

**Law No. (1) of 1371 FDP  
on the organisation of judicial expertise**

**The General People's Congress**

- In execution of the resolutions adopted by Basic People's Congresses in their annual session of 1370 FDP corresponding to 1989 AD;
- Upon review of the Declaration on the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights of the Jamahiriya Era;
- Law No. (20) of 1991 on the promotion of freedom;
- Law No. (1) of 1369 FDP on People's Congresses and People's Committees;
- The Commercial Code and its amendments;
- The Code of Civil and Commercial Procedure and its amendments;
- The law on the organisation of judicial expertise issued on 15/08/1956;

**formulated the following law:**

**Article (1)**

Acts of expertise in courts shall be performed by experts who are specialised in all fields. Their technical or scientific opinion shall be sought whenever necessary. Such experts shall be listed on the register based on their specialisation in accordance with the provisions of this law.

**Article (2)**

Acts of expertise may be performed via offices or cooperatives that are established for this purpose. Requirements that should be met by experts shall be stipulated by the executive regulation of this law.

**Article (3)**

Every appeal court and court of first instance shall have a register for accredited experts, which shall include several sections based on the material on which opinions are sought. Such sections and the necessary number of experts in every section shall be determined by a decision issued by the secretary of the General People's Committee for Justice and Public Security.

**Article (4)**

Registers shall be produced by a committee of experts. In appeal courts, such committee shall be composed of the president of the court or his delegate, a court counsellor appointed by the General Assembly, and the competent chief district prosecutor.

In courts of first instance, such committee shall be composed of the court president or his delegate, a judge appointed by the General Assembly, and a district prosecutor.

**Article (5)**

The following requirements are necessary to be listed on the experts' register:

1. Must be a citizen of the Great Socialist People's Libyan Arab Jamahiriya.

2. Must not have been convicted of a felony or misdemeanour of moral turpitude or of a disciplinary penalty.
3. Must possess specialized academic qualifications and a practical experience determined by the committee of experts.

#### **Article (6)**

Any person seeking to be listed on the experts' register shall present to the committee's chairman a written request in which he specifies the section under which he would like to be listed, enclosing his technical qualifications and practical experience therein.

The committee of experts may request any additional information before deciding on requests.

#### **Article (7)**

The expert whose request is approved shall take the legal oath before the president of the court of appeal or first instance, depending on the case. This oath shall be effective with regard to all the cases to which he is appointed.

The legal oath shall be formulated by the executive regulation.

#### **Article (8)**

Every expert listed on the register shall have a personal file in the court with which he is affiliated.

#### **Article (9)**

The single judge or circuit president shall prepare a report on every appointed expert and the performance of his duties at the end of every month. Such reports shall be added to the experts' personal files, and they shall serve as basis for the committee of experts upon revising the register in accordance with Article (10) of this law.

#### **Article (10)**

The committee of experts shall revise the register at least once a year and it shall remove the name of any expert who fails to fulfil any of the experts' requirements by virtue of a substantiated decision that is notified to the expert within ten days from its issuance.

#### **Article (11)**

The expert whose name has been removed may file a complaint against the committee's decision with the registrar of the court with which he is affiliated within ten days from his notification, using the form designed for this purpose.

The complaint shall be settled by the committee of experts in addition to two judges or counsellors, depending on the case, who shall be appointed by the General Assembly of the competent court on an annual basis. Such complaint shall be resolved expeditiously.

The decision rendered with regard to the complaint shall state the grounds thereof, and it shall be deemed final and not subject to appeal.

Such decision shall be notified to the concerned judicial and administrative bodies.

### **Article (12)**

The expert who has been removed from the register may be re-added thereto if the committee establishes that the reason for such removal no longer exists.

### **Article (13)**

Experts may not assume public functions at the same time. Nonetheless, the court may entrust any acts of expertise that require special qualifications to civil servants who possess such qualifications, provided that they are authorised by their superiors.

### **Expert's Fees**

### **Article (14)**

The expert's fees shall be as follows:

1. One per cent (1%) of the lawsuit value if such value does not exceed one hundred thousand LYD.
2. One half of one per cent (0.5%) of the lawsuit value if such value is over one hundred thousand LYD and less than five-hundred thousand LYD.
3. One-fourth of one per cent (0.25%) of the lawsuit value if such value is over five-hundred thousand LYD and less than one million LYD.
4. One one-hundredth of one per cent (0.010%) of the lawsuit value if such value is over one million LYD and less than ten million LYD.
5. One one-thousandth of one per cent (0.001%) of the lawsuit value if such value exceeds ten million LYD.

In all cases, fees shall not exceed twenty thousand LYD regardless of the lawsuit value.

