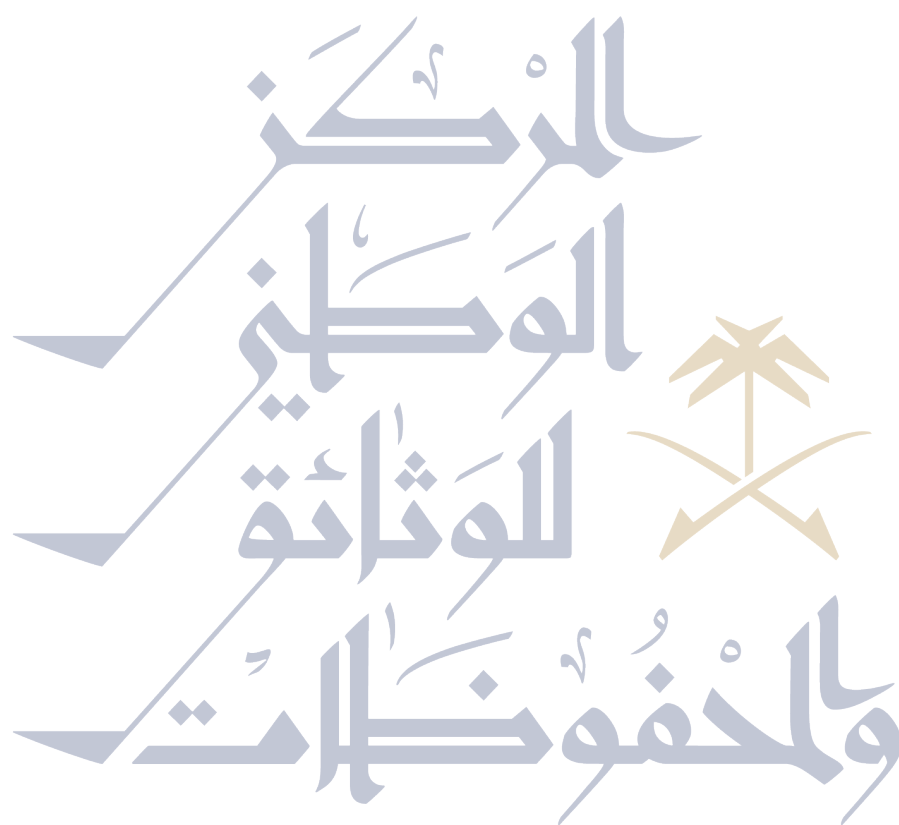


The Consideration of Violations of Civil Defense Law and Regulation



National Center for Archives & Records

Translated by : Fawaz N Alshaibani

Section 1

(Definitions)

The Law :

Civil Defense Law issued by the Royal Decree No. 10 and dated 10/5/1406 H and all other relevant regulations.

Regulation :

The Consideration of Violations of Civil Defense Law and Regulation .

Regulations :

Civil Defense conditions and requirements issued by relevant actors .

Inspector :

A person authorized by Civil Defense to carry out an inspection of the facility to ensure the implementation of Civil Defense regulations, requirements and Instructions .

Inspection :

The action of the inspector in accordance with the procedures provided for in these regulations, in order to ensuring no violations of Civil Defense regulations or law .

The Facility :

The place that is inspected, whether governmental or private .

The person responsible for the facility :

is a person responsible for implementing Civil Defense regulations and law relating to security and safety at the facility .

The Violation :

Any intentional or unintentional violation of Civil Defense law or regulations .

Violations that pose a current risk :

It is defined as a violation, which if not remedied immediately, will lead to harmful effects to lives, property or the environment. This includes the violation of technical and regulatory rules for transportation, handling, storage, manufacturing or use of chemicals such as explosive materials, burning, smoldering, toxic, oxidizing, radioactive or corrosive gases, flammable or flammable liquids, or failure to comply with industrial production controls for high temperature or high pressure sites or the use of toxic materials. The violations that pose a current risk also include breach of the instructions of the competent authorities related to the rules of disposing of industrial waste, or those that result in exposing workers to danger due to a breach of occupational safety and health standards, e.g. not using personal protective equipment and creating a healthy environment.

Penalty :

The penalty prescribed for every violation of the Civil Defense Law, regulations or decisions issued for implementing the Civil Defense Law .

