**Legislative Decree No. (12) of 1971
promulgating Civil and Commercial Procedures Law[[1]](#footnote-1)**

We, Isa bin Salman Al Khalifa , Ruler of Bahrain and Dependencies

Having reviewed Decree No. (1) of 1970 on establishing the State Council,

And upon the submission of the Head of the Justice Department,

And after the approval of the State Council,

**Hereby Decree the following Law:**

**Article -1-**

The Civil and Commercial Procedures Law, attached to this Decree, shall come into force, and all provisions which contradicts its provisions shall be nullified.

**Article -2-**

The Head of the Justice Department shall implement this Law, and it shall come into force on the first of September, 1971. It shall be published in the Official Gazette.

**Ruler of Bahrain and Dependencies**

**Isa bin Salman Al Khalifa**

Issued at Riffa Palace

27th Rabi al-thani 1391 A.H.

22nd June 1971

**The Civil and Commercial Procedures Law**

**General Provisions**

**Powers of Civil Courts**

**Article -1-**

The Civil Courts shall have jurisdiction over all disputes relating to civil and commercial matters and the personal status of non-Muslims.

**Article -2-**

The provisions of this Law shall apply to lawsuits brought before the Civil Courts unless otherwise provided by any other law.

**Article -3-**

All pending civil lawsuits before the Civil Courts at the time of this Law is in force ,are deemed to have been initiated in accordance with its provisions and shall proceed and be judged in accordance with these provisions.

**Article -4-**

All powers granted, actions performed, judgements issued and appointments made which were effective immediately prior to the date of this Law shall remain valid, unless otherwise provided .

**Article -5-**

No claim or defense shall be admitted from anyone who does not have a manifest and legally recognised interest therein.However, presumed interest shall be sufficient if the purpose of the precautionary request is to defend against imminent damage or to seek confirmation of a right for which evidence might no longer exist when it comes into dispute. .

**Article -6-**

The value of the lawsuits shall be assessed, and the fees payable shall be determined, under a special law to be issued for that purpose.

**Part One**

**Filing a Lawsuit**

**Chapter One**

**Structure and Jurisdiction of the Courts**

**1- Structure of the Courts**

**Article -7-**

The Courts are composed of:

1- The Supreme Court of Appeal

2- The High Court

3- The Lower Courts and Execution Courts

**2- Specific Jurisdiction of the Courts**

**Article -8-**

The Lower Courts shall have Jurisdiction to hear the following lawsuits:

1 - Civil and commercial proceedings where the amount of claims does not exceed four hundred Bahraini dinars.

2 -Lawsuits concerning stream rights, right of way, right to have access to drinking water where its owners are prevented from using it, and lawsuits of overviewing and breach of the neighbor’s privacy.

3 - Lawsuits related to repossession of property expropriated from its possessor in any way, whatever may be the value of that property, and lawsuits, for banning interference with possession, provided they are brought within two years from the date of expropriation or from the time of interference with possession. The claimant who claims legal tenure may not combine this lawsuit with one of rightful ownership, otherwise he forfeits his claim to legal tenure. The defendant may not refute a lawsuit of legal tenure on the basis of rightful ownership, nor shall his lawsuit to rightful ownership be admitted until judgement has been passed on his claim to legal tenure and the resulting award executed, except where he has already ceded tenure to the opposing party. Likewise, no award may be made in lawsuits of legal tenure on the basis of rightful ownership being proved or disproved.

4 - Lawsuits concerning the division of jointly owned property, whether movable or immovable, whatever its value, and the decision to sell it if it is not divisible and ownership is not disputed.

5 - Subsidiary lawsuits arising from original lawsuit, claiming for interest, loss, damage and expenses .

6 - Lawsuits of vacating leased property, except where such lawsuits involve legal actions exceeding four hundred Bahraini dinars.

**Article -9-**

Without prejudice to the provisions of other laws, the Courts of Execution shall be competent to execute judgements issued by the courts of all types and degrees.

**Article -10-**

The High Court shall have Jurisdiction to hear in the first instance all disputes concerning the personal status of non-Muslims, and commercial and civil proceedings not falling within the Jurisdiction of the Lower Courts. It shall also be competent to judge all lawsuits the hearing of which any other law places within the jurisdiction of a High Court.

**Article -11-**

The High Court as an appellate court shall review all judgment rendered by lower courts and orders issued by executive courts. .

**Article -12-**

The High Court of Appeal shall be competent to hear judgements, issued in the first instance by a High Court. .

**3- Competence to examine interlocutory applications**

**Article -13-**

The Lower Courts shall not have jurisdiction to judge interlocutory applications if the amount at issue is greater than four hundred Bahraini dinars. If a lawsuit of this kind is brought before such courts they may judge the original lawsuit only, provided this causes no detriment to the course of justice, otherwise in judging it outside their jurisdiction they shall automatically order the original lawsuit and interlocutory applications to be referred at once to the High Court, If a claim or lawsuit of this kind is brought before the High Court, the High Court shall judge it together with the original lawsuit even if the amount claimed or at issue is less than four hundred Bahraini dinars..

**4- International Jurisdiction of the Courts of Bahrain**

**Article -14-**

The Courts of Bahrain shall have jurisdiction to hear lawsuits brought against any non-Bahraini individual having domicile or residence in Bahrain, with the exception of lawsuits related to real estate properties situated abroad .

**Article -15-**

The Courts of Bahrain shall have jurisdiction to hear lawsuits brought against any non-Bahraini not having domicile or residence in Bahrain in the following cases:

1- if he has elected domicile in Bahrain.

2- if the lawsuit relates to an asset in Bahrain or to any obligation arising or performed or to be performed there, or it relates to declared insolvency .

3- if the lawsuit is raised by way of opposition to any marriage contract and if such contract is to be concluded at the notarial authorities in Bahrain.

4- if the lawsuit relates to any petition for nullity of marriage or divorce or separation, and is brought by a wife having had domicile in Bahrain against her husband having had a domicile in Bahrain when the husband has abandoned his wife and acquired foreign domicile after the occurrence of the cause of the nullity, divorce , separation, or has been deported from the country.

5- if the lawsuit relates to an alimony claim for a mother or a wife when either has domicile in Bahrain or for any child residing in Bahrain.

6- if the lawsuit relates to any matter of personal status and the claimant is a national or a foreigner having domicile in Bahrain,where the defendant has no known foreign domicile, or if Bahraini law is applicable to the lawsuit.

7- if the lawsuit is in respect of the lineage of any child resident in Bahrain or removal of guardianship over him or fettering, suspending or revocation thereof.

8- if the lawsuit relates to guardianship of property any matter affecting the control of any asset belonging to a minor or any asset to which seizure or for whom any judicial assistance is sought has domicile or residence in Bahrain, or if in such matter the absent party has had his most recent domicile or residence there also.

9- if one of the defendants has domicile or residence in Bahrain.

**Article -16-**

The Courts of Bahrain shall have jurisdiction in any lawsuit relating to inheritance when the administration of such inheritance has commenced in Bahrain or the deceased was a Bahraini or the inherited assets were wholly or partly in Bahrain.

**Article -17-**

The Courts of Bahrain shall have jurisdiction to decide a lawsuit, even though it does not fall within their jurisdiction pursuant to the preceding Articles, if the litigant in question expressly or implicitly accepts its jurisdiction.

**Article -18-**

If a lawsuit was brought in the Courts of Bahrain comes within its jurisdiction such Courts shall have jurisdiction to decide any preliminary issue and any interlocutory applications to the original lawsuit; and shall have competence to decide any claim related to such lawsuit where such claim requires it to be dealt with as part of such lawsuit if proper administration of justice is to be done.

