**Legislative Decree No. (42) of 2002**

**Promulgating the Judicial Authority Law[[1]](#footnote-1)**

**We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.**

Having reviewed the Constitution,

Code of Criminal Procedures of 1966, as amended,

Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971, as amended,

Legislative Decree No. (13) of 1971 regarding the Organization of the Judiciary, as amended,

Legislative Decree No. (14) of 1971 regarding Notarization,

Law No. (4) of 1975 regarding the Cadre of Judges, as amended,

Law No. (13) of 1975 regarding the Regulation of Pensions and Retirement Benefits for Government Employees, as amended,

Attorney Law promulgated by Legislative Decree No. (26) of 1980, as amended,

Law on Guardianship of Property promulgated by Legislative Decree No. (7) of 1986,

Legislative Decree No. (26) of 1986 regarding Procedures Before Sharia Courts,

Court of Cassation Law promulgated by Legislative Decree No. (8) of 1989,

Legislative Decree No. (3) of 1995 regarding the Roster of Experts,

And after taking the opinion of the Supreme Judicial Council,

And upon the submission of the Minister of Justice and Islamic Affairs,

And after the approval of the Council of Ministers,

**Have Decreed the Following Law:**

**Article One**

The provisions of the accompanying law shall be applied with respect to the Judicial Authority.

**Article Two**

Legislative Decree No. (13) of 1971 regarding the Organization of the Judiciary shall be repealed.

In addition, any text that contradicts the provisions of the accompanying law shall be repealed.

**Article Three**

The Ministers - each within his jurisdiction - shall implement this Law, and it shall come into force at the first day of the month following the passing of three months from the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

**Prime Minister**

**Khalifa bin Salman Al Khalifa**

**Minister of Justice and Islamic Affairs**

**Abdulla bin Khalid Al Khalifa**

Issued at the Riffa Palace:

On 14 Sha'ban 1423 AH

Corresponding to: 20 October 2002

**Judicial Authority Law[[2]](#footnote-2)**

**Section One**

**General Provisions**

**Article (1)**

The courts shall exercise the [authority of the judiciary](https://context.reverso.net/translation/english-arabic/authority+of+the+judiciary) in accordance with the provisions of this Law.

**Article (2)**

The judges are independent and subject to no authority in performing their duties other than that of the law.

**Article (3)**

The court sessions shall be public unless the court decides otherwise in consideration of public order or public morals.

In all cases, the judgement shall be pronounced at a public session.

The order and control of the session are entrusted to its president.

**Article (4)[[3]](#footnote-3)**

The Arabic language is the official language of the courts.

The court shall hear the statements of the litigants or witnesses who are unfamiliar with the Arabic language through an interpreter after taking an oath or officially declaring to say the truth.

Nevertheless, the parties to the dispute may agree in writing, before filing the case, to choose a language other than Arabic from the languages that can be used before the courts.

The Minister concerned with justice affairs, after the approval of the Supreme Judicial Council, shall issue a decision specifying languages that can be used before courts other than Arabic. Such decision shall set out the mechanism and scope of application for cases in which it is possible to agree on the use of a language other than Arabic according to its value, subject matter, or parties, and the terms of that agreement, as well as the requirements that shall be met in the language of the subject matter contract of the dispute, and the rules regulating translation and hearing witnesses.

**Article (5)**

Judgments are issued in the name of the King of the Kingdom of Bahrain.

**Section Two**

**The Courts**

**Their Structure, Organization and Jurisdiction**

**Chapter One**

**Civil Judicial Courts**

**Article (6)**

The civil courts shall consist of:

1. The Court of Cassation.
2. The Supreme Civil Court of Appeal.
3. The Higher Civil Court.
4. The Lower Court.

Each of these courts shall have jurisdiction to adjudicate in all matters brought before them in accordance with the law in civil, commercial and administrative matters, disputes related to the personal status of non-Muslims, and crimes, except for those excluded by a special provision.

**Article (7)**

With the exception of sovereign acts, the Higher Civil Court - within an administrative division - has jurisdiction to adjudicate in administrative disputes that arise between individuals and government, authorities or public institutions, except for cases where the law stipulates otherwise.

**Article (8)**

With respect to the Court of Cassation, the provisions stipulated for in its law shall be applied unless a special provision in this Law stipulates otherwise

**Article (9)**

The Supreme Civil Court of Appeal and the Higher Civil Court shall be composed of a president for each court and a sufficient number of its attorneys and judges, and their judgments shall be issued by three judges[[4]](#footnote-4).

The Higher Civil Court may issue its judgment by a single judge, provided that his rank is not lower than a category (A) Higher Court judge, in civil and commercial disputes which are determined by a decision from the Supreme Judicial Council[[5]](#footnote-5).

