of the State Lawsuits Authority may take place in the manner by which appointments are made for the positions to which the transfer is being made.

Article (13)

Members of the State Lawsuits Authority shall be subordinate to their superiors in accordance with their grade, then to the Minister of Justice.

Article (14)

The Minister of Justice and the head of the State Lawsuits Authority have the right to warn members of the Authority who are not counsellors if they violate their duties, and they shall have the right to object before the Supreme Council of Judicial Bodies within sixty days from the date they are sent the warning.

Article (15)

The work of members of the State Lawsuits Authority shall be inspected in accordance with the procedure issued pursuant to a decree from the Minister of Justice after consultation with the Supreme Council for Judicial Bodies.

Article (16)

Designation of a work site, and transfer and delegation of members of the State Lawsuits Authority from the Authority to its branches or from the branches to the Authority shall take place pursuant to a decree from the Minister of Justice after consultation with the head of the Authority.

Annual vacation shall be granted to members of the Authority pursuant to a decision from the head of the Authority.

Article (17)

A sufficient number of administrative and clerical employees shall join the State Lawsuits Authority, and the provisions of the Civil Service Law and the regulations issued pursuant thereto shall apply to said employees. In their regard, the head of the Authority shall have the powers provided to the head of the agency.

Article (18)

Administrative and clerical employees at the State Lawsuits Authority shall have the right to review the files of cases before the courts and make copies of the information and documentation contained therein, pursuant to an assignment from the head of the Lawsuits Authority or head of the relevant branch.

Article (19)

Non-Libyans meeting all other appointment requirements may be appointed to technical positions at the State Lawsuits Authority, pursuant to contracts stipulating their salaries, work terms, and contract period.

Article (20)

Current members of the State Lawsuits Authority shall be appointed to new positions in accordance with the attached schedule, pursuant to a decree from the Prime Minister issued at the recommendation of the Minister of Justice within three months from the date this Law comes into force.

Each member shall be appointed to a position whose salary falls within the limits set for its grade. If their salary falls within the limits set for more than one grade, they shall be appointed to the lower grade.

Each member shall maintain their current salary and all benefits accorded thereto, provided that if the salary of any one of them is not consistent with the salary grade at the grade to which they are appointed, an increase making their salary consistent with this grade shall be granted. The granting of such increase shall not affect the due date of their next annual bonus.

Anyone not appointed in accordance with the first paragraph shall be transferred to other positions in the Ministry of Justice or other ministries, pursuant to a decree from the Cabinet.

Article (21)

Any provision that conflicts with this Law is hereby repealed.

Article (22)

The Minister of Justice shall implement this Law, and it shall come into effect on the date of its publication in the Official Gazette.

**The Revolutionary Command Council
Colonel Muammar Gaddafi
Prime Minister**

**Mohammed Ali al-Jiddi
Minister of Justice
Issued on 11 Ramadan 1391 AH
Corresponding to 30 October 1971**