

**Law No. (11) of 1425 FBP
on reorganising the People's Oversight**

The General People's Congress,

- In implementation of the resolutions of the Basic People's Congresses in their second ordinary session held in 1424 FBP, drafted by the General Forum of Basic People's Congresses, People's Committees, professional syndicates, unions, and associations (the General People's Congress) in its ordinary session from 18 to 24 Ramadan, corresponding to 7 to 13 February 1425 FBP;

Upon review of:

- The Declaration on the Establishment of the Authority of the People;
- The Great Green Charter of Human Rights in the Jamahiriyan Era;
- Law No. (20) of 1991 AD on the promotion of freedom;
- After review of Law No. (88) of 1974 AD on reorganising the Central Authority for Public Administration Control;
- Law No. (79) of 1975 AD on the Audit Bureau;
- Law No. (16) of 1986 AD on establishing the People's Monitoring Authority;
- The Code of Criminal Procedure;
- The Law of the Financial System of the State and amending laws thereto;
- The Justice System Law issued under Law No. (51) of 1976 AD;
- The Civil Service Law issued under Law No. (55) of 1976 AD;
- Law No. (15) of 1981 AD on the system of salaries for national employees of the Socialist People's Libyan Arab Jamahiriya;
- Law No. (5) of 1988 AD on the People's Court and amendments thereto;
- Law No. (15) of 1423 FBP on approving certain provisions related to joint stock companies owned in full or in part by the state;
- Law No. (1) of 1425 FBP on the rules of procedure of the People's Congresses and the People's Committees;

formulated the following Law:

Article (1)

In the application of this Law, the terms and expressions contained below shall have the meanings opposite each, unless the context indicates otherwise.

Authority: The People's Oversight Authority.

The Authority's People's Committee: The General People's Committee of the People's Oversight Authority.

Secretary of the Authority's People's Committee: The Secretary of the General People's Committee of the People's Oversight Authority.

Committee member: A member of the General People's Committee of the People's Oversight Authority elevated from the Basic People's Congress.

Authority member: A technical employee granted membership under a decree from the Secretary of the General People's Committee of the People's Oversight Authority.

Bodies subject to oversight: All public bodies, public companies, public bodies and institutions, free-standing units, public authorities and departments, public projects and other bodies subject to the oversight of the People's Oversight Authority under this Law.

Disciplinary Board: The Disciplinary Board for Financial Violations.

Article (2)

The People's Oversight Authority is an independent body attached to the General People's Congress.

Article (3)

The Authority shall be directed by a general people's committee consisting of a secretary selected by the General People's Congress and a membership consisting of members of the People's Oversight elevated from the Basic People's Congresses.

A sufficient number of members and technical and administrative employees shall join the Authority.

Article (4)

The goal of the Authority is to achieve effective financial, administrative and technical oversight over all bodies subject thereto to confirm the extent to which they achieve their goals, perform the duties entrusted thereto and implement legislation, that the workers therein aim to serve the people in the performance of their duties and that the conduct of public facilities is orderly and continuous.

The Authority shall also work to uncover financial and administrative offences and violations committed by workers in such bodies or others where the goal is to harm the performance of professional duties or public service or to harm the public administration or public funds. The Authority shall investigate offences and violations and adopt the necessary measures to hold the perpetrators accountable.

Article (5)

Without prejudice to the justice system provisions issued under Law No. (51) of 1976 AD, all bodies funded by the State's public budget or owned, in full or in part, thereby shall be subject to Authority oversight. In particular the following:

1. Bodies managed by people's committees and the administrative units affiliated thereto.
2. Free-standing administrative units, public authorities and agencies and the like.
3. Public authorities and institutions.
4. Public companies.
5. Companies in which any of the bodies mentioned in the preceding items hold not less than 25% of the capital or that are guaranteed a minimum of its profits, in Libya or abroad, irrespective of whether or not its laws provide for special systems for technical review or audit.
6. Businesses whose owners receive direct assistance or exemptions from the state or state loans if the loan agreement stipulates they are subject to Authority oversight.
7. Professional syndicates, unions and associations, sports, cultural and social institutions and clubs and the like.

8. Public interest bodies, institutions and associations whose activities are supervised by the State or to which it contributes directly or indirectly.
9. People's bureaus and brotherhood bureaus abroad, and the like.
10. Foreign companies that perform their activities inside the Jamahiriya or that implement contracts for bodies subject to the Authority, within the limits of the works that they are performing inside the Jamahiriya or for the bodies subject to this Law.
11. Any other body made subject to Authority oversight pursuant to a resolution issued by the General People's Congress.

Article (6)

The Authority's People's Committee shall hold competence to draw up the general policy regulating the People's Oversight and establish plans and programs related to the implementation thereof, as well as to formulate the Authority's annual draft budget and balance sheet and issue regulations governing its work.

Article (7)

The Secretary of the Authority's General People's Committee shall manage Authority affairs and supervise the administrative and technical work flow therein. The Secretary shall undertake the following in particular:

- Call meetings of the Authority's General People's Committee, run its sessions and implement its resolutions.
- Represent the Authority's affairs in its communications with third parties and before the courts, and may assign another party to represent him in this regard.
- Propose draft regulations organizing the Authority's work, the affairs of its members and employees, and its financial and administrative affairs, procurement, and contracting.
- Issue decrees related to the professional affairs of the Authority's members and employees and all decrees related to the regulation of oversight affairs, including the establishment of the plans, programs and methods necessary therefor.
- Assign someone to replace him in the event of his absence or impediment.
- Prepare the Authority's annual report and submit it to the Basic People's Congresses.