**Article -19-**

The Courts of Bahrain shall have jurisdiction to order provisional and precautionary measures to have effect in Bahrain, even where there is no jurisdiction to hear the original lawsuit,

**Article -20-**

If the defendant fails to appear and the Courts of Bahrain lack competence to hear the lawsuit pursuant to the preceding Articles, the Court shall of its own motion rule that it lacks competence.

**5 - Law to be applied in issues related to personal status of non-Muslims**

**Article -21-**

The High Court shall decide matters of the personal status of non-Muslims as follows:

1- The civil status and competence of persons is governed by the law of the state to which they belong by nationality.

2- For the objective conditions for the validity of a marriage, recourse shall be had to the law of the ’ country where both spouses belong .

3- The law of the state to which the husband belongs at the time of concluding the marriage shall apply to the consequences resulting from the marriage contract including consequences with regard to property. However, divorce shall be governed by the law of the state to which the husband belongs at the time of divorce, and dissolution or separation shall be governed by the law of the state to which the husband belongs at the time of filing the lawsuit,

4- Obligations as regards payment of alimony to relatives shall be governed by the law of the party under obligation to pay.

5- Fundamental matters concerning natural and legal guardianship, custodianship, protective care and other fundamental arrangements for the protection of minors, wards and absent persons shall be governed by the law of the person to be protected.

6- In respect of nomination of heirs and allocation of their portions of the inheritance, and the transfer to them of the bequeathed property, the provisions of the law of the country of the deceased shall apply , t.

**Article -22-**

The law to be applied as shown in the preceding Article shall not be contrary in its provisions to public policy or decency in Bahrain.

**Chapter Two**

**Filing Lawsuits**

**1- Procedure for Filing Lawsuits**

**Article -23-**

Lawsuits shall be filed to the court of jurisdiction, on the basis of the application of the claimant, by means of a bill submitted to the Lawsuits Records Department. The bill shall contain the following particulars:

1- The claimant’s name, surname, occupation or profession and place of residence or contact address.

2- The defendant’s name, surname, occupation or profession and place of residence or elected domicile. If either claimant or defendant is acting as the representative of a third party the form and character of this representation shall be stated in the statement of claim.

3- The date of submitting the bill to the Court.

4- The Court before which the lawsuit is filed.

5- The subject- matter and facts of the lawsuit and the claimant’s claims and supporting evidence.

If the subject- matter of the lawsuit is a claim for a sum of money to be awarded, the claimant shall give a precise statement of the amount claimed.

If the claimant has brought the lawsuit in order to claim income of immovable property or to obtain a sum of money owed to him the amount of which he is only able to determine by settling the account between himself and the defendant, he shall include in the bill the approximate amount of the sum claimed.

If the subject- matter of the lawsuit is immovable property, the bill should include a description of the property claimed by which it is possible to distinguish it from other property, such as a statement of its boundaries or a declaration of its Land Registration document number.

If the rights claimed by the claimant are based on a number of allegations or reasons based on sundry independent grounds, he shall explain these allegations and reasons clearly and plainly.

**Article -24-**

In submitting the bill the claimant shall pay the fee in full and submit to the Lawsuit Records Department as many copies of this bill as there are defendants, and the original copy of the bill l shall remain with the Court. He shall enclose with the bill the copies of the documents supporting his lawsuit in a list attached thereto together with an explanatory note.

**Article -25-**

The Clerk of the Court shall maintain a file for the lawsuit once it has been submitted, and the said Clerk shall, upon payment of the fee, record the bill in the Court's register of such matters and keep the original copy of the bill and receipt of the fee in the lawsuit file. The Clerk shall, on the day after the bill is submitted, deliver to the defendant a copy thereof and the defendant shall submit to the Court Clerk, within ten days from the date of the bill being delivered to him , a written statement of his defence accompanied by such documents as he sees fit to submit.

If he does so, the claimant shall also within ten days from the expiry of the period specified in the preceding paragraph deposit with the Clerk of the Court an explanatory note accompanied by such documents as he sees fit to submit in support of the reply.

**Article -26-**

 After the expiry of the period specified in the preceding Article, the Court Clerk shall appoint a session for the lawsuit to be heard, and the Court Clerk concerned shall give summons to the claimant and the defendant in accordance with the provisions of the law stating therein that it is obligatory for them to attend on the day set for the Court's session, according to the formula drawn up for this purpose at the Lawsuits Registration Department.

**Article -27-**

Before judgement is passed on the merits of the lawsuit, and at the first session appointed for its hearing, the Court shall satisfy itself:

1- as to the provision of the information required to be given in the bill under Article 23 of the Law and that the bill is not rendered faulty by any error in the grounds therefore or any error in the estimation of the amount at issue in the lawsuit or the amount of the fees.

If the lawsuit does not include any grounds or there is an omission or a mistake in the amount at issue in the lawsuit or the amount of the fees,

The Court shall, if it deems necessary for the proper pursuit of justice, order the lawsuit to be deferred and the claimant to be required to furnish grounds for the lawsuit, or to complete the missing information or correct the improper procedures, or to complete payment of the fee, within a period of not more than three months, otherwise the Court shall order the lawsuit to be dismissed. The claimant may at any time during the foregoing period expedite the conduct of the lawsuit by means of proper procedures, otherwise it shall be regarded as null and void. Regarding the lawsuit as null and void for any of the reasons herein above mentioned does not in itself prevent the claimant from filing a new lawsuit concerning the original lawsuit.

2- As to the validity of the procedure followed in notifying and service of summons to the defendant. If the Court establishes that this procedure has been invalid, it shall order the hearing of the lawsuit to be deferred and require the Court Clerk to repeat the notification and service of summons in accordance with the law.

**Article -28-**

If the lawsuit is filed with or assigned to a Court that is not competent, the Court shall rule itself incompetent and refer the lawsuit to the Court with which it should have been filed or to which it should have been assigned. In its ruling the Court shall state the reasons for referral of the lawsuit.

**Article -29-**

The registration of the bill in the Court Register under Article 25 of this Law shall determine the following :

1- Expiry of the time limit allowed to the defendant.

2-Validity of the penalty interest unless it takes effect from some other time by virtue of commercial practice or of an agreement.

**Article -30-**

The defendant in any lawsuit may at any time after the summons has been served request that the lawsuit be dismissed on any of the following grounds:

1- that the lawsuit has been judged before;

2- lack of jurisdiction, except as stipulated in Article 28 of this Law;

3- expiry of the time limit;

or on the basis of any other reason, the court may, at its discretion, dismiss the lawsuit before entering into the merits of the lawsuit . If the Court decides to accept the request it shall dismiss the lawsuit in respect of the defendant.

**Article -31-**

The defendant may plea for non-acceptance of the lawsuit at any stage due to incapacity of the claimant , legal competence or interest or for any other reason, and such plea shall be judged independently unless the Court orders it to be considered together with the merits of the case, in which the Court shall pass judgement on both the rejection and the merits of the lawsuit.

**2- In notification and habeas corpus**

**Article -32-**

1- Every summons issued by a Court or judge under this Law shall be made out in duplicate copy and signed or stamped by or on behalf of the Court or judge.

2- Summonses shall be served through a police officer or public warden or any functionary at the issuing Court or any other functionary authorised under any law in force at the time to serve summonses.

**Article -33-**

1- The summons may be served, if possible, to require the person himself to appear , by delivering or presenting to him one of the two copies thereof.

2- The person to whom the summons is served shall sign or stamp the other copy acknowledging receipt thereof if the functionary serving it requires him to do so.

