

Resolution No. (150) of 2023

Regarding

Enhancement of the Notice Mechanism and Procedures

Having Perused:

- Law No. 7 of 2010 Regarding the Establishment of the Capital Markets Authority and Regulating Securities Activities and its Executive Bylaws, and their amendments; and
- CMA Board of Commissioners Resolution passed in its meeting No. (31) of 2023 held on 25/10/2023.

The Following Was Resolved

Article (1)

Module Three (Enforcement of the Law) of the Executive Bylaws of Law No. 7 of 2010 is hereby amended pursuant to Annex (1) attached to this Resolution.

Article (2)

The concerned bodies shall execute this Resolution, each within its jurisdiction. This Resolution shall come into force from the date of its issuance, and it shall be published in the Official Gazette.

Prof. Ahmad Almelhem

Issued on: 29/10/2023.

Attachment No. (1)

#	Module	Chapter	Article	Amendment Type	Text Before Amendment	Text After Amendment
1	Three	Four	4-6	Amending Article	<p><u>Notice through Email and Facsimile</u></p> <p>Notice through email shall be considered complete and legally effective as of the date of sending such through the electronic information system of the Authority and receiving a report of transmittal.</p>	<p><u>Notices</u></p> <p>Notice shall be considered complete and legally effective as of the date of sending such through any means of notice stipulated in Article (4-7) and Article (4-8) of this Module.</p>
2	Three	Four	4-7	Amending Article	<p>Notice through facsimile shall be considered complete and legally effective as of the date and time the facsimile device prints a report confirming completion of transmission attached to a copy of the notice.</p>	<p><u>Means of Notice</u></p> <p><u>Notice shall be made through one of the following means:</u></p> <ol style="list-style-type: none"> <u>1. The CMA's client portal.</u> <u>2. Government applications.</u> <u>3. Text messages (SMS).</u> <u>4. Email.</u> <u>5. Facsimile.</u> <u>6. Personally delivering the notice to the notified party's residence, workplace, or chosen domicile. It is also permissible to hand-deliver the notice to the whom the notice is for, wherever they may be.</u>

						<p><u>7. Announcement through the Public Prosecution.</u></p> <p><u>8. Any other means.</u></p>
3	Three	Four	4-8	<p>Amending Article</p>	<p>The time and date of receipt of a judicial notice transmitted by email shall be defined as the time of its transmission from the electronic information system of the Authority</p> <p>, whereas the time and date of receiving the judicial notice through facsimile shall be considered as the date and time of the report of the device after completion of the transmission.</p> <p>The place to which the notice shall be sent shall be the residence of the notified party or their chosen domicile as the case may be.</p>	<p><u>In the case of personally delivering the notice pursuant to Item (6) of Article (4-7) of this Module, and if the person responsible for delivering the notice did not find the notified party at their residence or workplace, they shall hand-deliver the notice to a person in their service or someone deemed to be a relative or authorized by the noticed party. If they refuse to receive the notice, the person responsible for the notice shall deliver it on the same day to an official at the police station or his representative, within the jurisdiction of the notified party, or workplace, as appropriate.</u></p> <p>Furthermore, the person responsible for the notice shall send a registered mail letter, accompanied by a copy of the notice, to the notified party at his residence or workplace - as appropriate - within 24 hours of delivering it to the police station, stating that the copy has been submitted to the police station.</p>

4	Three	Four	4-9	Amending Article	The Authority shall keep notices transmitted through facsimile and email in the same format as in a paper or electronic record.	The <u>Authority</u> shall preserve all notices in the form they were sent, either in a paper or electronic record, depending, as the case may be.
5	Three	Ten	10-1	Amending Article	<p><u>Service of Judicial Documents from the Investigator or the Criminal Court</u></p> <p>Judicial papers and any writ of summons issued by the investigation officers or by the court to the accused shall be served through the competent process servers of the Authority in accordance with the rules set out in Chapter Two of the first part of the Law of Penal Procedures and Trials. The accused may be served with notice at his place of work by delivering a copy thereof to the person who states that he is in charge of administrating the place or the person who works therefor. Those papers and writ of summons may be served upon the persons other than the accused by facsimile or email.</p>	<p><u>Service of Judicial Documents from the Investigator or the Criminal Court</u></p> <p>Judicial papers and any writ of summons issued by the investigation officers or by the court to the accused shall be served through the competent notice officers of the <u>Authority</u> in accordance with the rules set out in Chapter Two of the first part of the Law of Penal Procedures and Trials. The accused may be served with notice at his workplace by delivering a copy thereof to the person who states that he is in charge of <u>his service, employed by him, his relative or someone authorized by him. If he refuses to receive the notice, the officer delivering the notice shall deliver it on the same day to the responsible police station or its representative, within his jurisdiction, his place of residence, or his workplace, as the case may be.</u></p>

						<p>The officer delivering the notice shall send a registered mail with a copy of the notice, to the person required to attend at his residence or workplace - as the case may be - within 24 hours of delivering it to the police station, notifying him that the copy has been delivered to the police station.</p> <p>Furthermore, these papers and writ of summons may be served to parties other than the accused, in accordance with Article (4-7) and Article (4-8) of the same Module.</p>
6	Three	Ten	10-2	Amending Article	<p><u>Service of Judicial Documents Related to Civil, Commercial and Administrative Disputes</u></p> <p>As an exception to the rules related to process for service of judicial papers as set forth in the Law of Civil and Commercial Pleadings, judicial papers related to civil, commercial and administrative disputes provided for in the Law may be served by facsimile or email.</p> <p>The Minister of Justice, in coordination with the Ministry of Communications and the Authority, shall issue a decision setting</p>	<p><u>Service of Judicial Documents Related to Civil, Commercial and Administrative Disputes</u></p> <p>As an exception to the rules related to the process for service of judicial papers as set forth in the Law of Civil and Commercial Pleadings, judicial papers related to civil, commercial and administrative disputes provided for in the Law may be served in the same way stipulated in Article (4-7) and Article (4-8) of the same Module.</p>

					<p>forth the terms and conditions for regulating the process for service of judicial papers and the type of hardware and software to be used in effecting such service, the forms and formats of the writ of summons, and notifications and the responses thereto as well as the method of paying the prescribed court fees thereto. Violating the provisions of this article shall invalidate the process.</p>	
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