Article (8)

Members of the Authority's People's Committee shall hold competence within the scope of the Basic People's Congress from which they are elevated to collect information and data related to the extent of implementation of the Basic People's Congress's decrees adopted on local affairs and monitor the work flow of the locality's People's Committee. In doing such, they may undertake the following:

1. Prepare periodic reports on all of the different activities and submit them to the Basic People's Congress from which they are elevated during its local sessions.
2. Uncover administrative and financial offences and violations committed by members of the locality's People's Committee and the bodies affiliated thereto.
3. Fight administrative absenteeism in the locality's People's Committee and the administrative units and other bodies affiliated thereto.
4. Monitor the activities of cooperative, sectoral, and civil associations as well as the distribution of goods and market activity.
5. Attend face-to-face meetings of the Secretariat of the Basic People's Congress and the locality's People's Committee.

6. Obtain copies of the minutes of the locality's People's Committee meetings and the decisions issued thereby and confirm the extent to which they conform to the legislation in force.
7. Monitor the activities of the real estate allocation committee to confirm the extent to which they conform to the legislation in force.
8. Receive and follow-up on complaints and reports.

In the performance of these tasks, members of the Authority's People's Committee shall have the capacity of a judicial officer.

In all cases set out in the preceding clauses, members of the Authority's People's Committee shall categorise and sort the information and data collected in the framework of performing People's Oversight activities as well as financial and administrative offences and violations discovered thereby. They shall also prepare the necessary reports thereon and refer them to the Secretary of the Authority's People's Committee for him to adopt the necessary legal procedures with regard thereto.

Article (9)

The Authority's organisational structure shall consist of the following divisions:

1. Financial Oversight Division
2. Technical Oversight Division
3. Administrative Oversight Division
4. Investigations Division

Each division shall have a head holding a grade of Authority deputy.

Some of these divisions may be combined or other divisions created under a decree from the Authority's People's Committee, as dictated by work requirements.

The internal regulations shall be issued under a decree from the Secretary of the Authority's People's Committee.

Part (2)

Competencies of the Organisational Divisions

Chapter (1)

Competencies of the Oversight Division

Article (10)

The Financial Oversight Division shall hold competence to examine and audit the State's balance sheet for the financial year ended and prepare an annual report thereon setting out the Authority's observations and recommendations and any differences between it and the various bodies. The Secretary of the People's Committee shall submit this report to the Basic People's Congresses through the Secretariat of the General People's Congress and submit a copy thereof to the General People's Committee and the General People's Committee for Finance. Such shall be within the four months following the Authority's receipt of the balance sheet from the General People's Committee for Finance.

Similar reports may be submitted as needed on matters the Authority deems important or serious and requiring prompt review.

The General People's Committee for Finance shall submit the State's balance sheet to the Authority within a period not more than six months from the end of the fiscal year.

Article (11)

- a. When auditing State revenue, the Financial Oversight Division shall be concerned with the following:
 1. Confirm the soundness of the internal oversight system for revenues.
 2. Control the collection of revenue and confirm that all amounts collected were provided to the public treasury and entered into the accounts allocated therefor.
 3. Verify that all provisions of financial laws and the implementing regulations thereof were observed and applied correctly, and review anything that might seem to be deficient or faulty.
 4. Study the financial regulations and laws in force to confirm the application, adequacy and appropriateness thereof to ensure collection of taxes, fees, and all other public revenue in accordance with the laws in force.
- b. The Financial Oversight Division shall establish the following in particular:
 1. That revenue provision slips, the documents representing them, and records were reviewed by the competent employees and that the amounts stated therein were correctly added to the public revenue.
 2. That revenue and arrears statements submitted by public bodies clearly indicate that the revenue collected plus the arrears amounts not yet collected is all of the revenue due to the state pursuant to the laws and regulations in force, and that the authorities were not negligent or late in collecting such arrears.
 3. No exemptions from tax, duties, or the payment of any other monies due occurred, other than in those cases provided under the laws and with the approval of the legally competent entities.
 4. Taxes, fees, and all other public revenue was collected in accordance with the law.

Article (12)

- a. With regard to expenditures, the Financial Monitoring Division shall hold competence in the following:
 1. Confirm the soundness of the internal oversight system for expenditures.
 2. Establish that all allocations were disbursed for the designated purposes and this disbursement was in accordance with the laws and regulations in force.
 3. Verify that all payments are supported and their disbursement backed up by correct documentation and verify that the documents and coupons conform with the numbers entered into the accounts.
 4. Confirm that all regulations and laws on the public treasury and branches thereof were observed and properly applied, and review any deficiencies or faults therein.
- b. The Financial Oversight Division shall establish the following in particular:
 1. The amounts that were disbursed for each budget item are fully consistent with the numbers listed in the relevant documents.
 2. All disbursement receipts were correctly issued and within the bounds of the relevant authorisations, were issued by the competent bodies in accordance with the laws and regulations, and accompanied by the required papers and receipts.
 3. All expenditures were deducted from the budget section and item allocated for this type of expenditure in the budget and the amounts were in fact allocated to the intended purpose.
 4. None of the allocations tied to any budget section or item were exceeded without authorization for such from the competent bodies.