**Article -34-**

Summonses to companies with or without joint liability shall be served by being delivered to the company's secretary or local manager or any other of its senior officers at any of its offices in Bahrain or Dependencies.

**Article -35-**

If the person who is summoned cannot be found after the necessary search for him has been made, the summons shall be served by leaving a copy thereof for him with one of the members of his family living with him in the same household, and this latter person shall sign the other copy thereof as a receipt for having received it if the functionary serving it requires of him to do so; or else the summons may be served by affixation a copy of it in a prominent place in the house or domicile usually occupied by the person ordered to appear.

**Article -36-**

If the person to whom the summons is served, or with whom it is left, is unable to give his signature or stamp, the summons shall be served or left in the presence of a witness.

**Article -37-**

Any written declaration apparently made and signed by the employee who delivered the notification or by the person who witnessed the delivery shall be accepted as conclusive evidence of notification, as well any copy of the summons apparently signed in the manner given in Articles (33) and (35) by the person to whom it was delivered or with whom it was left. Written declaration as mentioned above shall be presumed genuine until proved otherwise.

**Article -38-**

If the Court establishes that there is no way in which the summons can be served in accordance with the provisions of the preceding Articles for any reason, it may order to serve the summons in the following manner:

a- by affixing a copy of the writ on the noticeboard provided at the courthouse for this purpose, and another copy on an easily visible part of the premises known to be the last place at which the defendant was resident or has been exercising his profession.

b- by publishing a notification in the Official Gazette or a newspaper designated by that Court.

If the Court issues an order for the aforementioned method to be followed in serving the summons, it shall specify in its order a date for the defendant to appear before the Court to present his defence.

**Article -39-**

If it is proven to the court that the defendant is living outside Bahrain and that he has no representative in Bahrain to accept delivery of the summons on his behalf, it may order writs to be served to him through diplomatic channels if possible, otherwise by sending them to him by registered mail with an acknowledgement receipt thereof at his place of residence abroad. In such case the date of the trial may not be set before the expiry of thirty days from the date on which the bill was submitted to the Court, and the defendant may expedite the proceedings with the lawsuit either personally or through an authorised agent to represent him within this period.

**Part Three**

**In Civil Trials**

**1) Appearance and non-appearance of litigants and Litigation Power of Attorney**

**Article -40-**

On the day appointed for the hearing of the lawsuit either the litigants themselves shall appear or such lawyers or other representatives authorised by them with power of attorney in accordance with the provisions of the Legal Representation in the Courts of Bahrain Law No. 511 of 1355 A.H. without prejudice to the provisions of the following Articles.

**Article -41-**

Once power of attorney is issued by one of the litigants in accordance with the provisions of the preceding Article, his representative 's address shall be used for the serving of writs necessary to the progress of the lawsuit at the level of legal action for which he has power of attorney.

**Article -42-**

Power of attorney in litigation confers to the legal representative to carry out the actions and measures necessary to file and pursue the lawsuit or to defend it, to take protective measures until judgement is passed on the merits of the lawsuit at the level of legal action for which he has been given power of attorney, to announce this judgement, and to receive fees and expenses; and this without prejudice to areas in which the law requires special authorisation. No stipulation made in the warrant of attorney contrary to the above may be used as a pretext against the other litigant.

**Article -43-**

The following actions are invalid without special authorisation: the concession or waiver of rights claims; conciliation or arbitration therein; accepting the tendering or tendering back of oaths; relinquishment of the litigation; waiver of the judgement or of any form of appeal thereto; the lifting of liens; relinquishment of securities while debts remain outstanding; allegations of forgery; challenging of judges; challenging of experts; de facto submissions or admission of such; and receipt of sums of money from the Court on behalf of the client. If anything contrary to this occurs the principal may renounce it.

**Article -44-**

The resignation or dismissal of the lawyer shall not affect the course of proceedings continuing with him unless the litigant announces the appointment of a replacement for him or the client intends to initiate the lawsuit himself. The lawyer may not resign as such at an inconvenient moment,

**Article -45-**

The Court may order the litigants to appear before it in person on a day appointed by itself. If the person required to appear has a reasonable excuse preventing him from appearing the Court shall delegate one of its judges to hear his testimony on a date to be fixed by the court. The Clerk of the Court shall inform the other litigant and draft a record of the litigant's testimony which shall be signed by the judge, the Clerk and the litigants.

**Article -46-**

1- If the claimant and defendant do not attend the first session, the Court may postpone examination of the lawsuit to another session and notify the claimant and defendant of the date thereof. If they do not attend the second session, the Court may cancel the lawsuit and charge the claimant with costs.

2- The Court shall also decide to dismiss the lawsuit if the claimant and defendant do appear and agree that the lawsuit should be dismissed.

3- If the lawsuit remains dismissed for six months and neither the claimant nor the defendant has called for it to proceed, the lawsuit shall be considered null and void.

**Article -47-**

If the defendant appears and the claimant fails to appear, the defendant shall have the option of either asking for the lawsuit to be dismissed or asking for the postponement of the lawsuit examination to another session the date of which shall be notified to the claimant. If the claimant fails to appear at the second session after having been duly notified of its date, the defendant may ask for the lawsuit to be considered null and void, and this ruling shall be regarded as passed in presence.

**Article -48-**

If there is more than one claimant and one or some of them fail to attend the first session, the lawsuit shall be deferred to another session and the Clerks' Department ordered to re-notify those who failed to appear. Rulings passed on the lawsuit thereafter shall be regarded as passed in presence with regard to them all.

**Article -49-**

If the claimant appears and the defendant fails to appear the Court shall, after having ascertained that he has been properly notified, decide to proceed with the lawsuit in his absence at the request of the claimant, who has the right to prove his lawsuit. The claimant may however, ask for examination of the lawsuit to be postponed to another session of which his opponent shall be notified as well as being warned that the judgement passed shall be regarded as passed in presence.

**Article -50-**

If there is more than one defendant and some of them fail to attend the first session, the lawsuit shall be postponed to another session and the Clerks' Department ordered to re-notify those who failed to appear, and rulings passed on the lawsuit thereafter shall be regarded as passed in presence with regard to them all.

**Article -51-**

If the claimant or defendant appears at any session, the litigation shall be regarded as conducted in presence with regard to him even if he fails to appear thereafter.

The claimant may not, however, reveal new claims or amend, add to, or reduce the initial claims at a session at which his opponent fails to appear. Likewise, the defendant may not demand a ruling on any claim in the absence of the claimant.

**Article -52-**

If the absent litigant appears before the end of the session, any ruling passed against him therein shall be held null and void, and the Court shall inform him of the steps taken in his absence. It may repeat these steps in his presence if it finds this necessary to ensure justice.

**Article -53-**

Decisions ruling the Lawsuit null and void may not be appealed except for error in application of the law.

**2) Procedure and order of sessions**

**Article -54-**

The proceedings shall commence at the first session. Both the claimant and defendant may however request the postponement of the lawsuit in order to submit documentary evidence or proof in reply to the defence or counter claims of the litigant.

The lawsuit may not be postponed more than once for the same reason coming from one of the litigants, and the period of postponement may not exceed three weeks.

**Article -55-**

The trial shall be in open court unless the Court decides, either at its own instance or upon request of one of the litigants, to be held in private hearing in order to preserve public order or decency or the sanctity of the family.

**Article -56-**

Together with the judge, a Clerk shall attend the sessions and all procedures for hearing evidence and take down records which the judge shall sign.

**Article -57-**

The Court may hear the testimonies of litigants or witnesses who are ignorant of the Arabic language through an interpreter after he has taken an oath pledging himself to accuracy and truth in his translation or has been officially certified as telling the truth.