**Article (10)[[6]](#footnote-6)**

The Lower Court shall be composed of a single judge.

**Article (11)[[7]](#footnote-7)**

The establishment of court premises for all types and levels, and the specification of such premises, shall be by a decision of the Minister of Justice and Islamic Affairs after the approval of the Supreme Judicial Council.

**Article (12)**

By a decision of the Supreme Judicial Council, it is permissible to allocate a category (B) Higher Court judge to hear a specific type of case in one or more of the following branches:

Criminal - Civil - Commercial - Labor - Execution.

The specialized judge may be delegated from one branch to another.

**Chapter Two**

**Sharia Judicial Courts**

**Article (13)**

The Sharia courts shall consist of:

1. The Court of Cassation.
2. The Supreme Sharia Court of Appeal.
3. The Higher Sharia Court.
4. The Lower Sharia Court.

Each court is composed of two divisions:

1. The Sunni Sharia Division.
2. The Jaafari Sharia Division[[8]](#footnote-8).

Sharia courts shall have jurisdiction to adjudicate in all disputes related to Muslims' personal status, except for disputes related to the assets and settlement of inheritance, which comes under the jurisdiction of the qualitatively competent civil court.

**Article (14)**

The jurisdiction of the Sharia courts shall be based on the claimant’s sect at the time of filing the case.

As an exception to the provisions of the preceding paragraph, the jurisdiction in issues arising from marriage contracts shall be based on the sect in which the marriage contract was concluded, and this is determined by the Sharia division or its authorized official who notarized the marriage contract.

The jurisdiction shall be based on the husband’s sect at the time of concluding the marriage contract if there is no notarized marriage contract, or if the contract was notarized outside the Kingdom of Bahrain and was not ratified by either of the two divisions.

The jurisdiction to consider issues related to inheritance, gift, will and endowment shall be based on the sect of the bequeather, grantor, testator or endower.

**Article (15)**

The two divisions of the Supreme Sharia Court of Appeal and the two divisions of the Higher Sharia Court shall consist of a president, a deputy, and a sufficient number of judges for each division, and the judgments shall be issued by three judges.

**Article (16)**

The Lower Sharia Court shall be composed of a single judge.

**Article (17)**

The Lower Sharia Court shall have jurisdiction to adjudicate the following cases:

1. Spouse alimony, child alimony – of all kinds – and maintenance of relatives, and requests to increase, decrease or terminate them.
2. The right of custody, care, and travel with the child to another country.
3. Proof of inheritance, bequest, will and gift, and control of inheritance notifications (the lawful share in inheritance).
4. Securing legitimate arguments and attestations of all kinds, notarizing documents related to personal status as well as endowment arguments and their amendments, without prejudice to the provisions of the notarization law.

**Article (18)**

The Higher Sharia Court shall have jurisdiction to adjudicate a trial judgment in all cases related to personal status that do not fall within the jurisdiction of the Lower Sharia Court.

It also has jurisdiction on the final judgment regarding the judgments appealed before it that were issued by the Lower Sharia Court.

**Article (19)**

The Supreme Sharia Court of Appeal has jurisdiction to adjudicate in judgments appealed before it that were issued by the Higher Sharia Court as trial judgments.

**Article (20)**

Judgments issued by the Sunni Sharia division are appealed to the Sunni Sharia division of the competent court, and judgments issued by the Jaafari Sharia division are appealed to the Jaafari Sharia division of the competent court, regardless of the sect of the appellant or the respondent.

**Article (21)**

The provisions of Legislative Decree No. (26) of 1986 regarding Procedures Before Sharia Courts shall be followed with respect to cases related to personal status.

**Section Three**

**Judges**

**Chapter One**

**Appointment and Promotion of Judges**

**Article (22)**

A person to be appointed [to the judiciary](https://context.reverso.net/translation/english-arabic/to+the+judiciary) in the courts shall meet the following requirements:

1. To be a Bahraini citizen, and it is permissible to appoint a person who is a national of another country. [[9]](#footnote-9)
2. To be fully competent.
3. To hold a Licentiate or LLB Degree from a recognized university, or a Licentiate in Islamic Sharia Law that qualifies him to take up Sharia judiciary.
4. To [be of praiseworthy conduct and good](https://context.reverso.net/translation/english-arabic/must+be+of+praiseworthy+conduct+and+good) reputation.
5. To not have been convicted of a criminal or disciplinary offense for reasons prejudicial to honor or honesty, even if rehabilitated.
6. To have spent not less than ten years working in the legal or Sharia fields to be appointed as a judge of the Supreme Court of Appeal, six years to be appointed as a category (A) judge of the Higher Court, and two years to be appointed as a category (B) judge of the Higher Court.

f. To pass the examination and course prescribed for judicial positions, which are prepared by the Supreme Judicial Council. The Council may exempt from this requirement those with experience in the legal field in accordance with the regulations it sets[[10]](#footnote-10).