5. All amounts disbursed for new works or the transformation plan were disbursed in the manner for to which such amounts were allocated, and were not disbursed for any work not entered into the budget without approval of the competent bodies.
6. The reasons that led to non-disbursal of all or a portion of the allocations made for new works or transformation are valid and the surplus in a certain allocation was not made with the intention of dealing with an overage in an allocation made for another work, unless authorization for such was issued by the competent bodies to address an increase in the final costs of that work.
7. Failure to link any public body with any obligations that might ensue from exceeding the allocations made for any budget section, even if they were not actually disbursed.
8. Confirm that the decrees on appointment, promotion, and the granting of bonuses and allowances of any kind were issued in accordance with the laws and regulations governing such items and within the limits of the budget and financial rules, and that the rules on job grades granted personally, cancelled or changed upon first vacancy were observed.
9. Confirm that retirement pensions and security remunerations were determined or settled in accordance with the laws and regulations in effect.

Article (13)

When auditing revenues and expenditures, the Financial Monitoring Division shall confirm the following:

1. Separation of revenue and expenditure accounts at the banks and that disbursements are made by check except in cases of necessity where the disbursement is made from petty cash.
2. Confirm monthly reconciliation of bank accounts and conformity with the books.
3. Periodically confirm reconciliation of trusts and advances, and the necessary reconciliation of all trusts and advances at the end of the fiscal year.
4. Periodic inventory of treasury and bank accounts.
5. Confirm the integrity and efficiency of financial regulations and document cycles and completion of entry and evidentiary records.
6. Confirm the necessary evidence and the availability thereof.

Article (14)

In exercising the competencies set out in this Law, the Financial Oversight Division shall examine and audit accounts and their supporting documentation and assess the performance efficiency of the bodies subject to Authority oversight, in accordance with recognised technical and accounting rules, within the scope of the rules governing the activity of each body and in accordance with the provisions and controls set out in the implementing regulations of this Law.

It may exercise these competencies at the Authority's headquarters or branches thereof or at the premises of the bodies, which shall submit their accounts thereto at its request. It shall also have the right to communicate directly and correspond with account directors, controllers, supervisors and the competent employees acting in their place at said bodies and request the necessary data from them.

Article (15)

1. Auditors at public bodies, institutions, and companies owned in full or in part by the State, whose laws provide for a special audit system, shall be assigned under a decree from the Secretary of the Authority's People's Committee, who shall also determine the remuneration given to such auditors for their work.
2. Without prejudice to the responsibility of auditors before the bodies referred to in the preceding paragraph, such auditors shall be responsible before the Authority for their examination and audit of these bodies, and shall be deemed to be tasked with a public service in application of Article (20) of this Law.
3. The Authority may communicate with the auditors at the bodies set out in clause (1) of this Article, and give them directives related to the manner of examination and audit, and they shall provide the Authority with the reports they prepare on the tasks they are assigned to perform. The Authority may review these reports and update any shortcomings or vagaries or assign said auditors to do so.

When auditing these bodies, the Authority may deem the reports submitted by these auditors sufficient after their update or perform any special audits it deems necessary in this regard. In doing so it may also obtain all clarifications and information required from said auditors and the bodies themselves, and may review the books, documentation, and the like required for the examination and audit.

1. Audits of the bodies referred to in clause (1) of this Article shall be in accordance with observed accounting rules and within the scope of the provisions regulating the activities of these companies and businesses.
2. The management committees and officials at the bodies referred to in the preceding clause shall submit the Authority's observations contained in the reports submitted thereto to the general assemblies or other bodies, councils, and committees holding competence to approve the budget and balance sheet of such bodies. The Authority may attend the meetings held to discuss and approve the budget and balance sheet.
3. The bodies referred to in clause (1) of this Article may not enter into contracts for the development of financial and accounting systems and information systems or the change and development of existing systems without obtaining Authority approval.

Article (16)

The Financial Monitoring Division shall audit all extra budgetary custody, trust, current and other accounts to establish whether the relevant transactions are correct and that the numbers recorded in the accounts are supported by complete and correct documentation.

It shall also audit the advances and loans granted by the State or public entities or institutions and verify whether these advances and loans, both the principal and appendant fees, were paid to the public treasury in accordance with the terms under which they were granted.

Article (17)

The Financial Oversight Division may, at any time, perform an unplanned examination or inspection of treasuries and accounts, and may examine the documents set out under the laws and regulations, and see any document, record or paper it deems necessary for the audit, including those that are confidential. It may retain the documents, records, or other papers that it deems necessary or obtain copies thereof, and request that the person entrusted therewith or responsible therefor submit a signed certificate certifying their veracity. It may summon anyone it believes necessary to hear their statements. The implementing regulations of this Law shall set out the provisions and rules to be followed in this regard.

Article (18)

The Authority may request that the competent bodies undertake the necessary measures to collect funds due to the State or to any of the bodies subject to audit thereby that did not undertake the measures necessary to collect such funds or that were disbursed unlawfully or in violation of legislation.

Article (19)

The Secretary of the Authority's People's Committee shall notify officials at the bodies subject to Authority oversight of any avoidable losses or burden on the State's financial resources that he may learn of. Such is not necessary if such burden or loss was one that might result from following a specific financial policy at such bodies.

He shall also inform the Secretary of the General People's Committee and the Secretary of the General People's Committee for Finance of the cases in which he finds that the application of any law or regulation related to financial or accounting elements might harm the public interest or requires amendment.