**Article -51-**

The witness shall first answer the questions of the litigant who has summoned him to give testimony, after which the other litigants may then cross-examine him. Afterwards the litigant who called him in may question him again on the points arising from the other litigant's cross-examination, provided that neither the questioning nor the cross-examination departs from merits of the lawsuit, and this without prejudice to the Court's right to put questions to the witness and the right of the President of the Court to direct and control the session.

**Article -59-**

The litigants may at any stage in the lawsuit ask the Court to enter in the records of the session any conciliation they have reached or any other agreement which shall be signed by themselves or by their representatives. If they have already put their agreement in writing, the Court shall endorse the document and it shall be appended to the records of the session once the essence of it has been recorded therein.

The records of the session shall have the validity of an authentic document and copies thereof may be used according to the principles laid down for the use of copies of authentic documents.

**Article -60-**

The control and management of the session are vested in the President of the Court and to this end he may send out of the Court room in which the session is being held anyone who disturbs the order of the session. If he does not comply, but persists, the Court may immediately rule that he be detained for twenty-four hours or fined three Bahraini dinars.

Its ruling on this matter shall be final.

**Article -61-**

The Court may, even at its own instance, order phrases that depart from or violate decency or public order to be expunged from any Court document or memorandums.

The Court shall refer any lawsuit of false evidence to be taken up by the Public Prosecutor.

**Article -62-**

As far as possible, the hearing of the Lawsuit shall follow the order given in its schedule. When examination of the actions of those litigants who have appeared before the Court when called has been completed, those who are absent shall be called again. When it becomes apparent that they have not appeared, the Court shall decide either to cancel or to postpone actions and the session shall be closed.

**Chapter Four**

**Grounds for Lawsuit, its Merits and its Parties**

**Article -63-**

The scope of the lawsuit shall be defined primarily, whether as to its merits, grounds for it, or its parties, by the original claims provided in the bill .

**1- Grounds for Lawsuit and its Merits**

**Article -64-**

The Lawsuit shall incorporate all that the claimant is entitled to claim in respect of the grounds for the lawsuit. The claimant may combine within the same lawsuit several claims based on one legal ground or on several legal grounds or facts.

**Article -65-**

If the lawsuit comprises several grounds and the Court finds it cannot properly judge them all together, it may decide to examine each of these grounds for the lawsuit separately or issue whatever decision it deems fit.

**Article -66-**

The claimant may submit the following interlocutory applications upon the merits of the original lawsuit:

1- Any matter involving emendation of the original claim or amendment of the merits thereof in response to circumstances arising or becoming evident after the lawsuit is filed.

2- Anything involving additions or alterations to the ground for lawsuit while leaving the merits unchanged.

3- Any matter that is supplementary to, consequent upon, or inseparably connected with the merits of the original claim.

4- Claims for precautionary or summary measures to be ordered where there are fears of a time limit running out.

5- Anything the Court orders to be submitted, which is connected to the original claim.

**Article -67-**

The defendant may submit the following interlocutory applications or counterclaims:

1 - Claims for legal set-offs.

2 - Claims that he be awarded damages for loss sustained as a result of the original lawsuit or of some measure taken therein.

3- Any claim arising out of his consenting to the claimant’s not being awarded all or some of his claims or to his being awarded them only on certain conditions in the defendant's favour.

4- Any application which is indivisible in relation to the original claim.

5- Any matter related to the original lawsuit which the Court allows to be submitted.

**Article -68-**

Interlocutory applications shall be submitted by the claimant or the defendant by a list submitted to the court as per the procedures prescribed for filing the lawsuit in accordance with the provisions of Article (23).

**Article -69-**

In submitting the regulations to the Court in general, the following shall be taken into account:

1- Regulations submitted to the Court shall be written in ink or typewriter and shall be on clean paper and shall use only one page of paper with a margin.

2- Each regulation shall contain the following:

a- The number of the lawsuit, if any.

b- The type and merits of the lawsuit.

c- Date of submission.

It shall be signed by an opponent of a litigant who submitted it, his agent or his representative.

**Article -70-**

The regulations referred to in the preceding Articles shall be notified to the litigant before the date of the session in accordance with the methods of notification service and summons stipulated in the law.

**Article -71-**

Interlocutory applications may be presented orally at the hearing in the presence of the litigants and recorded in its records, with payment of the fees prescribed for the court.

**Article -72-**

Without prejudice to the provisions of Article (13) of this law, the court shall rule on interlocutory applications with the original lawsuit whenever possible, otherwise it shall retain the interlocutory application for judgment after its investigation.

**2- Plurality of litigants, impleadment and intervention**

**Article -73-**

If it appears to the Court that a plurality of claimants in the lawsuit would cause confusion or delay in perusal thereof, it may request the claimants to choose among themselves to separate the lawsuit or to decide on its own initiative to conduct independent trials in it or to issue the decision it desires.

A number of litigants in a single lawsuit may enter a party to the proceedings as claimant or join the lawsuit as defendants, if there is a link in the merits or cause of lawsuit, so that if lawsuits were instituted or they instituted them in private, it would appear that the lawsuits had a legal or factual issue in common.

The Court shall issue its judgement in favour of one or more of the claimants, each to the extent to which he is proved in the lawsuit to be entitled, against one or more of the defendants each to the extent to which he proves liable.

**Article -74-**

Every interested party may intervene in the lawsuit by associating himself with one of the litigants or seeking a judgement to be issued in his own favour by making a claim in connection with the lawsuit.

Intervention shall take the form of a bill filed with the Court and delivered to the litigants before the date of the session in accordance with the provisions of the law or by a claim submitted orally at the session in the presence of the litigants and entered in the records of the session upon payment to the Court of the prescribed fee.

Intervention shall not be admitted after the closure of the pleading.

The Court shall judge the merits of the intervention together with the original lawsuit wherever possible; otherwise it shall set aside the claim made in the intervention for judgement once it has been investigated.

**3- Third party Litigation**

**Article -75-**

A litigant may implead into the lawsuit any party with whom he has a legitimate litigation therein at the time of filing it. The usual conditions for notification and summonsing shall be observed in third party litigation.

Wherever possible a single ruling shall be passed on the merits if the claim made in the impleader and the original lawsuit; otherwise the Court shall judge the merits of the claim made in the impleader after ruling on the original lawsuit.

**Article -76-**

If the defendant claims he is entitled to the recovery of a sum of money owed by a person not party to the lawsuit, he may submit a claim to the Court identifying the claim and grounds therefore, and request that such person be impleaded as a party to the lawsuit.

The Court may, even on its own initiative, order anyone linked in joint liability with one of the litigants or anybody who may be harmed by the ruling on the lawsuit, to be brought into the lawsuit if the Court finds material evidence of collusion, fraudulence or negligence on the part of the litigants.

The Court shall set a date for any person it orders to be brought into the lawsuit to be summoned and instruct the Clerks’ Department to notify him.

**Part Two**

**Evidentiary Procedures**

**General Provisions**

**Article -77-**

The facts intended to be established shall be related to the lawsuit, arising therefrom and admissible.

**Article -78-**

The Court may digress from the evidentiary procedures it has instructed to follow provided it gives the reasons for its digression in evidentiary the records of the session. It may choose not to accept the outcome of proceedings provided it gives the reasons for this in its judgement,

**Article -79-**

The claimant shall have the right of pleading first, unless the defendant admits the matters given in the bill l and claims there are legal grounds or additional facts that refute the claimant’s lawsuit, in which case the right of pleading first shall go to the defendant.

**Article -80-**

In hearing the lawsuit the following order shall be observed as far as possible:

1- The party with the right of pleading first may present its lawsuit and submit corroborating evidence,

2- The other party may afterwards present its defence and submit corroborating evidence.