**Article (23)**

As an exception to the provisions of paragraph (c) of Article (22) of this Law, Bahraini judges who do not meet the conditions set forth in that paragraph shall remain in their positions until the end of their service period in accordance with the provisions of the law.

**Article (24)**

Judges are appointed by Royal Orders, based on a proposal from the Supreme Judicial Council.

Promotion to higher positions in the judiciary shall be by appointment from the positions immediately preceding it.

**Article (25)**

The seniority of judges shall be by the date of their appointment order, unless specified otherwise by the order.

If more than one judge is appointed or promoted in one Royal Order, then the seniority among them shall be according to their sequence in the order.

**Chapter Two**

**Duties of judges**

**Article (26)**

Before assuming their duties, the judges shall take the following oath:

“I swear by Almighty Allah to judge between people with justice and to respect the laws and regulations of the Kingdom”.

The oath is taken for the judges of the Court of Cassation and the Supreme Courts of Appeal before the King and in the presence of the Minister of Justice and Islamic Affairs. Other judges shall take the oath before the Supreme Judicial Council[[11]](#footnote-11).

**Article (27)**

Judges and members of the Public Prosecution may not be awarded medals during their service, and it is not permissible to combine the position of a judge or a position in the Public Prosecution with performing any commercial activity or any activity inconsistent with the dignity and independence of the judiciary.

**Article (28)**

The judge may not express his opinion or inclination regarding disputes brought before him to any party whatsoever or give advice to the litigants or their agents or talk to them regarding these disputes, directly or indirectly, prior to the issuance of the judgement.

The judges shall not divulge the secrets of the deliberations.

**Article (29)**

A judge may not be an arbitrator without the approval of the Supreme Judicial Council, even if it is without pay or if the dispute was not brought before the judiciary, unless one of the parties of the dispute is of his relatives or in-laws up to the fourth degree.

**Article (30)**

Judges are prohibited from engaging in politics or expressing an opinion regarding political issues, and they may not stand for general elections.

Whomever nominates himself for these elections shall be considered to have resigned from his position from the date of his nomination.

**Article (31)**

In the event of the judge not being fit to consider the case, he shall notify the Supreme Judicial Council to authorize him to recuse.

The judge, even if he is fit to consider the case and no reason was established for him to be challenged, may submit his request to recuse to the Supreme Judicial Council for consideration if he feels difficulty with regards to considering the case for any reason.

In both cases, this shall be recorded in a special report in the case's file.

**Article (32)**

It is not permissible for judges who are related by kinship or affinity up to the fourth degree to be in the same division, and it is not permissible for the representative of the Public Prosecution or the representative or defender of one of the litigants to have the aforementioned relationship to one of the judges considering the case. The power of attorney of the representative or defender who has the aforementioned relationship with the judge shall be disregarded if it is subsequent to the judge’s consideration of the case.

**Article (33)**

A judge may not be absent from his workplace before notifying the president of the court, nor may he interrupt his work, without a sudden reason, before he is authorized to do so in writing by the Supreme Judicial Council. The Council shall alert the judge in writing if he breaches such matter.

In addition, if the period of interruption without written authorization exceeds seven days per year, then the extra period shall be considered an ordinary leave for a period calculated from the date of the day following the last session attended by the judge and ending with his return to his sessions.

If the judge continues to violate the provision of this Article, the matter shall then be referred to the Disciplinary Board.

The judge shall be considered resigned if he interrupts his work for a period of thirty consecutive days without permission, even if that is after the expiry of the period of his leave.

If the judge returns and submits an excuse accepted by the Supreme Judicial Council, he shall be deemed not to have resigned, and in such case, the period of absence shall be calculated as an ordinary or sick leave, as the case may be.

**Chapter Three**

**Immunity of Judges, Reasons for Ending**

**their Mandate, and their Accountability**

**Article (34)**

Judges are not subject to dismissal except in cases and in accordance with the procedures stipulated for in this Law.

