



The Legal Meeting Regarding Discussion of Implementation of Legal Functions Transferred from the Ministerial Level to the Provincial Level

The Objectives of the Session

- Recognizing the legal functions transferred from the ministerial level to the provincial level.
- Organizing the relation between the Governor's Office and the legal sections and divisions of the directorates transferred to the provinces.
- Identifying the legal needs to facilitate the implementation of legal functions.

Legal Functions

The Legal Functions
Transferred from the
Ministerial Level to the
Provincial Level

Legal Representation

Legal Consultation

Administrative Investigation

Property Management

Eminent Domain

Approval of Contracts,
Guaranties and Commitments

Contracts Drafting

Legal Representation Function

- Representing the directorate in its legal aspects in courts and other judicial authorities with a power of attorney from the minister or the head of the directorate (general power of attorney – special power of attorney).
- Representing the directorate by the law specialist employee in courts whether prosecutor or respondent.
- Preparing legal regulations including a comprehensive explanation for the subject of the lawsuit.

Legal Consultation Function

- Legal consultation means explaining some issues and concepts related to law and its implementation in reality, in other words, it is the implementation of what is stipulated in the law whether explicitly or implicitly, directly or indirectly.
- The task is to provide consultation immediately or it may need studying the subject in question from its objective and legal aspects.
- The consultation is like a preventive measure as the law specialist employee spares his directorate the situations that would lose it its right and to prevent going into a conflict with other parties.

Administrative Investigation Function

Administrative investigation: it is required to recognize the merits of the subject of investigation and collect the main information about it in order to be able to make an administrative decision about it not up to the level of the legal investigation by investigating courts or even police stations.

- There should be a warrant or a written complaint with the approval of the head of the directorate, or a written direct guidance from the head of the directorate to refer the subject to investigation.
- The committee meets to discuss the subject.
- The committee calls in the related parties to investigate with them and take the statements.
- Taking the testimonies of the witnesses if there are any.
- All the preliminaries and testimonies are presented to the committee to clearly study them.
- The committee prepares the minute of the investigation for the head of the directorate showing the procedures taken and the recommendations made for the subject.

Property Management Function

- Property Management: all the behavior and the legal procedures taken which lead to the achievement of proper management to maintain and guarantee the properties of the directorate in a way that achieves public interest.
- The procedures of selling or renting to enable the Directorate to carry out its works in a way that serves and achieves its activity which results in public benefit for the community.
- There is a bunch of rules that organize the property management.

Eminent Domain Function

- Eminent Domain is defined as taking the privately owned property and related in-kind rights for the public interest in return for a fair compensation appointed thereunder.
- Eminent Domain is of three types (satisfactory-judicial administrative)
- Regulating the Eminent Domain Law no. (12) of 1981, the steps, the foundations and the principles through which the directorate can have the acquisition of properties.
- As far as the works that should be followed according to the law are concerned, it is required to preserve and document all the related documents.

The Approval of Contracts, Guaranties and Commitments Function

- Making contracts is one of the important things the directorate resorts to since it is unable to stand without these contracts. All the required procedures should be completed before the approval and the making of the contract.
- Guaranty is joining a liability to a liability in demanding the implementation of a commitment - the Law Department prepares a guaranty according to the subject in question and approves it whenever it is related to the work of its Directorate.
- The Law Department prepares the different commitment forms and approves them. The formation is different according to the subject in question. The procedure requires the authority of the notary public.

Contracts Drafting Function

- A contract is the agreement of two or more wills on arranging legal consequences whether these consequences are related to making, transferring, amending or terminating a commitment.
- The task of formulating the contract is different with accordance to the type of the contract to be made (Construction contracts, supplying contract, a contract of employment, a consultant contract, car rental contract etc.)

Discussion and Agreement on Mechanisms of Joint Organization between the Governor's Office and Legal Formations in the Transferred Directorates for the Implementation of Legal Function

Legal Functions	Legal Representation	Legal Consultation	Administrative Investigation	Property Management	Eminent Domain	The Approval of Contracts, Guaranties and Commitments Function	Contracts Drafting Function
Organizing the relation between the Governor's Office and the Law Sections and Divisions of the directorates transferred to the province							
Identifying the legal needs to facilitate the implementation of legal functions.							

THANK YOU