3- The party who pleaded first may produce its evidence in refutation of the litigant's evidence, then the other party may present its testimony and final defence, after which, the party that pleaded first may make its final submission.

**Chapter One**

**Questioning of litigants, Admissions and Oaths**

**1- Questioning of Litigants**

**Article -81-**

The Court may question any of the litigants present, and each of them may ask to question their opponents present.

**Article -82-**

The Court may likewise order any of the litigants to appear for questioning either at its own initiative or at the request of the opposing party. If it is decided to question someone, he shall attend in person the session prescribed in the decision. If the Court finds that the lawsuit does not call for questioning, it shall refuse the request for questioning.

**Article -83-**

The Court shall ask litigants any questions it deems appropriate, and litigants shall ask the litigant being questioned any questions they deem appropriate. Reply shall be given at the same session, unless the Court decides to grant time for the reply.

**Article -84-**

Reply shall be given in the presence of the person who requested the questioning, but the questioning shall not depend on his appearing.

**Article -85-**

Questions and answers shall be entered precisely and in detail in the records of the session, and after they have been read out, the judge of the Court shall sign the records. If a litigant fails to appear for questioning or the person questioned refuses to reply, his failure to appear or refusal to reply, and the reason thereof, shall be noted in the records and the Court shall draw from this whatever conclusion it considers appropriate.

**Article -86-**

If a litigant is legally incompetent or incapacitated , it is permissible to question his representative. The Court may cross-examine him in person if he has reached the age of discretion, and legal entities may be questioned through their legal representatives.

**Article -87-**

If the litigant has a reasonable excuse that prevents him from appearing in person, the Court may appoint one of its judges to question him according to the provisions of Article( 45 ) of this Law.

**2 -Admission**

**Article -88-**

A litigant's admission, with or without questioning, constitutes conclusive evidence against him. The admission shall be made before the court during the course of proceedings relating to the fact admitted

**Article -89-**

For the admission to be valid, the person making the admission shall be sane, reached age of majority, acting freely and not under interdiction, none of which is necessarily required in the person in whose favour the admission is made. Admissions may be accepted from persons interdicted for mental weakness in respect of any matter in which he is not considered to be under interdiction by law.

**Article -90-**

An admission may not be divided against its admitter. One may not take that part which is detrimental to him and ignore that which is in his favour. It shall be taken as a whole. However, the admission may be divided if it relates to several facts and the existence of one of them does not necessarily imply the existence of the others.

**3- Oaths**

**Article -91-**

The decisive oath is one tendered by one of the litigants to the other in order to decide the dispute.

**Article -92-**

Each of the litigants may, at any stage in the lawsuit, tender the decisive oath to the opposing litigant; however, the judge may refuse to allow the oath to be tendered if the party tendering the oath does so arbitrarily. The party to whom the oath is tendered may tender back the oath to the opposing litigant, A party who has tendered or tendered back the oath may not retract once the other party has agreed to take the oath.

**Article -93-**

The decisive oath may not be tendered in respect of a fact contrary to public order or decency. The fact which is the object of the oath shall be personal to the party to whom the oath is tendered; if it is not personal to him, the oath shall be taken merely on his knowledge thereof.

**Article -94-**

Attorneys in the litigation may only tender the decisive oath or accept it or tender it back to the opposing litigant, if given special powers. Representatives may not be empowered to take the oath. If the person to whom the oath is tendered has some excuse preventing him from attending, the Court shall delegate one of its judges to administer his oath.

**Article -95-**

The party tendering the oath to its opponent shall state precisely what facts are the object of the oath he wants to make it swear. The Court may amend the form of the oath so that it is tendered clearly and precisely with regard to the facts to be sworn to.

**Article -96-**

If the party to whom the oath is tendered does not contest either its admissibility or its relevance to the lawsuit, it shall, if present in person, either take the oath at once or tender it back to its opponent, otherwise he shall be regarded as refusing it.

**Article -97-**

Anyone to whom the oath is tendered who refuses to take it without tendering it back to his opponent, or anyone to whom the oath is tendered back and who refuses to take it, shall lose his lawsuit.

**Article -98-**

Upon the tendering of the oath all other evidence relating to the fact constituting the object of the oath shall be abandoned. Once the litigant to whom the oath was tendered or tendered back has taken the oath, the opposing litigant cannot prove that the oath is false. If however, the oath is established as false by a penal court ruling, the litigant damaged as a result thereof may claim compensation without prejudice to his right of appeal against the judgement,

**Article -99-**

The Court may at its own instance tender the suppletory oath to either of the litigants in order to base its judgement on the merits of the lawsuit or the amount of the award thereon. This oath may be tendered only when the lawsuit is neither completely proved nor devoid of any proof.

The litigant to whom the Court tenders the suppletory oath may not tender it back to its opponent,

**Article -100-**

The party ordered to take the oath may do so in the manner prescribed by its religion if so desired.

**Chapter Two**

**Testimonial Proof**

**Article -101-**

Unless otherwise provided by law , the facts related to the lawsuit may be proven by the testimony of witnesses.

**Article -102-**

The Court may, on its own initiative, order testimonial proof where it considers this beneficial to truth.

**Article -103-**

The litigant calling for testimonial proof may, in cases where such is admitted, set forth for the Court in writing the facts he wishes to establish or disclose orally at the session. The Court may order an investigation where it considers this beneficial to truth. The order issued at investigation shall set out facts to be proven, the date on which the investigation shall commence, and the time and place at which it is to be conducted.

**Article -104-**

All objections to the admissibility of testimonial proof shall be lodged at the time the testimony is given and probed into straight away. The Court shall note all objections and the decisions taken regarding them, unless the objection is absurd.

**Article -105-**

Permission for one of the litigants to establish a fact by testimony of witnesses shall always imply that the other party has the right to disprove it by such means.

**Article -106-**

The hearing of witnesses and investigation before the Court shall take place in the presence of the litigants. It may, when necessary, delegate one of its judges to hear the testimony of a witness where it is apparent that there is an acceptable excuse preventing the witness from attending.

**Summoning of witnesses**

**Article -107-**

When the Court orders testimonial proof, on its own initiative or upon the litigant's request, it shall issue a summons to those whose testimony is to be heard.

**Article -108-**

Summonses to witnesses shall be served by the methods followed in serving judicial writs.

Every person served with a summons to appear and give testimony shall appear before the court at the time and place prescribed in the summons.

If he fails to appear and the Court believes it crucial to judgement of the Court for testimony to be given, it may issue an order for him to be brought to the court, including authorisation for the police to release him on bail.

**Article -109-**

If the witness appears and the Court is not satisfied by the excuses he has given in justification of his failure to appear, it may fine him up to seven Bahraini dinars.

If he fails to pay the fine, the Court may order him to be imprisoned for up to seven days. Its decision in this respect may not be appealed against.

The witness may leave the Court after giving his testimony unless the Court orders him to stay. If he leaves contrary to the Court's order without a legitimate excuse, the Court shall apply the provisions of this article to him.

**Article -110-**

If one of the litigants asks for some person to be called in to give testimony and it is apparent that he is present in the Court, it may order him to give testimony.

**Witnesses**

**Article -111-**

A witness may not be challenged even if he is a relative by blood or marriage of one of the litigants, unless through senility, youth, illness or any other reason he has no powers of discretion. Testimony may be heard from children of less than fourteen years of age without an oath by way of informal enquiry.

**Article -112-**

Those incapable of speech may give their testimony and, if possible, indicate the meaning thereof either in writing or by gesticulation

**Article -113-**

Persons appointed, employed or commissioned for public service shall not give their testimony, even after termination of their services, with respect to any information that has come to their knowledge while they were engaged in it which has not been published in the legal manner or the disclosure of which the competent authority has not authorised.