Their mandate shall not end except for one of the following reasons:

1. Death.
2. Resignation.
3. The expiration of the contract period for those with contracts, or the expiration of the period of secondment for those seconded. The termination of the contract or secondment before the end of its stipulated term shall be by a decision of the Supreme Judicial Council
4. Reaching the retirement age.
5. The incapability to perform the requirements of their duties for health reasons, and the incapability shall be proven by a decision from the competent medical authority.
6. Dismissal by a disciplinary ruling, or on the basis of reasons, and in accordance with the procedures stipulated for in this Law[[12]](#footnote-12).
7. Assigning them other positions with their consent.

**Article (35)**

The Supreme Judicial Council, on its own or at the request of the president of the court, has the right to warn judges of any violations regarding their duties or the requirements of their position after hearing their statements, and the warning shall be verbal or written.

In the event of an objection to the written warning, the judge may, within fifteen days of being notified of it, request the Supreme Judicial Council to conduct an investigation into the incident that was the subject of the warning.

**Article (36)**

The accountability of judges shall be the competence of a disciplinary board to be formed by a decision of the Supreme Judicial Council.

The disciplinary proceeding is instituted by the Attorney General at the request of the Supreme Judicial Council.

The request to institute a disciplinary proceeding shall be preceded by an investigation conducted by a judge delegated by the President of the Supreme Judicial Council for this purpose.

The judge delegated to conduct the investigation is required to be of a higher rank, or earlier in the order of seniority if on the same rank than the judge referred to the investigation.

**Article (37)**

The disciplinary board may conduct whatever investigation it deems necessary and may delegate one of its members to do so. The disciplinary board and the member delegated for investigation shall have the powers granted to the courts in this regard.

**Article (38)**

If the disciplinary board finds a reason to proceed with the case on all or some of the charges, it shall issue its decision by notifying the judge of the case statement and shall request him to appear before it, provided that the notification is made at least one week before the date set for the meeting of the board, and the judge’s notification and request to appear shall be through the head of the board.

The request to appear shall include a sufficient statement regarding the case's subject matter and the evidence of the accusation, and the board may, when deciding to proceed with the trial procedures, order to suspend the judge from performing his duties.

The suspension does not entail depriving the judge of his salary unless the board decides to deprive him of it in whole or in part.

The disciplinary board may reconsider the decision of suspension or deprivation of salary at any time, whether on its own initiative or at the request of the judge.

**Article (39)**

The disciplinary proceeding shall expire upon the resignation of the judge, and the disciplinary proceeding shall have no effect on the criminal or civil proceeding arising from the incident under question.

**Article (40)**

The sessions of the disciplinary trials shall be confidential, and the judge shall be present in person before the board, and he may present his defense in writing and seek the assistance of a judge or a member of the Public Prosecution to defend him. If the judge does not appear or authorize any of the above mentioned to be present, the ruling may be passed in his absence after verifying the validity of the notification to the judge.

**Article (41)**

The ruling issued in the disciplinary proceeding shall include the reasons on which it is based, and the reasons shall be pronounced when issuing the ruling in a closed session.

**Article (42)**

The disciplinary penalties that may be imposed on the judge are reprimand and dismissal.

The Minister of Justice shall implement the rulings issued by the disciplinary board.

A Royal Order is issued to implement the dismissal ruling, and it shall be considered effective from the date of publishing the Order in the Official Gazette.

The dismissal ruling does not affect the judge's rights to pension or remuneration.

The reprimand ruling shall be kept in the file of the judge and shall not be published in the Official Gazette.

**Article (43)**

In cases other than being caught in a criminal act, a judge may not be arrested nor held in remand detention except after obtaining permission to do so from the Supreme Judicial Council at the request of the Attorney General.

In cases of being caught in a criminal act, the Attorney General, upon arresting a judge and holding him in remand detention, shall refer the matter to the Supreme Judicial Council within the following twenty-four hours, and the Council may decide, after hearing the judge’s statements, whether to continue his detention or release him with or without bail.

The Council determines the period of detention in the decision issued for the detention or its continuation, and the aforementioned procedures shall be taken into account whenever the continuation of remand detention after the expiry of the Council decreed period is decided.

Except for the aforementioned, it is not permissible to take any measure of investigation with the judge or file a criminal case against him, except with the permission of the Supreme Judicial Council at the request of the Attorney General.

The detention of judges and the execution of freedom restricting penalties against them shall take place in places separate from the places designated for other prisoners.

**Chapter Four**

**Judicial Inspection**

**Article (44)[[13]](#footnote-13)**

A Judicial Inspection Department, attached to the President of the Court of Cassation, shall be established in relation to the work of judges. Its formation, organization of work, procedures to be followed before it, and the effects of the inspection on promotions, shall be issued by a decision of the Supreme Judicial Council.

**Article (45)**

The assessment of judges’ adequacy shall be in one of the following scores:

Competent / above average / average / below average.