Article (20)

The Secretary of the Authority's People's Committee may decide to oblige any employee of the bodies subject to Authority oversight or any person charged with a public service to pay any amount of public funds he believes was dispersed thereby or whose disbursement was ordered thereby unlawfully or in violation of the rules in place. He may also order them to pay compensation for loss of funds or damage to its stocks or property or other damages incurred by the state or a body subject to Authority oversight resulting from the violation and due to their wilful error or negligence. The decision shall state the amount of such compensation.

Anyone against whom said decision has been issued may file a grievance before a committee presided over by a counsellor at the Supreme Court nominated by the head of the Supreme Court and having as members the head of the Legal Department and the General Clerk of the Secretariat of the General People's Committee for Finance.

This committee may hear the statements of the party filing the grievance and conduct any investigations it deems fit. Submission of the grievance shall not result in the suspension of the relevant decision unless the committee orders such. The committee's decision shall be final and may only be appealed before the Supreme Court.

Article (21)

If the Authority finds that there are actions that caused damage to public property, the Secretary of the Authority's People's Committee may order the suspension of the party that caused the damage. In this case, it may also freeze disbursements from the bank accounts of the bodies that caused the damage, and they shall not be released until confirming that the damage has been remedied.

Chapter (2) Competencies of the Technical Oversight Division

Article (22)

The Technical Oversight Division shall hold competence to examine and audit the transformation plan draft immediately upon its completion.

The Secretary of the Authority's People's Committee shall refer the Authority's observations thereon to the body holding competence to prepare the plan, within a period not exceeding three months from the date the Authority receives the draft plan.

Article (23)

Supply, contractor, engagement, and other contracts to which any of the bodies subject to oversight is a party and that involve financial rights or obligations each more than five hundred thousand LYD shall be subject to prior Authority oversight of contracting and disbursements. This value shall be determined by the total value of the items or works under contract. In the event of a tender, the value shall be calculated on the basis of the lowest price in the tenders submitted that meet the conditions. In these cases the contract may not be divisible with the intent of decreasing the contract value to the limit where it is not subject to monitoring, and likewise, the concerned entity may not intend to make another invitation to tender for items or works of the same type within a period less than three months from the date of entering into the contract.

The Authority may suspend all procedures resulting from contracts being divided and refer the violators to investigation in accordance with the procedures set out in this Law. No contract with a value of over five hundred thousand LYD may be entered into prior to Authority review.

Article (24)

When conducting the prior review of contracts set out in the preceding Article, the Technical Oversight Division shall perform the following in particular:

1. Verify compliance at the time of contracting with the legislation in force with regard to contracting and the regulations in place including the general terms and technical specifications.
2. Verify that there are no sufficient domestic substitutes for the materials to be imported from abroad and that such materials are in accordance with the approved budgets.
3. Verify that contract prices are appropriate, in light of the studies on global prices conducted by the competent bodies.

Article (25)

All bodies whose contracts are subject to prior review shall send the Authority copies of the correspondence in which permission to submit the project for contracting is requested, attaching a statement of the object of the contract, the technical, economic and legal studies and documents, engineering drawings, specifications, criteria, general terms, estimates, minutes and reports of the tender committees and the committees stemming therefrom and other documents on whose basis the transaction is offered or whose contracting documents the Authority deems important to access and review. The Authority shall submit its report and observations thereon to the body requesting the contract, with a copy thereof to the body holding competence to approve the contract.

Article (26)

Prior to disbursement, the Technical Oversight Division shall hold competence to check the validity of the certificates and documentation related to the disbursement of any amount resulting from any contract whose value exceeds five hundred thousand LYD. It may also verify such directly following a disbursement for contracts whose value does not exceed this amount but are over one hundred thousand LYD.

Article (27)

The Technical Oversight Authority shall monitor the stages of implementation of contracted projects to establish proper implementation procedures and conformance with the terms, drawings and technical specifications on which the contract was based.

The Technical Oversight Division shall also periodically monitor implemented projects that have been delivered to confirm sound operation and maintenance and that the objectives for which they were established have been achieved.

It shall prepare reports addressing the bodies supervising such projects containing the observations it has in order for them to do their part to remedy them in a manner that preserves public funds.

Article (28)

Contracts entered into by the bodies set out in clauses (4), (5), (6), (7), (8), (9), and (10) of Article (5) of this Law shall be exempt from the application of Articles (23), (24), (25), (26) and (27) of this Law.

Chapter (3) **Competencies of the Oversight Division**

Article (29)

The Administrative Oversight Division shall conduct the necessary investigations to study the causes of shortcomings in the production, distribution and services work areas performed by the bodies subject to oversight, uncover any faults in the administrative systems in place that hinder proper work flow and the provision of services, propose the means to avoid such in a manner that leads to increased and efficient production and improved ways of performing services and their expeditious completion and reduce expenses. In doing such, it may undertake the following:

1. Monitor performance, combat administrative absenteeism and conduct the necessary investigations to uncover any possible administrative practice against any of the workers contrary to the laws and regulations.
2. Uncover offences and violations committed by workers at the bodies subject to Authority oversight during the performance of their activities or due thereto and adopt the necessary measures to control such offences and violations.
3. Uncover the offences and violations committed by persons other than those mentioned in the preceding paragraph of this Article, if the aim was to harm the performance of the duties of the office or public service, or to damage the public interest, and adopt the necessary measures to control such offences and violations.
4. Monitor and assess import, export, distribution and marketing activities for the different materials, equipment and goods performed by the bodies subject to oversight.
5. Research and study the complaints of any individuals of any body in the State received by the Authority and act upon such complaints in light of the results of the examination and study thereof.
6. Study and research the complaints, investigations, informational surveys, opinions and proposals related to work flow at the bodies subject to oversight that are reported in the newspapers and various media.