However, this authority may authorise such persons to give testimony at the request of the Court or one of the litigants.

**Article -114-**

Lawyers, attorneys, doctors and others who have learned some fact or information through their practice or occupation may not divulge it, even after their period of service is over or they no longer serve in their former capacity, unless it has been told for the sole purpose of committing a felony. However, the persons mentioned above shall give testimony concerning this fact or information when asked to do so by the person who confided it in them, provided this does not prejudice the provisions of special laws regarding them.

**Article -115-**

Every witness shall give his testimony separately without the other witnesses present whose testimony has not yet been heard. The witness shall give the Court his name, surname, occupation, age, place of residence and his connections with the litigants through kinship, kinship by marriage, or employment; and take an oath, in the manner appropriate to his religious beliefs if so desired, that he shall tell the truth, or else make a formal declaration that he is telling the truth.

**Article -116-**

Testimony shall be given orally at the session. Written statements may not be referred to in giving testimony unless the Court authorises this and the nature of the lawsuit justifies it.

The statements of the litigants and the testimony of each witness shall be entered in the records of the session just as he relates it and he shall sign the records after the evidence has been read out to him.

**Appraisal of Testimony and its Significance**

**Article -117-**

Testimony shall always be subject to the Court's appraisal of its veracity and relevance to the lawsuit.

The Court may not pass judgement on any issue on the basis of a single witness unless the litigant in question has no objection or it is affirmed by other supporting evidence which the Court deems sufficient to establish its veracity.

**Article -118-**

For testimony to be accepted, it is sufficient that the testimony of one witness coincide with the testimony of the other in sense even though its wording may differ. The same principle applies when deciding regarding the conformity of the testimony with the lawsuit.

**Article -119-**

The witness shall be asked about circumstances of time, place, etc, manner of knowing about the fact to which he is testifying and the manner whereby it came to his knowledge; about the Court in which the testimony is being given and other matters by which the measure of his testimony may be ascertained without requiring attestation of his integrity.

**Article -120-**

Hearsay testimony shall only be accepted in the following cases:

1- Death

2- Kinship

3- Any valid endowment made over to a charitable body a long time ago

4- If the litigants agree to accept it in writing as evidence for the prosecution, provided the Court admits their agreement and the agreement is appended to the records of the session after its general purport has been recorded therein.

**Article -121-**

If someone fears missing the opportunity to call on some witness to testify to some matter that has not yet been brought before the judiciary and is likely to be submitted to it, he may in the presence of those concerned ask that this witness be heard.

When this is ascertained necessary, the judge shall rule that the witness shall be heard provided the fact is one that may lawfully be proven by the testimony of witnesses.

If the witness's testimony is not taken immediately in the presence of those concerned, the Court may order them to be notified and the witness summoned for his testimony to be heard at a time to be set by the Court for that purpose, provided the criterion of urgency is met.

In hearing the witness's testimony, the above principles and procedure for the hearing of testimony of witnesses shall be followed. In this case a copy of the records of the enquiry may not be delivered or submitted to the judiciary unless the Court in question finds on examination that the fact may lawfully be established by testimony of witnesses. The other party may object in Court to this proof being accepted, as too he may ask for defence witnesses to be heard on his behalf.

**Chapter Three**

**Presumptions**

**Article -122-**

Where testimonial proof is permitted, the judge may raise presumptions inferred from the facts, conditions and concomitant circumstances of the lawsuit. The judge shall be the one who decides how far each presumption he infers is relevant to the lawsuit.

**Article -123-**

The presumption of law relieves the party in whose favour the presumption exists of the necessity of producing any other evidence. This presumption, however, may be rebutted by evidence to the contrary, unless the law provides otherwise.

**Article -124-**

Judgements that become final shall constitute proof of the right adjudged, and no proof shall be admitted against this presumption. However, these judgements shall only constitute proof in this way in disputes arising between the same litigants acting in the same capacity, regarding the same object and the same consideration.

The Court shall raise this presumption at the instance of either of the litigants or may raise it of its own initiative.

**Article -125-**

Among the admissible measures of proof-taking in civil trials, the conviction judgement in a criminal sentence and the facts related thereto are admissible if the resolution of these facts is necessary.

**Chapter Four**

**Evidence in Writing**

**Article -126-**

Except in commercial matters, evidence may only be given in writing where the amount in question exceeds two hundred Bahraini dinars unless there is some agreement or provision of the Law to the contrary.

**Article -127-**

With the exception of the provisions of Article, evidence by witnesses maybe admitted where the amount in question exceeds two hundred Bahraini dinars in the following cases:

1- Where there is commencement of proof in writing. And any written document emanating from the litigant that tends to make the existence of the alleged act probable, is deemed to be a commencement of proof in writing.

2- Where written proof may not be obtained as a result of a material or moral impediment, or when custom and usage do not demand evidence of entitlement by means of a written document.

3-Where a creditor has lost his written title for some unavoidable reason beyond his control.

**Article -128-**

Testimony shall not be admitted proving anything contrary to the contents of a written document. Oral evidence may nevertheless be admitted in the following cases:

1 -To establish the circumstances surrounding the drafting of the document or to establish the relationship between the document in question and some other document.

2 - Where the document presented in connection with the lawsuit has been obtained by fraudulence, trickery or force.

**Article -129-**

Writing used in evidence may take the form either of an official document or an ordinary document

**Article -130-**

Authentic documents are:

a- Documents drafted by public officers competent under the provisions of the law to draft such documents without the party submitting the documents having to establish the provisions made therein.

b- Documents drafted by their holders and notarised by legally competent public officers. These may be used only to establish the date and/or the authenticity of the signature. Documents not fulfilling the conditions contained in the previous two paragraphs shall only have the probative force of signed documents, provided they bear the signatures, seals or fingerprints of the parties concerned.

**Article -131-**

Handwriting, signatures, seals or fingerprints may only be challenged in the case of ordinary papers and documents. Allegations of forgery, however, may be made in the case of all papers and documents, whether authentic or ordinary.

**Article -132-**

If one of the parties challenges any handwriting, signature, seal or fingerprint imputed to him in an ordinary document and the document has a determining influence on the outcome of the dispute, the Court shall, at the instance of the party submitting the document, determine that an enquiry be conducted by making comparisons, calling for specimens of writing and hearing witnesses as the case may be.

**Article -133-**

If the litigant in question claims that the document submitted is forged and asks the Court to verify this, the Court shall, where there is evidence and there are indications to support the existence of forgery, order the party alleging the forgery to deposit a sum as security, to guarantee his opponent litigant compensation for loss and damages if his allegation of forgery is not substantiated. The Court shall then refer the matter of the enquiry into the claim of forgery to the Public Prosecutor and suspend the hearing of the original lawsuit until the forgery action has been judged.

**Article -134-**

Any person holding a signed document may challenge the person against whom the document testifies to acknowledge that it is in his hand or bears his signature or fingerprints, even if the obligation contained therein does not have to be performed. This shall be done by means of an original lawsuit to be brought by the normal procedure for lawsuits filing and notifications.

If the defendant appears and gives his acknowledgement, the Court shall record the acknowledgement and all costs shall be borne by the claimant.

If the defendant does not appear, the court shall rule in his absence that the handwriting, signature, stamp or fingerprint are valid, and it shall be permissible to object to this ruling in all cases.

If the defendant disowns the handwriting, signature, seal or fingerprints, an enquiry shall be conducted in accordance with the provisions of Article 132.

