

Law No. (33) of 2012
amending provisions of Law No. (6) of 1982
on the reorganisation of the Supreme Court

The Interim National Transitional Council:

Upon review of:

- The Victory Declaration of the 17 February Revolution issued on 22 February 2011;
- The provisional Constitutional Declaration issued on 03/08/2011 and its amendments;
- The National Transitional Council's rules of procedure and its internal regulation;
- The Code of Civil and Commercial Procedure;
- The Code of Criminal Procedure;
- Law No. (20) of 2012 on health insurance;
- Law No. (13) of 1980 on social security, and the amendments thereof;
- Law No. (6) of 1982 on the reorganisation of the Supreme Court and its amendments;
- And based on the proposal of the President of the Supreme Court;

issued the following law:

Article (1)

Article (14) of Law No. (6) of 1982 shall be amended as follows: the President and the Counsellors of the Supreme Court shall be referred to retirement at the age of 65. Based on the request of the person concerned and on the approval of the Court's general assembly by secret ballot and by virtue of a decision from the Court itself, his term may be extended more than once until the age of 70. In all cases, the general assembly may decide to refer the person concerned to retirement during his term without his approval if and when it deems him incapable of performing his tasks for any reason whatsoever.

Supreme Court Counsellors whose service has ended for any reason except disciplinary termination shall be entitled to a retirement pension of 70% of their last salary after having served for 20 years. This pension increases by 2% for every year of service exceeding the initial 20 years. The pension must not however exceed the Counsellor's last salary. If the salaries of active Supreme Court Counsellors are raised, pensions shall be raised by the same rate. In all the cases that are not covered by this law, the provisions of the laws on retirement shall apply on Supreme Court Counsellors.

Article (2)

The two following articles shall be added to the aforementioned Law No. (6) of 1982: Article (27) *bis* and Article (50) *bis*:

Article (27) *bis*

The Court shall have one or more appellate chambers in order to examine appeals before referring them to specialised Court departments. If after hearing the opinion of the Cassation Prosecution, the appellate chamber decides that the appeal is worthy of being presented before the Supreme Court, or that adjudication of the appeal requires the issuance of a legal principle not previously issued by the Supreme Court, the appellate chamber shall refer the appeal to

the Court. If the appellate chamber unanimously decides that the appeal is not acceptable in form or that it is void or impermissible, or if the Court had previously given an opinion resolving the legal issue at hand, the appellate chamber shall not refer the appeal to the Court, and non-referral decision shall make the appealed judgment shall final.

Article (50) bis

The Court shall have a health and social care fund for its active and retired personnel. This fund shall have legal personality and shall have independent financial liability. Its revenue shall be from its allocations in the annual general budget and from the surplus of budget allocations of previous years, if any.

Regulations issued by the Court's general assembly shall organise the fund, its disbursement mechanism, the purposes for which the money shall be spent and the disposition of its funds.

Article (3)

The sums of money allocated to the medical insurance of Court personnel in the general budget of 2012 shall revert to the fund.

Article (4)

This law shall enter into effect from its date of issuance, any contrary provision shall be repealed, and it shall be published in the Official Gazette.

The Interim National Transitional Council – Libya

Issued in Tripoli

On: Monday 11/06/2012