Judges shall be informed of all notes or papers kept in their service files, and they shall also be notified with a copy of the inspection report, and they have the right to present a complaint against the inspection report to the Supreme Judicial Council within fifteen days from the date of their notification. The Council decides on the complaint after reviewing the papers and hearing the complainant's statements when necessary, and the Council's decision regarding the assessment of adequacy shall be final.

**Article (46)**

The head of the Judicial Inspection Department may delegate a member of the department to conduct an urgent or unannounced inspection of the work of a judge or investigate with him regarding serious complaints submitted against him that affect his work, his personal conduct, or the requirements of his job and duties stipulated for in the Law.

For all of this, it is required that the delegated inspector or investigator be of a higher rank, or earlier in the order of seniority if on the same rank, than the person being inspected or investigated.

**Article (47)**

The Judicial Inspection Department submits its reports to the President of the Court of Cassation to refer them to the Supreme Judicial Council to decide what it deems appropriate.

The Supreme Judicial Council may refer the judge who obtains two consecutive reports with a score of (below average) to the Disciplinary Board[[14]](#footnote-14).

**Article (48)**

The Judicial Inspection Department shall notify the judge with a copy of the decision of the Supreme Judicial Council if it concludes that the complaint submitted against him is valid.

The judge may file a grievance against this decision before the Supreme Judicial Council within fifteen days from the date of notifying him with a copy of it, and the Council’s decision regarding the grievance shall be final.

**Section Four**

**The Public Prosecution**

**Chapter One**

**General Provisions**

**Article (49)**

The Public Prosecution is an inherent division of the judiciary, and it exercises the powers prescribed to it by law, and it is exclusively entitled to initiate and handle criminal cases unless the law states otherwise.

**Article (50)**

The Public Prosecution is indivisible, as it is an investigative or accusing authority, and any of its members may replace the other and complete the procedures initiated by them, all while observing the rules of jurisdiction.

**Article (51)**

The Public Prosecution's duty in the courts shall be performed by the Attorney General, the Senior Advocate General, the Advocate General, and the heads of the public prosecution, their agents and assistants. In the event of the Attorney General's absence, vacancy of his position, or an impediment, he shall be replaced by the Senior Advocate General, who shall have all his powers.

**Article (52)**

Judicial officers are affiliated with the Public Prosecution with regard to their duties, and it may, when necessary, assign the Assistant Attorney General to investigate an entire case.

**Article (53)**

A technical office for the Attorney General shall be established, whose competencies shall be defined by a decision of the Supreme Judicial Council based on the proposal of the Attorney General.

**Article (54)**

The Assistant Attorney General, under the supervision of the Attorney General, shall have all his competencies stipulated in the laws of the Supreme Court of Appeal.

**Article (55)[[15]](#footnote-15)**

Members of the Public Prosecution follow their superiors in the order of their rank and deputize for the Attorney General in the exercise of their functions, and they all follow the Supreme Judicial Council.

**Article (56)[[16]](#footnote-16)**

The Public Prosecution shall supervise prisons and other places where criminal rulings are executed. The Attorney General shall inform the competent authority regarding the observations that the Public Prosecution deems fit in this regard.

**Chapter Two**

**Appointment, Promotion, Transfer, Seniority and Dismissal of Public Prosecution Members**

**Article (57)**

A person who shall be appointed as a member of the public prosecution shall fulfil the following requirements:

1. Shall be a Bahraini citizen, and it is permissible to appoint Arab nationals.
2. Fully competent.
3. Shall hold the degree of a Licentiate or LLB from a recognized university.
4. Shall be of good character and conduct.
5. Not have been convicted of a criminal or disciplinary offense for breach of honour or trust, even if he has been rehabilitated.
6. Practitioner in the judicial or legal field for not less than fifteen years to be appointed as an Attorney General or a Senior Advocate General, ten years to be appointed as an Advocate General, six years to be appointed as a Chief Prosecutor (A) or (B), and two years to be appointed as a prosecutor.

f. To pass the examination and course prescribed for judicial positions, which are prepared by the Supreme Judicial Council. The Council may exempt from this requirement those with experience in the legal field in accordance with the regulations it sets[[17]](#footnote-17).

**Article (58)**

The appointment of the Attorney General and other members of the Public Prosecution shall be by Royal Order based on the proposal of the Supreme Judicial Council, and the promotion to the positions of the Public Prosecution shall be by appointment from the positions immediately preceding it.

**Article (59)[[18]](#footnote-18)**

The appointment of assistant prosecutors for a one-year probationary period shall be by a decision of the Attorney General, and any of them may be dismissed based on a proposal by the Supreme Judicial Council if it is proven that they are unfit to perform their duties.