Committees of Considering the Violations

2

The Minister of Interior and Chairman of the Civil Defense Council will form committees to look into violations of the Civil Defense Law and regulations and decisions issued for implementing the law. Each committee consists of five members, one of whom must have a Shari'ah or legal qualification.

The committee must be responsible for the following:

- Considering violations of the Civil Defense Law and regulations and decisions issued for implementing the law, which are referred to it by letter from the head of the Safety Department (Unit) within the Civil Defense Department in which the committee operates within its geographical area.
- Imposing the penalty stipulated in Paragraph (a) of Article 30 of the Civil Defense Law.
- If the committee deems that the violation must be punishable by imprisonment, the committee shall refer back the violation to the safety Department (Unit) within the Civil Defense Department, in which the committee operates within its geographical area in order to take measures to refer the violation to the Board of Grievances to be treated as per its law.
- The committee may, in the event that the violation that poses a current risk, immediately close down the entity or suspend work in the part or the section constituting the risk until the violation is remedied and removed.
- The decision to form each committee must name the chairman and deputy chairman of the committee.
- The chairman, or his deputy in case of his absence, manages the work of the committee and its sessions.
- The term of membership of the committee is three years, subject to renewal. If any member absents himself from five committee meetings without an acceptable excuse, or if he loses his membership for any other reason, or if he is transferred from the headquarters of the committee, a person to replace him will be appointed to cover the remaining period of his membership.

- The committee holds its sessions in the Civil Defense Department in which the committee operates within its geographic area. If necessary, the committee may hold its sessions in another place after obtaining the approval of the Director of Civil Defense in the region. Its sessions are not deemed valid unless attended by most of its members, provided that the chairman or his deputy is one of them. Members must be informed of the date of each session one week before the meeting, and the proceedings of its sessions must be recorded in a special minutes prepared for this purpose.
- The committee holds its sessions during the official working hours. If necessary, the committee may hold its sessions outside the official working hours after obtaining the approval of the director of Civil Defense in the region.
- The committee may seek the assistance of whomever it deems fit including specialists or experts to express a technical opinion on any issue presented before the committee.
- The committee may summon whomever it deems necessary to attend from the Civil Defense employees to seek his opinion on one of the issues presented before the committee.
- The committee may address public and private agencies if the need arises, provided that the communication is made through the Director of the Civil Defense Department in which the committee operates within its geographical area.
- The committee may do what it deems necessary to complete the investigation of the violations presented to it. It may also conduct an inspection through its

entire personnel or by delegating one of its members for this task, provided that the member of the personnel must submit a report on the results of the inspection to the committee.

- The committee considers the violations referred to it by the Safety Department (Unit) of the Civil Defense Department in which the committee operates within its geographic area. The committee informs the violator through the secretariat of the committee of the date set for consideration at least three days prior the specified date. It must include

- The report must include a statement of the violation, the date specified for reviewing it, its time and place. the report must require the violator or whoever represents him legally to attend the hearing and plead his defense.

- The committee examines the violation immediately without delay. If the committee finds it necessary to consider the violation in more than one session, the committee must inform the concerned parties, who fail to attend one of the sessions, of the date, time and place of the next session.

- When the violator or his legal representative attends, the committee must take his written statement of the violations attributed to him and listed in the letter of the Safety Department (Unit) of the Civil Defense where the committee operates within its geographic area as well as in the violation report. He must sign the session record.

- If the violator or his representative does not attend the session, of which he was given an official notification, without an excuse that is acceptable to the committee, the committee may continue to consider the violation. Any judgment issued against the violator will be considered binding as if he was

present. The violator is also considered physically present if he attends one session even if he fails to attend the remaining sessions.

- The secretary of the committee writes the minutes of the session under the supervision of the head of the session or his deputy in the event of his absence, provided that the minutes indicates the names of the committee members who attended the session, its date, place and time, and the names of the attendees or their representatives to whom the violation are attributed. It also indicates all the procedures that take place in the session. The statements of the violator or his representative and the aspects of his defense are recorded in the minutes, which must be signed by the chairman of the committee, its members, and its secretary.