Article (30)

The Administrative Oversight Division shall monitor, examine and study the laws, regulations and decrees in force and the systems in place to confirm their efficiency for the purposes for which they were established and propose amendments leading to avoiding the deficiencies thereof. It shall also investigate any causes of shortcomings, inaction or deviation in the application thereof and propose ways to address and avoid such.

Article (31)

The Oversight Division shall adopt the means necessary to investigate and uncover work and production offences and shortcomings.

It may also conduct individual oversight if there is a serious justification for such, provided this procedure takes place with written authorisation from the Secretary of the Authority's People's Committee.

Article (32)

Without prejudice to Article (21) of this Law, the Administrative Monitoring Division may request the suspension of any employee from their professional activities if there are strong justifications for the adoption of this measure and for serious reasons relating to public interest requirements. Suspension decisions shall be issued by the Secretary of the Authority's People's Committee. All provisions provided with regard to suspensions in the interest of an investigation shall apply to such suspension.

Article (33)

All bodies shall notify the Authority of violations committed therein immediately upon their discovery, and shall also report to it the findings of the investigation thereof and the procedures adopted with regard thereto.

The Authority may conduct another investigation itself and request the adoption of the procedure necessary with regard thereto, and it may also refer the matter to the Public Prosecution, the People's Prosecution Bureau or the disciplinary board, as the case may be.

Article (34)

If the inquiries or monitoring produce matters requiring investigation, the Secretary of the Authority's People's Committee shall refer the documents to the Authority's Investigation Division or the Public Prosecution, as the case may be.

Chapter (4) Competencies of the Investigation Division

Article (35)

The Investigation Division shall hold competence to conduct investigations into the following violations attributed to employees working at the bodies subject to Authority oversight:

1. Violations and offences referred by the Authority's Oversight Division.
2. Violations and offences referred by the competent bodies.

In all cases, referral to the Investigation Division shall be by the Secretary of the Authority's People's Committee or person authorised thereby for such.

Article (36)

The Investigation Division shall notify the competent secretary or person acting in his place at the body subject to oversight to which the employee referred for investigation is affiliated at the beginning of such investigation, unless the referral was made at the request of the competent secretary or person acting in his place.

Article (37)

Investigating members may summon the accused and witnesses working at the bodies subject to oversight and others and hear witness statements after they are sworn in. They may also seek the assistance of experts.

The provisions set out in the Code of Criminal Procedure on investigations by the Public Prosecution shall apply to the accused and witnesses, including with regard to arrest warrants, and the provisions on judicial experts shall apply to experts.

Article (38)

The accused shall be notified of the investigation at least three days before it commences and may attend all stages of the investigation, unless the investigation requires that it be conducted in their absence.

Article (39)

If the Investigation Division finds that the violation under investigation is financial, it must refer the documents related thereto to the Financial Oversight Division for examination and review. The Financial Oversight Division shall return the documents to the Investigation Division with a report containing its opinion.

Article (40)

Investigations of financial violations attributed to employees shall be by a member of the Investigation Division.

These violations shall be investigated in accordance with the rules and procedures provided in this Law and the Civil Service Law.

Article (41)

In the event of an investigation, the Secretary of the Authority's People's Committee may authorise the search of accused persons and their homes if there are strong justifications for adopting this measure. In all cases, the authorisation must be in writing and the search must be conducted by a member of the Authority's Investigation Division.

In all cases, investigating members may search the workplaces and other locations used by the accused persons under investigation in their activities. A report must be drawn up on the occurrence of the search and the findings thereof and the presence or absence of the accused when it was conducted. If the accused does not work at the bodies subject to oversight, written permission for the search must be obtained from the Secretary of the Authority's People's Committee.

Article (42)

Upon the approval of the Secretary of the Authority's People's Committee, the Authority's Deputy of the Investigation Division may suspend accused persons working at the bodies subject to oversight from their job as a precautionary measure if the investigation requires such.

The suspension term may not exceed three months, except pursuant to a decree from the disciplinary board or competent disciplinary authorities, as the case may be.

Article (43)

Following completion of the investigation, the investigator shall submit the investigation papers to the Authority's Deputy of the Investigation Division or person authorised by the Secretary of the Authority's People's Committee for such, along with a report containing a statement of the investigation facts, their characterisation and his opinion thereon.

Article (44)

If the Secretary of the Authority's People's Committee decides to suspend the investigation or that the violation does not require a penalty more severe than those the body to which the employee is affiliated may impose, he shall refer the papers thereto for issuance of its decision as it sees fit. Said body must notify the Authority of its decision within fifteen days at most from its issue date.

If the Secretary of the Authority's People's Committee finds that the violation requires a penalty more severe than those that the body to which the employee is affiliated may impose, he shall refer the papers to the competent disciplinary board, and notify the employee and the body with which they are affiliated of such.

Article (45)

1. If the investigation finds that a criminal offence was committed, the investigating member shall exercise all powers entrusted to the Public Prosecution provided under Section (4) of Book (1) of the Code of Criminal Procedure.
2. If the Authority's Deputy of the Investigation Division finds that the evidence against the accused is sufficient, he shall order the referral of the papers to the competent court after characterising the incident and giving it its legal description. Investigating members may initiate the case before the competent court and in doing so shall have the powers provided to a member of the Public Prosecution, including the appeal of rulings issued with regard thereto.