**Article (60)**

The seniority of the members of the Public Prosecution shall be from the date of the Royal Order issued for their appointment or promotion unless the Order states a different date.

If more than one member is appointed or promoted in one Royal Order, then the seniority among them was according to their sequence in the order.

The seniority of the members of the Public Prosecution, when appointed to the positions of judges, equivalent to their grades, shall be according to the date of their appointment to these grades.

**Article (61)**

The positions of Public Prosecutors shall be equivalent to those of judges set forth in the attached table.

**Article (62)[[19]](#footnote-19)**

Before assuming their duties, members of the Public Prosecution shall take the following oath:

(I swear by Almighty Allah to perform my work honestly and truthfully and to respect the laws and regulations of the Kingdom).

The Attorney General and the Senior Advocate General shall take the oath before the King.

The remaining members of the Public Prosecution office shall take the oath before the Attorney General.

**Article (63)[[20]](#footnote-20)**

Determining the workplace and jurisdiction of the members of the Public Prosecution and their transfer shall be by a decision of the Attorney General and after the approval of the Supreme Judicial Council.

**Article (64)**

Members of the Public Prosecution Office, with the exception of Assistant Prosecutors, are not subject to dismissal except in the cases and in accordance with the procedures stipulated for in this Law.

Their service shall not be terminated except for one of the reasons specified in Article (34) of this Law and in accordance with its rules.

**Article (65)**

The provisions stipulated in Articles (27, 28, 29, 30, 31 and 33) of this Law shall apply to the duties of members of the Public Prosecution.

**Chapter Three**

**Accountability of Public Prosecutors and Inspecting their Work**

**Article (66)**

Regarding the accountability of the members of the Public Prosecution, the provisions prescribed for judges in Articles (36) to (43) of this Law shall be applied.

**Article (67)[[21]](#footnote-21)**

The Attorney General may send a verbal or written warning to a member of the Public Prosecution who breaches the duties of his position, after hearing his statements.

The member of the Public Prosecution may appeal the warning addressed to him in writing before the Supreme Judicial Council within fifteen days from the date of being notified of the warning, and the decision of the Council in the appeal shall be final.

If the violation is repeated or continues after the warning becomes final, a disciplinary action may be filed against the member.

**Article (68)[[22]](#footnote-22)**

The system of inspection of the Public Prosecution members shall be issued by a decision of the Attorney General and after approval of the Supreme Judicial Council.

**Section Five**

**The Supreme Judicial Council**

**Article (69)[[23]](#footnote-23)**

The Supreme Judicial Council shall be formed of the following:

1. The President of the Court of Cassation
2. The Attorney General
3. A number of not less than five current or former members of the judiciary to be appointed by Royal Order for a period of three years, subject to renewal.

The King shall entrust the President of the Court of Cassation with the presidency of the Supreme Judicial Council.

**Article (70)**

The Supreme Judicial Council specializes in the following:

1. Supervising the proper course of work in the courts and in their supporting agencies and taking the necessary measures to achieve that.
2. Suggesting the appointment and promotion of judges and members of the Public Prosecution, and everything related to them.
3. Expressing opinions on draft laws related to the judiciary and the Public Prosecution.
4. All issues stipulated for in this Law.

**Article (71)[[24]](#footnote-24)**

The Supreme Judicial Council shall convene at least four times a year on a regular basis and whenever necessary.

The Minister of Justice and Islamic Affairs may request a meeting of the Council to present a specific topic without him having the right to vote.

The meeting of the Supreme Judicial Council shall be valid if attended by the majority of its members, and all its deliberations shall be confidential, and its decisions and recommendations shall be issued by the majority of the votes of those present. In the event of equal votes, the side of the president shall prevail.

The Council shall have a secretary who prepares its agenda, writes the minutes of its meetings, keeps all documents, records of the council and performs other tasks assigned to him by the council.

The council shall issue a list of the rules and procedures regulating its work.

**Article (72)**

The Minister of Justice is responsible for implementing the resolutions of the Supreme Judicial Council that are referred to him.

**Article (73)**

The Supreme Judicial Council shall have a general secretariat, where a resolution for it to be formed and organize its work shall be issued by the President of the Council.

**Article (73 bis)[[25]](#footnote-25)**

The Supreme Judicial Council shall have an independent annual budget, starting with the beginning of the state's fiscal year and ending with its end.

The President of the Court of Cassation prepares the draft budget in sufficient time before the start of the fiscal year and discusses it with the Minister of Finance. It is taken into consideration when preparing the project that both revenues and expenses are included as a single number.