- If the committee deems that the violation involves a crime punishable by other laws, it must refer the crime to the competent authorities under the pertinent regulations to take the necessary legal action. It must decide on the violation in question unless it becomes apparent to it that it is not possible to separate one of them without the other. The referral must be made through the Director of the Civil Defense Department in which the committee operates within its geographical area.

National Center for Archives & Records

- The deliberations among the members of the committee must be confidential.
- The committee makes its decisions by majority. When votes are equal, the vote of the session's chairman will be the casting vote.
- The committee's decisions must include the response to all the defense statements raised by the violator. The member (or chairman) of the committee

who adopts a different opinion must include in the minutes of the session his own opinion, provided that it must be justifiable.

- The committee's secretariat informs the violator of the penalty decision in the form of an official letter delivered to him, his representative, or whoever is in the entity including employees or workers therein. The name of the recipient of the letter must be specified and the recipient must sign the copy of the notification letter. If the violator or his representative or whoever is in the entity including employees or workers refuses to receive the letter, the letter must be delivered to the competent police station to hand it over to the violator.

Committee Secretary

3

- The committee must have a secretary from the employees of the Civil Defense appointed by a decision of the Director of the Civil Defense Department in which the committee operates within its geographical area.

- The secretary provides technical and administrative support for the work of the committee, and in particular, the following:

- Writing the minutes of the committee and organizing its meetings administratively.
- Receiving service seekers and answering their inquiries.
- Coordinating between the committee and the concerned parties from within and outside the General Directorate of Civil Defense, including the dates of the sessions and reporting notifications and decisions.

- Copying, storing and retrieving files.
- Preparing a file (electronic and paper) for violations, in which the following is recorded:
 - Violations with serial numbers
 - The name of the violating entity
 - Full name of the owner of the violating entity and his civil register number
 - The date when the violation was discovered and the date it was received by the committee
 - Description of the violation
 - The penalty issued against the entity
 - The ruling of the Board of Grievances related to it, whenever a grievance is made against it before the Bureau

Violations and penalties

4

Any violation of any provision of the Civil Defense Law, its regulations, or the decisions issued for implementing it must be considered a punishable violation. The General Directorate of Civil Defense sets a schedule for violations that takes into account the regulations governing the requirements of Civil Defense in the various fields and activities.

5

When estimating the fine, the proportionality between it and the violation must be taken into account as well as the mitigating and aggravating circumstances. The aggravating circumstances include the following:

- a - the enormity of the violation
- b - Repetition of the violation
- c - Multiple violations
- d - If the violation results in harmful effects to lives, money, public health, or public order.
- e - If the violation is couple with an attempt to obstruct the inspection operations of the entity or failure to cooperate with the inspector.
- f - If the violation was committed intentionally and not due to negligence
- g - The seriousness and nature of the entity's work

Procedures for detecting and investigating violations

6

The entities are inspected according to the following controls and procedures:

- The inspection and control of violations of the provisions of the Civil Defense Law and regulations and the decisions issued for implementing it must be undertaken by inspectors who have scientific and practical experience in inspection and controlling violations. They must be appointed from the employees of the Safety Department of the Civil Defense by a decision of the Director of the Department in which the committee operates within its geographic area. In cases of necessity, it is advisable to seek the assistance of others from the employees of other departments in the Civil Defense or from others who enjoy a special expertise after the approval of the Director General of Civil Defense or his representative.

- Before carrying out an inspection, the inspector must introduce himself to the person in charge of the entity, or whoever takes his place, or the safety official in the entity. He must wear, during the inspection, the official uniform of Civil Defense and put on his chest the inspection card issued by the competent authority in the Civil Defense.
- In order to detect violations, the inspector has the right to enter the entities subject to the provisions of the Civil Defense Law and regulations, as well as carry out inspections and question the entity's workers. The employees and safety officials of the entities must provide all the facilities that enable the inspectors to carry out their job.
- The inspector is responsible for detecting the violations according to an official report that includes the name of the violating entity, a description of the violation, the date and time of its detection. The report must be signed by the inspector, provided that the official in the entity, his representative, or the person responsible for safety , who was present at the time the violation was detected, will be able to write his feedback about the violation in the space designated for that in the violation report.
- The inspector must, before starting the inspection, review the entity's safety and firefighting record, review the data contained therein, ensure its safety, and record his notes on it. After completing the inspection process, he must record the violation in this record. If there is no safety record in the entity, he must prove the incident in the violation report.