If the Authority's Deputy of the Investigation Division finds that there are no grounds for filing a criminal case, he shall issue an order for such and the release of the accused, unless the accused has been arrested for another reason.

The Secretary of the Authority's People's Committee may cancel the order issued stating there are no grounds for filing a criminal case within three months from its issue date, in the cases set out in the Code of Criminal Procedure.

In all cases, the Secretary of the Authority's People's Council shall hold sole competence to issue orders on the grounds for filing a criminal case, and file and appeal orders and rulings issued with regard thereto on criminal articles. In this he shall have all the powers provided to the Prosecutor-General and chief prosecutors in the Code of Criminal Procedure.

Article (46)

In implementation of Article (44) of this Law, decisions issued by the competent disciplinary boards shall be reported to the Authority within fifteen days of their issuance.

The Secretary of the Authority's People's Committee may challenge said decisions before the competent court by the deadlines and in accordance with the procedures provided for such.

Part (3)

Authority Members and Employees

Article (47)

Authority members, technical employees, and administrative staff must be Libyans with higher education or university credentials in law, accounting, auditing, economics, engineering, or any other higher education or university credentials required by the nature of work at the Authority.

Exceptions from the aforementioned credentials condition may be made pursuant to a decision from the Secretary of the Authority's People's Committee for those holding administrative, clerical, assistant technician and vocational positions.

Article (48)

In addition to the condition set out in the preceding Article, those nominated for an Authority member position must have spent a period of not less than five years of service at the Authority following their obtaining of the credential. Membership shall be granted under a decision from the Secretary of the Authority's People's Committee.

Article (49)

Appointment, promotion, transfer, assignment, and secondment of Authority deputies, members and technical and administrative employees, and the acceptance of their resignations and termination of their service shall be pursuant to a decree issued by the Secretary of the Authority's People's Committee, in accordance with the provisions set out in this Law and the regulations issued pursuant thereto.

Article (50)

The Secretary of the Authority's People's Committee and the deputies and members thereof shall have the capacity of a judicial officer with regard to the implementation of this Law. Pursuant to a decision from the Secretary of the Authority's People's Committee, this capacity may be granted to technical employees when the nature of their work requires such.

Article (51)

Prior to commencing their positions, Authority members shall swear an oath to perform their work conscientiously and honestly. The implementing regulations of this Law shall state the wording of the oath and the body before which the oath is performed.

Article (52)

An Authority member and employee affairs committee shall be formed pursuant to a decision from the Secretary of the Oversight Authority's People's Committee. Such committee shall directly exercise all competencies and powers entrusted thereto in accordance with the implementing regulations of this Law and the regulations on the affairs of Authority members and employees.

Article (53)

Authority members and employees may not combine their positions and any other work whose performance conflicts with their principal activities, even outside of official working hours.

Article (54)

Without prejudice to Law No. (10) of 1423 FBP on cleansing, and except in cases of *in flagrante delicto*, Authority members may not be arrested or any investigation procedure instituted against them or criminal cases filed against them without written authorisation from the Secretary of the Authority's People's Committee.

In cases of *in flagrante delicto*, the Secretary of the Authority's People's Committee must be notified within twenty-four hours following the arrest.

Article (55)

The Authority shall prepare staffing for its members and employees, setting out therein the titles and grades of positions based on Schedule (1) attached to Law No. (15) of 1981 AD on the regulation of salaries for national employees of the Socialist People's Libyan Arab Jamahiriya. The Authority shall settle the professional and financial conditions of those serving the Authority at the time this Law is issued by transferring each of them from their current grades to the equivalent grades according to the Schedule attached to this Law.

Any general increases approved for State employees shall apply to the salaries of those working at the Authority, with the same terms and percentages approved in such increase.

Article (56)

Authority personnel shall have the right to health and social care and treatment expenses and shall be compensated for any injuries or illnesses they suffer while at work or due thereto that are not due to their personal error. The implementing regulations of this Law shall set out the necessary rules and conditions, including compensation amounts.

Article (57)

The service of any Authority personnel working on the Authority's General People's Committee shall terminate when they reach the age of sixty-two. If necessary or required by the public interest, their service may be extended until the end of age sixty-five. The extension shall be pursuant to a decree from the Secretary of the Authority's People's Committee.

Any Authority personnel may be transferred to retirement at their request, if they have completed at least twenty years of service.

Article (58)

At the end of their service, Authority personnel shall be granted the salaries due for their accumulated annual leaves, not to exceed one year's salary, provided such has been held for them due to reasons relating to work interests.

Article (59)

A fund called the "Personnel Fund" shall be established at the Authority with the aim of providing social, cultural and health care, and providing assistance and remuneration to Authority personnel. The Fund's resources shall consist of the following:

- Annual enrolment and subscription fees.
- The Authority's contribution contained in the annual budget.
- Proceeds of salary deduction penalties imposed on Authority personnel.
- Any unconditional assistance or donations presented thereto.

- Any other resources specified under a decree issued by the Secretary of the Authority's People's Committee. The organisation and administration of the Fund and the rules on disbursements therefrom shall be set out in a decree issued by the Secretary of the Authority's People's Committee.

Article (60)

The disciplinary penalties that may be imposed on Authority members are:

1. Censure
2. Warning
3. Deduction of salary for a period not to exceed one month per year
4. Withholding of annual bonus
5. Dismissal from the position

The Secretary of the Authority's People's committee may impose the penalty of censure, warning or deduction of salary not to exceed fifteen days at one time. Deduction penalties shall not be imposed until the member's statements are heard and their defence investigated by a committee of three members holding a grade not lower than the member referred to investigation, to be formed under a decree from the Secretary of the Authority's People's Committee.