In the case of lawsuits of unspecified values, the court may set a specific amount for every day of work as the expert's fees, provided that such amount does not exceed 15 LYD per day. The duration of the act of expertise shall be determined based on the expert's request, subject to the approval of the court hearing the case. The court may reduce the number of days reported in the statement submitted by the expert if they do not correspond to the work that he performed.

### **Article (15)**

Ten per cent (10%) shall be deducted from the fees and deposited in the court's treasury, to be disbursed to cover expertise expenses for the beneficiaries of judicial assistance.

### **Article (16)**

Without prejudice to the provisions of Article (15) of this law, the expert's fees shall be borne by the litigant who requests the expert, provided that he claims the same from the other litigant if he loses the case, in accordance with the relevant rules stipulated by law.

### **Article (17)**

The expert shall be reimbursed for any expenses he incurs in the performance of his assignment. Such expenses shall be stated in detail and accompanied by supporting

documents. The court may dismiss any amount that is spent unnecessarily or that is not supported by the aforementioned documents.

#### **Article (18)**

The court may deprive the expert of all his fees and expenses if his report is revoked for a formal defect or if it is established that his work is inadequate due to his neglect or fault.

If such fees and expenses have already been paid, the court may order the expert to return the same or repeat and complete his assignment without any additional fee. The court's decision in this regard shall be final.

#### **Article (19)**

Experts who are listed on the register shall perform their assigned duties free of charge in cases that are exempted from judicial fees. However, any transportation expenses they incur shall be covered from the court's treasury.

### **Disciplining of Experts**

#### **Article (20)**

The Public Prosecution shall notify the committee of experts of any conviction of felonies or misdemeanours pronounced against any expert, which shall be kept in the file of the convicted expert.

#### **Article (21)**

Any registered expert who abstains from performing his assigned mission for an unacceptable reason, neglects his obligations, or commits a severe mistake in his work, shall be punished by one of the disciplinary actions set forth by Article (24) of this law. The provisions thereof shall also apply to any expert appointed to perform any act of expertise by an administrative or judicial body other than courts.

#### **Article (22)**

Any complaint filed against the expert by his appointing court, the Public Prosecution, or any concerned party, shall be deposited in his file. A copy thereof shall be sent to the expert, who shall respond to the complaint in writing within ten days from the date of its receipt.

Upon examining the expert's response, the president of the court may either dismiss the complaint or investigate it, whether personally or through a counsellor or judge that he delegates, depending on the case, after which the president may dismiss the complaint, address a warning to the expert, or order his referral to the committee of experts. The committee shall convene as a disciplinary board, provided that it is composed in accordance with Article (11) of this law. In all cases, the outcome of the complaint shall be deposited in the expert's file.

#### **Article (23)**

If the expert is referred to the disciplinary board, he shall be notified of the indictment, including all the accusations against him, via registered letter with acknowledgment of

receipt at least ten days before the session. Such notification shall state the place, date and time of the board's session.

The expert may appoint an attorney to defend him. The disciplinary board may summon the expert at any time, and if the expert fails to appear in person or to appoint an attorney, a judgment may be issued in absentia.

#### **Article (24)**

Disciplinary actions that can be taken against expert are:

1. Reprimand.
2. Suspension for a maximum period of one year.
3. Removal from register.

#### **Article (25)**

The disciplinary board's decisions shall be final unless they are issued in absentia, in which case the expert may object thereto by a report filed at the relevant court registrar within ten days from his notification in the manner prescribed by Article (23) of this law. The committee shall examine such objection expeditiously.

#### **Article (26)**

During the period of objection to the decision of his removal from the register or suspension, the expert may not perform any act of expertise until the objection is settled, unless the period of suspension has ended. This provision shall apply to experts who are removed from the register in compliance with Article (10) of this law until the complaint is examined.

#### **Article (27)**

Any removal or suspension decision shall be notified to the concerned judicial and administrative bodies. In this case, the expert may not request to be listed on another register or perform his duties before such bodies.

#### **Article (28)**

The provisions of this law pertaining to discipline and fees shall apply to civil servants who perform any act of expertise in the exercise of their functions.

### **Transitional Provisions**

#### **Article (29)**

Experts who are currently on the courts' registers shall continue to perform their job provided that they settle their status in accordance with the provisions of this law within six months from its entry into force.

#### **Article (30)**

The law on the organization of judicial expertise issued on 15/08/1956 shall be repealed. Any provision that contravenes the provisions of this law shall also be repealed.

### **Article (31)**

This law shall enter into force from its date of issuance. It shall be published in the Legal Register.

**General People’s Congress – Libya**

**Issued in Sirte  
on 13 June 1371 FDP**