After approving the state’s general budget, the President of the Court of Cassation, in coordination with the Minister of Finance, shall distribute the total appropriations of the budget of the Supreme Judicial Council on the basis of the classification contained in the state’s general budget.

The President of the Court of Cassation shall exercise the powers granted to the Minister of Finance in laws and regulations regarding the implementation of the budget of the Supreme Judicial Council within the limits of the appropriations included therein, as well as the powers vested in the Civil Service Bureau.

The President of the Court of Cassation shall transfer the surplus funds that have not been disbursed or have not been committed during the past fiscal year to the state’s general budget.

The President of the Court of Cassation shall prepare the final budget account of the Supreme Judicial Council on the scheduled dates and shall refer it to the Minister of Finance for inclusion in the final account of the state’s general budget.

Without prejudice to the oversight of the National Audit Office, the budget and final accounts of the Supreme Judicial Council shall be subject to the laws regulating the state’s general budget and its final account.

A system of salaries, allowances and benefits for judges and members of the Public Prosecution shall be issued by a Royal Order based on a proposal from the Supreme Judicial Council. The Supreme Judicial Council shall issue guidelines regulating the affairs of judges and the Public Prosecution without being bound by the financial and administrative provisions stipulated for in the Civil Service Law.

**Section Six**

**The Judges' Assistants**

**Article (74)**

The judges' assistants are lawyers, experts, clerks and translators.

**Article (75)**

Lawyers only have the right to appear on behalf of the litigants before the courts and they also have the right to appear with the litigants before the Public Prosecution. The court shall authorize the litigants to be represented by their spouses, ascendants, descendants, or relatives up to the fourth degree in pleading before it.

**Article (76)**

The law specifies the necessary conditions to work as a lawyer, clarifies the rights and duties of lawyers, and regulates their discipline.

**Article (77)**

The law regulates expertise before the judiciary and the Public Prosecution and defines the rights and duties of experts and the method of disciplining them.

**Article (78)**

A general registrar shall be appointed for the courts, which shall collect the fees and fines imposed and receive deposits under the direction of the Director of the Courts Directorate and the supervision of the Minister of Justice.

**Article (79)**

The necessary number of translators shall be provided to the courts. A translator may not be appointed to the courts unless he has passed a written examination in the Arabic language and the language from which he will be translating.

**Article (80)**

The employees of the courts and the Public Prosecution are prohibited from disclosing the secrets of cases, and they are not allowed to share them with anyone other than those concerned, or those allowed to be informed by the laws or instructions.

**Table**

**Of Equating Public Prosecution Jobs with Judicial Positions**

**Attached to the Judicial Authority Law issued by Legislative-Decree No. (42) of 2002**

|  |  |
| --- | --- |
| **Position title in the Judiciary** | **Position title in the Public Prosecution** |
| Attorney General | President of the Court of Cassation |
| Senior Advocate General | Deputy of the Court of Cassation  Judge of the Court of Cassation |
| Advocate General | President of the Supreme Civil Court of Appeal  Deputy of the Supreme Civil Court of Appeal  Judge of the Supreme Civil Court of Appeal |
| Chief Prosecutor (A) | President of the Higher Court |
| Chief Prosecutor (B) | Deputy of the Higher Court  Category (A) Judge of the Higher Court |
| Prosecutor | Category (B) Judge of the Higher Court |
| Assistant Prosecutor | A salary that is the minimum for the first grade of the judges' grades table |

**Appendix**

**Legislative Decree No. (44) of 2012**

**Amending certain provisions of the Judicial Authority Law**

**Promulgated by Legislative Decree No. (42) of 2002**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution,

Law No. (4) of 1975 regarding The Cadre of Judges, amended by Legislative Decree No. (18) of 1977,

Legislative-Decree No. (39) of 2002 regarding the General Budget, amended by Law No. (3) of 2007,

Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002, as amended,

Civil Service Law promulgated by Legislative Decree No. (48) of 2010,

And after taking the opinion of the Supreme Judicial Council,

And after the approval of the Council of Ministers,

**We Have Decreed the Following Law:**

**Article One**

The text of Article (73 bis) of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002 shall be replaced by the following text:

The Supreme Judicial Council shall have an independent annual budget, starting with the beginning of the state's fiscal year and ending with its end.

The President of the Court of Cassation prepares the draft budget in sufficient time before the start of the fiscal year and discusses it with the Minister of Finance. It is taken into consideration when preparing the project that both revenues and expenses are included as a single number.

After approving the state’s general budget, the President of the Court of Cassation, in coordination with the Minister of Finance, shall distribute the total appropriations of the budget of the Supreme Judicial Council on the basis of the classification contained in the state’s general budget.