- The inspection is carried out during the working hours of the entity to be inspected. In cases of necessity, and after coordination with other competent authorities, inspection may be carried out entity's working hours.
- The person in charge of the entity or his representative or the person in charge of safety in the entity who is present during the inspection must be responsible for accompanying the inspector during the inspection process. He must have the right to write his notes in a timely manner in the space specified for that in the violation report and sign it. In the event that he is not present, or if he refuses to accompany the inspector during the inspection or hinders his inspection work, the inspector, after recording this incident in the violation report, must complete the inspection procedures. Subsequent to this, any observations made by the entity subject to inspection will not be taken into consideration.
- If the person in charge of the entity, his representative, or the person responsible for safety, who is present during the inspection, hindered the inspector from carrying out the inspection procedures, then the inspector must contact the relevant administration directly to take the appropriate measure.
- The inspector determines the violations and records them in the violation report and notifies the violator thereof. The inspector sets a time limit for the entity for the purpose of removing those violations, as long as such violations do not pose threats to lives and property.
- In the event that a violation posing a current risk is detected, then the inspector, after recording the incident in the violation report and in the entity's safety record, must ask the person in charge of the entity to stop immediately work in the entity, or the part or section that constitutes a danger

until the violation is removed. If the person in charge of the entity refuses to implement the order, the inspector must record this incident in the violation report and raise the matter to the Director of the competent department in the Civil Defense within a period not exceeding () hour(s).

- In the case mentioned in Paragraph () of this Article, the Director of the competent department must, if it is proven to him the seriousness of the violation and its threat to lives, property or the environment, immediately close down the entity, or the part or section posing the risk until the violation is removed. If the violator refuses to remove or delay removing the violation in accordance with the order issued to him, he or his representative must be summoned and asked about the reasons for his refusal to close down the entity. The Director of the Civil Defense Department may take the necessary measures to remove the violation immediately and charge the removal expenses to the violator.

- If the inspector becomes aware during the inspection that there are crimes punishable under other laws, he must notify the head of the safety department in order to refer them to the competent authorities for consideration.

National Center for Archives & Records

Inspection of government entities

7

Without prejudice to the provisions of Article (6) of this regulation, the following controls must be taken into consideration when inspecting government entities:

- Government entities, facilities, and institutions and their branches and departments are inspected in coordination with those authorities whenever possible, and at the rate of one visit every six months at least.
- If the inspection of a government entity, its branches, and its departments reveals the existence of serious violations posing a current risk that must be closed until the violation is removed, then the Director of the Safety Department (Unit) in the Civil Defense in which the committee operates in its geographic area must undertake the investigation himself. If it is proven that there is a failure or refusal on the part of the administrative body to close down the entity, or the part, or section that constitutes the risk, the Director must raise the matter to the Director General of Civil Defense in order to engage in an understanding with the Minister or the head of the competent authority.
- If it is proven during the inspection of the government entity and its branches and departments that the detected violations are the result of negligence or poor handling, then this incident must be proven in the safety record of the entity as well as in the report submitted to the Minister or the head of the competent authority. The degree of negligence and poor handling must be specified.
- The results of the inspection of the government entity, its branches, and its departments are submitted to the Minister or head of the competent authority. The type of the violations committed must be specified and the penalties must be prescribed by the consideration committee for each violation .

General Provisions

8

Fines established under these Regulations, for which all their guarantees are applicable, and it not permissible waived or reduced in accordance with the Regulations .

9

A penalty may be appealed to the Board of Grievances within 60 days from the date of the penalty .

10

The Inspector shall examine and collect information in a transcript with his signature and the signature of the person who report , immediately inform Investigation and Prosecution Authority if they are criminal offences , also, move to the scene, seize everything related to the crime, preserve its evidence and do the necessary procedures , and all proceedings shall be written in the record .

11

This regulation will be effective after six months from its publication in the official newspaper .

National Center for Archives & Records

12

This regulation replace the inspection, seizure and investigation regulation of violations of Civil Defense law, regulations issued by the decision of the Minister of Interior, Chairman of the Civil Defense Council No. (12/1 / F / DEF), dated (28/8 / 1423H) .