

General People's Committee
Decree No. (305) of 1377 FDP (2009 AD)
on issuing the executive regulations of Law No. (1) of 1371 FDP
on organising judicial expertise

The General People's Committee,

Upon review of:

- Law No. (1) of 1375 FDP on the rules of procedure of the People's Congresses and the People's Committees, and the implementing regulations thereof;
- The Code of Civil Procedure and amendments thereto;
- The Libyan Commercial Code and amendments thereto;
- Law No. (20) of 1991 AD on the promotion of freedom;
- Law No. (1) of 1371 FDP on regulating judicial experts;
- The submission of the Secretary of the General People's Committee for Justice in Letter No. (343) dated 10/06/1377 FDP (2009 AD);
- The decrees issued by the General People's Committee in its seventeenth ordinary meeting of 1377 FDP;

has decreed:

Article (1)

The implementing regulations of the aforementioned Law No. (1) of 1371 FDP regulating judicial experts, attached hereto, shall enter into force.

Article (2)

This Decree shall enter into force on the date of its issue. It shall be implemented by the competent bodies and published in the Legal Register.

General People's Committee – Libya

Issued on: 05 Rajab

Corresponding to: 24/06/1377 FDP (2009 AD)

Implementing regulations of Law No. (1) of 1371 FDP regulating judicial experts

Article (1)

A general roster shall be established at each court of appeal and each first instance court containing the names of the experts admissible before it.

No expert may engage in any activities involving legal expertise until registered in said roster.

Article (2)

Those registered in the expert roster must meet the following conditions:

- a. Must be a Libyan citizen.
- b. Must have full capacity.
- c. Must be of good conduct and repute.
- d. Must not have been previously convicted of a felony or misdemeanour of moral turpitude, unless rehabilitated.
- e. Must not have had a disciplinary decision issued against them dismissing them from their position or a decree barring them from engaging in a legal profession.
- f. Must be physically fit to perform the job.
- g. Must hold specialized academic credentials in the section they wish to register, with practical experience determined by the Expert Committee.

Article (3)

Registration requests shall be submitted to the Expert Committee set out in Article (6) of the Law, stating the section the applicant wishes to register in.

The documents establishing that the applicant meets the conditions contained in Article (2) of these Regulations must be attached to the request.

Requests that are incomplete or do not have the necessary documents attached shall not be accepted. The Committee may assign the applicant to submit or provide any other information it deems necessary for registration in the said roster.

Article (4)

If the Committee decides to accept an expert's registration, a file shall be opened for them at the court to which it is affiliated and shall set a date for taking the legal oath set out in Article (5) of these Regulations.

Those approved for registration may adopt a chosen domicile within the area of the court in whose district they are to be registered and the court shall be notified of such. Experts may request that the Expert Committee transfer them to the district of another court.

Article (5)

Experts may not engage in their activities until they perform the legal oath before the head of the court of appeal or the head of the court of first instance, as the case may be. The legal oath shall be formulated as follows: "I swear to God Almighty to perform my activities in good faith and truthfulness, to protect the profession, and to respect the Law and the system."

Article (6)

Experts must perform the work directly and may not appoint another party to perform the duty entrusted thereto.

Article (7)

Experts shall protect the confidentiality of the information they have access to due to the nature of their duties, and such obligation shall remain standing even if their duty ends. They may not allow another party to access the work assigned thereto or give copies of the reports they prepare or documentation they receive except with authorisation from the body that assigned such duty to them.

Article (8)

No work performed by an expert shall be taken into consideration if their name is not registered in the expert roster or if they have not performed the legal oath. No work that is outside their competencies, that was performed while they were suspended from work or after their registration in the roster was cancelled, or any work in which they or one of their relatives up to the fourth degree have an interest shall be taken into consideration.

Article (9)

Experts must protect all documentation that they are given or have access to while performing their work and shall return such documents to the body that gave them to them.

Article (10)

Experts shall complete their task on the date set by the court or prosecution, or shall be deemed negligent in performing their job and the body that assigned them must adopt the legally set measures against them to hold them accountable.

If it is not possible to complete the task within the set period, the expert shall notify the competent court of such and the reasons therefor and shall specify the date on which they will complete their task.

Article (11)

If an expert is removed from a roster, suspended from work, or is unable to perform their duties, the competent court must assign the task to another expert. The manner for distributing the fees between the expert and the replacement expert shall be determined by such court according to the works performed by each. The court's decision on this matter shall be final and shall not be subject to any manner of appeal.