Article (61)

Investigation procedures, disciplinary trial, and penalisation of non-member Authority employees shall be in accordance with the Civil Service Law.

Article (62)

Authority members are not subject to dismissal unless they lose the confidence and esteem required for the position and a ruling is issued by the competent disciplinary board with regard thereto.

Article (63)

Disciplinary trials of Authority deputies and members shall be before a council consisting of:

- A counsellor on the Supreme Court, assigned by the Court's General Assembly, Chairman
 - A counsellor on the Court of Appeal, assigned by the Court's General Assembly, Member
 - A member of the Authority holding a grade not lower than that of the member referred to trial, named by the Secretary of the Authority's People's Committee, Member
- The implementing regulations of this Law shall set out the disciplinary trial procedures.

Article (64)

Where no provision is made in this Law, Civil Service Law No. (55) of 1976 AD and Law No. (15) of 1981 AD on the regulation of salaries for national employees of the Socialist People's Libyan Arab Jamahiriya shall apply to Authority personnel.

Part (4)

Budget and Accounts

Article (65)

The Authority shall have an independent estimated annual budget prepared at least three months prior to the beginning of the financial year. The Authority's financial year shall commence at the beginning of the State's fiscal year and end at the end thereof. The budget shall be approved by the General People's Congress.

Article (66)

The resources allocated to the Authority's budget shall consist of:

1. Financial allocations made to the Authority from the State's budget.
2. Revenues collected for the examination, audit, and financial and technical consulting activities it performs for the bodies subject to monitoring.
3. Surpluses from the previous years' budgets.
4. Any other resources allocated to the Authority.

Article (67)

The Authority's accounts, disbursement methods, revenues, and other financial matters shall be organised in accordance with the regulations and rules specified in the implementing regulations of this Law.

Article (68)

The Secretary of the Authority's People's Committee shall exercise the powers entrusted to the General People's Committee for Finance with regard to the use of the allocations made in the Authority's budget.

Article (69)

The Authority shall have one or more accounts opened at banks operating in the Jamahiriya under a decision from the Secretary of the Authority's People's Committee.

Article (70)

The Authority's accounts shall be audited in accordance with the rules issued under a decree from the General People's Congress based on a proposal from the Secretary of the Authority's People's Committee and its balance sheet shall be approved by the General People's Congress.

Article (71)

The Authority shall receive fees for the activities it performs for account examinations, budget audits, contract examinations, financial and technical consulting and preparation of financial and accounting systems for the bodies subject to monitoring set out in Article (5) of this Law.

People's committees, bodies, institutions and other public bodies funded from the State's general budget shall be directly exempted from paying said fees with regard to the Authority's annual examinations and audits.

Part (5)
The Disciplinary Board for Financial Violations

Article (72)

Pursuant to this Law, a disciplinary board called the Disciplinary Board for Financial Violations shall be established, holding competence to try employees affiliated to the bodies subject to Authority oversight for financial violations committed in violation of the Law of the Financial System of the State and the regulations issued pursuant thereto, and the financial violations set out under this Law and the Civil Service Law, and other financial violations of the laws, regulations, decrees, systems and other legislation regulating work at the bodies subject to Authority oversight.

Article (73)

The Disciplinary Board shall be formed as follows:

- a. A member of the judiciary holding a grade not lower than counsellor at the Courts of Appeal, selected by the General Assembly of the Court, Chairman.
- b. A financial employee at the General People's Committee for Finance, nominated by the Secretary of the General People's Committee for Finance,
- c. Member.
- d. A member of the Law Department of the General People's Committee for Justice and Public Security, nominated by the Secretary of the General People's Committee for Justice and Public Security, Member.
- e. An employee of the General Workforce Authority, nominated by the Secretary of the Authority's Managing Committee, Member.
- f. Two Authority members, Members.

The grade of any members of the Board must not be lower than thirteen. If the person referred to disciplinary trial is a member of the Board, an employee of the body in which they work shall take their place.

Other boards may be established pursuant to a decree from the Secretary of the Authority's People's Committee, provided the decree state the area of jurisdiction of each board and that these boards are formed in accordance with this Article.

Article (74)

The Board shall hold its sessions at the Authority's headquarters or a branch thereof. Such sessions shall only be valid if attended by the chairman and at least three members. Board sessions shall be confidential. Decisions shall be issued by majority and in the event of a tie, the chairman shall have the casting vote.

Board decisions must contain the grounds on which they are based, and the employee must be notified thereof within fifteen days from its issue date. Board decisions shall be final and may only be challenged before the Supreme Court.

Article (75)

Testimony shall be given before the Disciplinary Board after being sworn in. With regard to failing to appear, refusing to give testimony, and giving false testimony, the witness shall be treated in accordance with the provisions provided on such in the Penal Code and the Code of Criminal Procedure before the misdemeanours court. The Board shall have the powers prescribed for the misdemeanours court in this regard.

Article (76)

If several related violations, some administrative and others financial, are attributed to one or more employees, the Disciplinary Board for Financial Violations shall hold jurisdiction to conduct the trial.

Article (77)

Without prejudice to the disciplinary penalties contained in the Civil Service Law or any other more severe penalties required under the Penal Code or any other law, the Disciplinary Board may impose a fine on anyone who violates Article (83) of this Law or any other financial violation resulting in the waste of public funds or damage to the public interest. The fine shall not be less than one month of salary and not more than three months of salary. In the application of this penalty, "salary" shall mean the salary received at the time the violation was committed, without any other financial allowances or benefits.