The President of the Court of Cassation exercises the powers granted to the Minister of Finance in the laws and regulations regarding the implementation of the budget of the Supreme Judicial Council within the limits of the appropriations included therein, as well as the powers vested in the Civil Service Bureau.

The President of the Court of Cassation shall transfer the surplus funds that have not been disbursed or have not been committed during the past fiscal year to the state’s general budget.

The President of the Court of Cassation shall prepare the final budget account of the Supreme Judicial Council on the scheduled dates and shall refer it to the Minister of Finance for inclusion in the final account of the state’s general budget.

Without prejudice to the oversight of the National Audit Office, the budget and final accounts of the Supreme Judicial Council shall be subject to the laws regulating the state’s general budget and its final account.

A system of salaries, allowances and benefits for judges and members of the Public Prosecution shall be issued by a Royal Order based on a proposal from the Supreme Judicial Council. The Supreme Judicial Council shall issue guidelines regulating the affairs of judges and the Public Prosecution without being bound by the financial and administrative provisions stipulated in the Civil Service Law.

**Article Two**

Law No. (4) of 1975 regarding the cadre of judges, amended by Legislative Decree No. (18) of 1977, shall be repealed, and the rules currently in force shall continue until the issuance of the system and regulations referred to in the previous article.

**Article Three**

The Prime Minister and the Ministers - each within his jurisdiction - shall implement the provisions of this law. It shall come into force on the day following the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

**Deputy Prime Minister**

**Mohammed bin Mubarak Al Khalifa**

**Issued at the Riffa Palace:**

**Date: 9 Thu Al-Qe'dah 1433 H**

**Corresponding to: 25 September 2012**

1. This is an unofficial translation and in the event of any conflict or discrepancy between the English text and the Arabic text, the Arabic text shall prevail. [↑](#footnote-ref-1)
2. Article Two of the Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002, stipulates that: (both phrases "a lower court judge" and "a judge of the lower courts" shall be replaced with the phrase "a category (B) higher court judge", and the phrase "lower courts judges" with the phrase "category (B) higher court judges", and the phrase "higher court judge" with the phrase "a category (A) higher court judge", and the phrase "higher court judges" with the phrase "category (A) higher court judges", wherever mentioned in the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002, and in the attached equivalence table regarding the positions of the Public Prosecution with those of the judiciary, and wherever it is mentioned in the applicable laws. [↑](#footnote-ref-2)
3. Replaced in accordance with Legislative Decree No. (27) of 2021 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-3)
4. Replaced in accordance with Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-4)
5. Added in accordance with Legislative Decree No. (26) of 2013 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-5)
6. Replaced in accordance with Legislative-Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-6)
7. Replaced in accordance with Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002.

   [↑](#footnote-ref-7)
8. Replaced in accordance with Legislative Decree No. (24) of 2015 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-8)
9. Replaced in accordance with Legislative Decree No. (27) of 2021 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-9)
10. Added in accordance with Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002.

    ((Note: Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree (42) of 2002 states that a new paragraph "F" shall be added although there is a paragraph "F" originally before the addition, and the amendment did not stipulate for rearranging the letters after the addition)). [↑](#footnote-ref-10)
11. Replaced in accordance with Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002.

    [↑](#footnote-ref-11)
12. Replaced in accordance with Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-12)
13. Replaced in accordance with Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-13)
14. Added in accordance with Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-14)
15. Replaced in accordance with Legislative Decree No. (50) of 2006 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-15)
16. Replaced in accordance with Legislative Decree No. (50) of 2006 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-16)
17. Added in accordance with Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002.

    ((Note: Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law promulgated by Legislative Decree (42) of 2002 states that a new clause "F" shall be added although there is a paragraph "F" originally before the addition, and the amendment did not stipulate for rearranging the letters after the addition)). [↑](#footnote-ref-17)
18. Replaced in accordance with Legislative Decree No. (50) of 2006 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-18)
19. Replaced in accordance with Legislative Decree No. (35) of 2101 amending certain me provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-19)
20. Replaced in accordance with Legislative Decree No. (50) of 2010 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-20)
21. Replaced in accordance with Legislative Decree No. (50) of 2010 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-21)
22. Replaced in accordance with Legislative Decree No. (50) of 2010 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-22)
23. Replaced in accordance with Legislative Decree No. (26) of 2013 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-23)
24. Replaced in accordance with Legislative Decree No. (35) of 2010 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-24)
25. Replaced in accordance with Legislative Decree No. (44) of 2012 amending certain provisions of the Judicial Authority Law issued by Legislative Decree No. (42) of 2002. [↑](#footnote-ref-25)