**Probative Force of Copies of Documents**

**Article -135-**

If the original of any authentic document exists, manuscript or photocopies of it emanating from a public officer within the limits of his competence may take the probative force of the original document insofar as they are recognised as true copies of the original.

**Article -136-**

Copies made from entries in bank records shall be taken as primary evidence of the authenticity of those entries and of the matters, transactions and accounts contained therein.

Copies made from entries in bank records shall not be accepted as evidence unless the Court is satisfied first of all that these records were, when the entry was made, among the normal records of the bank; that the entry was made during normal business hours; and that they were among the records kept in the bank's possession or at its disposal. This may be confirmed by one of the Bank's officials, and for this purpose the copy shall also be checked against the originals and be a true copy. This shall be confirmed by an official at the bank or by another person having checked it against the original.

**Article -137-**

No contract, power of attorney, mandate or written instrument drawn up or signed in any place outside Bahrain may be taken as proof in evidence unless it is acknowledged by both contracting parties before the Court or duly endorsed by the notarial authorities and the competent political authorities in the country in which the documents concerned were drawn up or signed, and duly endorsed by whoever represents Bahrain in that country and by the competent authorities in Bahrain

**Article -138-**

Signed correspondence has the same probative force as ordinary documents. The same probative force shall also apply to telegrams if the original, lodged with the Ratification Office, is signed by the sender. A telegram shall be presumed to be a true copy of the original until proved otherwise. If the original of the telegram is destroyed or is unavailable, the telegram shall merely be regarded as informatory.

**Article -139-**

Traders' books shall not be taken as proof against non-traders, though the particulars of what any trader supplies or sells to his customers may be used as grounds for the Judge to tender the suppletory oath to either party, even with regard to matters where the testimony is not admitted. Traders' books may be taken as proof against these traders, but if these books are regularly kept, the person wishing to draw on them for proof in favour of himself shall not be permitted to use only one part of them and set aside the other part that is contrary to his claim.

**Chapter Five**

**Petitions Requiring Parties to Produce Documents**

**at their Disposal and Examination thereof**

**Article -140-**

A litigant may ask for his opponent to submit any document at his disposal that has a bearing on the lawsuit in any of the following cases:

1- If the law permits that he be required to submit or to surrender it.

2- if it is a joint document. A document shall be regarded as a joint document when it benefits both parties or proves their mutual rights and obligations.

3- If the other litigant has used it for support at any stage in the lawsuit.

**Article -141-**

Following details shall contain in this petition;

1- Description of the document specified by the party in question which he requires to be produced.

2- Purport of the instrument in as much detail as possible,

3- Fact which he wishes to prove by citing it.

4- Evidence and circumstances proving that it is at the disposal of the litigant in question.

5- Grounds on which the litigant is obliged to produce it.

**Article -142-**

The petition shall not be accepted unless the preceding two Articles are observed.

**Article -143-**

If the petitioner substantiates his petition or the litigant in question admits the document is in his possession or remains silent, the Court shall order the document to be produced at once or at the earliest juncture appointed by itself.

If the litigant in question disputes it and the petitioner does not produce sufficient evidence to substantiate the validity of the petition, the party disputing it shall take an oath that the document does not exist, that he does not know where it is to be found, nor its whereabouts, and that he has not hidden it or neglected to look for it in order to prevent his adversary from citing it in evidence.

**Article -144-**

If the litigant in question does not produce the document at the time appointed by the Court or refuses to take the above-mentioned oath, the copy of the document submitted by his adversary shall be presumed authentic and a true copy of the original. If his adversary has not submitted a copy of the instrument his word may be taken with regard to its form and content,

**Article -145-**

During the course of the lawsuit, even before the Court of Appeal, the Court may, in the circumstances, and subject to the provisions and conditions specified in the preceding Article, allow impleading a third party to submit a document at his disposal. It may also require administrative authorities to submit in writing such information and documents as they have that are necessary to the hearing of the case, provided that submitting them would not be detrimental to the public interest.

**Article -146-**

If the litigant submits a document to provide guidance in the lawsuit, he may not withdraw it without the consent of his adversary except with written permission from the judge of the Court.

**Chapter Six**

**Court Transfer to the Place of Dispute**

**Article -147-**

The Court may, on its own initiative or at the instance of one of the litigants, at any stage in the trial, decide to move to examine or investigate for itself the object of the dispute if it considers examination advantageous and productive for judgement of the lawsuit, in the presence of the litigants, with or without witnesses.

**Article -148-**

In the event of transfer, the Court may appoint one or more experts to help it in the examination,

**Chapter Seven**

**Expert Knowledge**

**Article -149-**

The Court may, where necessary, order one or three experts to be appointed. In giving its order it shall specify the expert's tasks, the amount to be deposited on account of his expenses and fees, which litigant is required to make this deposit, the time-limit within which the deposit shall be made, the time-limit set for the expert's report to be presented, the date of the session until which the hearing is to be postponed in the case of the deposit being made, and another earlier session for examination of the lawsuit in the event of the deposit not being made.

**Article -150-**

If the litigants agree on a certain expert, the Court shall accept their agreement; otherwise, the Court shall elect the expert.

**Article -151-**

If the deposit is not made by the litigant required to make it, nor by any other litigant, the expert shall not be obliged to carry out his task and the Court shall declare the lapse of the right of the litigant failing to pay the deposit to expect adherence to the order issued appointing the expert if the excuses he gives are found unacceptable.

**Article -152-**

On the day after the deposit is made the Court Clerks' Department shall call the expert to examine the documents consigned to the lawsuit file and he shall be given a copy of the order issued appointing him.

He shall set a date for his work to begin, not later than next week following his receipt of the copy of the order appointing him and notify the litigants at a convenient time of this date and the meeting-place for them to come to.

The expert shall carry out his work even in the absence of the litigants, once they have been called in the proper manner.

**Article -153-**

The expert shall hear the statements of the litigants and their observations, and may also hear the statements of those who are present or whose statements are deemed necessary, without taking an oath, if authorized to do so.

**Article -154-**

The records of the expert's work shall include a declaration of the litigants' attendance and their testimonies and observations, and they shall include a declaration of the expert's work in detail as well as the testimonies of the persons he has heard.

**Article -155-**

The expert shall submit a report signed by himself giving the result of his work, his opinion, and the methods he has used. If there are three experts, each of them may submit an independent report giving his opinion unless they have agreed to submit one report stating the opinion of each of them and the grounds therefor.

**Article -156-**

The expert shall present his report and the records of his work to the Court Clerks' Department, and shall likewise present all the documents delivered thereto. He shall inform the litigants by registered letter of the deposit within twenty-four hours of it taking place.

**Article -157-**

The Court may order that the expert be summoned to a session of its appointment to discuss his report with him if this is deemed necessary, and it may return the report to him to correct any error or omission that becomes apparent to him in his work or his research. It may authorise another expert to do this, and the latter may make use of the information of the previous expert.

**Article -158-**

The Court may appoint an expert to give his opinion orally in the session without submitting a report, and his opinion shall be noted in the records of the session.

**Article -159-**

The expert's opinion shall not be binding to the Court, but it shall be taken into account.

**Article -160-**

The expert's fees and expenses shall be determined by order of the Court that appointed him as soon as the judgement on the lawsuit is passed, or when three months have elapsed after the presentation of the report if the judgement has not been passed within this period for reasons with which the expert is not concerned.

**Article -161-**

The Court shall rule that litigants or those possessed of expert knowledge whom it appoints who fail to present documents or reports or to perform any action by the date set by the Court be fined up to ten Bahraini dinars. It shall do so by means of an order to be noted in the records of the session, and against which appeals shall not be entertained in any way whatsoever. However, the Court may release the party fined from all or part of the fine if it gives a reasonable excuse.