The same penalty shall apply to anyone who leaves service for any reason, even if the the investigation did not start before the end of service, for violations resulting in the unlawful disbursal of financial amounts, the loss of one of the State's financial rights or damage to the public interest.

Part (6)

General and Transitional Provisions

Article (78)

Without prejudice to Article (5) of this Law, the Authority may examine and audit the accounts and budgets of branches of foreign companies operating in the Great Jamahiriya, approve its budgets and balance sheets, submit reports thereon to the competent company branch and its headquarters abroad and determine the fees, terms and rules of the examination and audit in accordance with the implementing regulations of this Law.

Article (79)

After consulting with the competent bodies, the Secretary of the People's Committee may propose the draft regulations it deems necessary to ensure proper implementation of this Law and other legislation in force, in particular the necessary draft regulations to set out the proper way to keep accounts or hold money or state public property or examine and audit the accounts that the Authority holds competence to audit.

Article (80)

1. The bodies subject to Authority oversight shall study the observations and inquiries sent to it by the Authority, and respond to them by the set time.
2. Without prejudice to Articles (33), (37) and (83) of this Law, any employee who hides from the Authority information requested thereby or fails to submit or refuses to give it access thereto shall be subject to disciplinary penalty.
3. Anyone who, without an acceptable excuse, is late in responding to Authority observations or correspondence in general or fails to respond thereto or to implement a summons request to hear their statements, as well as anyone who commits one of the financial violations contained in Article (83) of this Law, shall be subject to disciplinary penalty.

Article (81)

The General People's Committee, the subject-matter General People's Committees and the People's Committees for the localities must send copies of their meeting minutes and decisions to the Authority.

The bodies subject to this Law must also forward to the Authority copies of its correspondence that entail financial obligations.

The Authority must forward copies of its People's Committee meeting minutes and organisational decisions to the Secretariat of the General People's Congress.

Article (82)

The Authority may seek the assistance of members of the police or local public security in performing the tasks required to enforce this Law.

Article (83)

In the application of this Law, financial violations shall be considered to be:

1. Violation of financial, accounting and auditing rules, provisions and regulations related to the preparation or implementation of budgets or rules for the preparation thereof or any instructions or directives issued with regard thereto.
2. Violation of the provisions on contracting, the treasury, procurements, or other accounting and financial regulations and laws.
3. Any wrongful act or negligence or neglect resulting in the unlawful disbursement of public funds or loss of a financial right of the State or the entities subject to Authority oversight.
4. Failure to provide the Authority with copies of contracts, agreements, or any documentation that must be provided in the implementation of this Law.
5. Failure to provide the Authority with the accounts or required supporting documentation requested thereby, without an acceptable excuse.
6. Failure to respond to the Authority's inquiries, observations, or delay in responding to them at the appropriate time.
7. Failure to undertake the necessary procedures on the violations included in the Authority's observations.
8. Entering into contracts subject to prior Authority oversight before the Authority reviews and provides its observations thereon.
9. Any action or position that impairs the Authority from performing its competencies related to financial oversight.

Article (84)

All of the current personnel at the General People's Committee for People's Oversight and Monitoring shall be transferred to the Authority with the same status as their previous position when this Law enters into force.

Article (85)

With the exception of Articles (47) and (48), all Oversight members working at the General People's Committee for People's Oversight and Monitoring when this Law enters into force shall retain the same professional status given thereto before such provisions enter into force.

Article (86)

The Authority shall submit to the Basic People's Congresses a full annual report on its activities, observations and recommendations.

Whenever required, it may submit reports to the concerned bodies on the matters and subjects discovered in its monitoring activities and that it deems significant and serious enough to require urgent review.

Article (87)

The Secretary of the Authority's People's Committee shall exercise the powers and competencies given to the head of the Audit Bureau and the controller general in the legislation in force. The Authority's Deputy of the Financial Oversight Division shall exercise the powers and competencies given to the Deputy of the Audit Bureau in the legislation in force. The Authority's Deputy of the Administrative Oversight Division and the Authority's Deputy of the Investigation Division shall exercise the powers and competencies given to deputies of the Central Authority for Public Administration Control in the legislation in force.

Article (88)

All cases under review and deliberation before the Disciplinary Council for Financial Violations in place at the time this Law enters into force shall be referred to the Disciplinary Council established and formed in accordance with this Law, unless such cases are scheduled for judgement.

Article (89)

The implementing decisions and regulations issued and in force in accordance with the legislation implemented by the General People's Committee for Peoples' Oversight and Monitoring shall remain in force provided that such does not conflict with the provisions of this Law until any amendments thereto or repeal thereof is issued.

Article (90)

The implementing regulations of this Law shall be issued under a decree from the Secretariat of the General People's Committee.

Article (91)

Law No. (79) of 1975 AD on the Audit Bureau, Law No. (88) of 1974 AD reorganising the Central Authority for Public Administration Control, Law No. (16) of 1986 AD establishing the People's Authority for Monitoring, Part (7) of the Law of the Financial System of the State and Article (88) of the Civil Service Law shall be repealed, and any other provision that conflicts with the provisions of this Law shall also be repealed.

Article (92)

This Law shall be published in the Official Gazette and in the various media, and it shall enter into force from the date of its publication in the Official Gazette.

The General People's Congress – Libya

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