The Court may, instead of fining the claimant, order to stay proceedings of the lawsuit for up to six months.

If the period of stay passes without the claimant implementing the order of the Court, the lawsuit may be ruled null and void once the defendant's statements are heard.

**Article -162-**

Implementation of the provisions concerning fines provided for in the preceding Article shall take place after the party fined has been notified by registered letter from the Court Clerks' Department.

**Part Three**

**Procedure Following the Hearing of the Lawsuit; Pursuit of the Lawsuit; Stay Proceedings of the Lawsuit; Discontinuation, Lapse, Expiry and Relinquishment of the Litigation**

**Stay of Proceedings**

**Article -163-**

The Court may order a stay of proceedings if the court finds that suspension of its judgement in order to decide another matter. As soon as the grounds for the suspension are no longer valid, the lawsuit shall resume its course with force of law from the point at which it was suspended.

**Article -164-**

Both litigants may agree to a stay of proceedings for a period not exceeding six months from the date of Court's endorsement of their agreement. If the lawsuit is not expedited within eight days following the end of this period, the claimant shall be deemed to have abandoned his lawsuit, or the appellant to have abandoned his appeal.

**2- Discontinuation of Litigation**

**Article -165-**

The litigation process shall be discontinued by law if one of the litigants dies or loses his competence or loss of capacity to represent any of the litigants, unless the lawsuit has reached the final stage and the litigants have given their testimonies so that the lawsuit is ready for judgement.

**Article -166-**

If any of the above grounds for discontinuation occur and the lawsuit is ready for judgement, the Court may judge the lawsuit according to the statements and final claims, or it may postpone it at the request of the person acting for the person who has died or lost his competence to litigate or whose capacity has lapsed or at the request of the other party.

The lawsuit is presumed ready for judgement when the litigants have given their testimonies and made their final claims at the session of the proceedings prior to the death or loss of competence to litigate or lapse of capacity.

**Article -167-**

The litigation shall not be discontinued after the death of the legal representative in lawsuit nor on the termination of his power of attorney through dismissal or retirement .

The Court may give an appropriate time for the litigant whose legal representative has died or whose power of attorney has been terminated if he has promptly appointed for himself a new representative within fifteen days of the termination of the first power of attorney.

**Article -168-**

Upon the discontinuation of the litigation, all appointments concerning the litigants shall be stayed and measures arising in the course of the discontinuation period are invalidated.

**3- Lapse and Expiry of the Litigation**

**Article -169-**

Any concerned litigant may, in the event of not proceeding through the lawsuit or abstention from lawsuit of the claimant, demand a ruling that the litigation shall have lapsed when one year has elapsed from the last correct procedure of litigation has taken. In cases of discontinuation the period for the lapse of the litigation shall only be filed by the day on which the person seeking the ruling that the litigation has lapsed informs his deceased adversary's heirs or the party acting for the person who has lost his competence to litigate or for the person whose capacity has lapsed, that the lawsuit between himself and his original adversary exists.  The period for the lapse of the litigation shall apply to all persons, in spite of their incapacity or incompetent.

**Article -170-**

A petition for a ruling that the litigation has lapsed shall be submitted under normal circumstances to the Court in which the lawsuit is being conducted. This petition may be submitted in the form of a plea if the claimant expedites his lawsuits after the year has elapsed. It shall be submitted against all the claimants or appellants, otherwise it shall not be accepted; and if one of the litigants submits it, the others gain advantage by it.

**Article -171-**

With the ruling that the litigation has lapsed, judgements issued therein concerning probative procedures shall lapse and all steps of the litigation shall be annulled, including the statement of claim. However, the right to the original lawsuit, as well as the final judgments rendered therein, even if they are rendered in absentia, and the previous procedures leading to these judgments, or the declarations issued by the litigants or the oaths they have taken, shall not expire.

Nevertheless, the lapsing of the lawsuit does not prevent the litigants from invoking the enquiry proceedings or work carried out by experts, unless they are inherently invalid.

**Article -172-**

When a litigation is ruled to have lapsed in an appeal, the judgement appealed against shall be considered final in all cases. When a litigation is ruled to have lapsed in a motion for a trial to be reheard before the ruling has been given for the motion to be accepted, the motion itself lapses. After the ruling has been given for the motion to be accepted, though, the principles given above for appeals shall apply in the first degree according to the circumstances.

**Article -173-**

The litigation shall in all cases expire by law if five years pass following the last actual step taken therein.

**4- Relinquishment of the Litigation**

**Article -174-**

The claimant may relinquish the litigation by means of a written statement submitted to the Court and notified to the opponent litigant or given orally at the session and recorded in the session records.

It may not be relinquished after the defendant has presented his claims except with his consent; and upon relinquishment all proceedings in the lawsuit, including the bill, shall be annulled, And the relinquishing party shall be ordered to pay costs. However, it shall not impair the right concerning which the lawsuit was filed.

**Article -175-**

 Waiver of the judgement shall be followed by waiver of the right established thereto.

**Part Four**

**Precautionary and Interim Measures, Travel Ban and Receivership**

**1- Precautionary and Interim Measures and Travel Ban**

**Article -176-**

The Court may on application of the claimant order all or some of the defendant’s property to be placed under the precautionary seizure if the claimant has serious grounds for fearing that the defendant may abscond or smuggle his property abroad or dispose of it with the intention of obstructing or delaying in execution any judgement or order issued against him.

**Article -177-**

Any person with a right in danger of sustaining loss necessitating its hasty settlement may seek an order from the Court for an urgent interim measure to be taken whereby his claim shall be protected or kept safe from suffering damages. The Court may require the applicant to deposit a surety for compensation of the other party if he suffers loss or damage and it becomes apparent that the party applying for the measure to be taken was not right in his allegation.

**Article -178-**

The claimant may seek an order from the Court forbidding the defendant to travel, if there are serious grounds for supposing that the defendant's absconding from the litigation is likely, provided the defendant has not provided a guarantee acceptable to the Court or bail in cash to the value determined by the Court to guarantee the execution of any judgement that may be passed against him in the lawsuit.

**Article -179-**

The Court may issue its order referred to in the three preceding Articles summarily without summoning the other party. This party shall have-the right to protest against the order before the issuing Court within eight days of issue, and the Court may uphold, amend or annul the order, without prejudice to the provisions of Article 198 of this Law.

**2- Receivership**

**Article -180-**

The Court may order the appointment of an official receiver to take custody of the property seized or in dispute or the right to which is not established and which is in immediate danger, and the receiver shall undertake to keep, manage and return it as well as submitting an account concerning it to the person whose right thereto is established under the Court's supervision, provided all those concerned agree to the appointment of a certain receiver to take custody thereof.

**Article -181-**

The receivership judgment shall determine the obligations, rights and authority of the receiver, and the receiver may receive a remuneration determined by the court, unless he has waived it.

**Article -182-**

The receiver's custody shall expire by agreement of all those concerned or by judicial judgement, whereupon the receiver shall proceed to return the item entrusted to his custody to the person chosen by those concerned or appointed by the judge as well as submitting the account of his management thereof validated by supporting documents.

**Part Five**

**Power of the Judge to Examine the Lawsuit**

**Article -183-**

A judge shall not be fit to examine the lawsuit and is forbidden to hear it, even if neither of the litigants rejects him, in the following cases:

1- If he is party to the lawsuit being examined in the court.

2- If he has a personal interest in the lawsuit,

3- If he has given a legal advice to or pleaded on behalf of one of the litigants in the lawsuit or written about it, even if he did so before working as a judge.

**Article -184-**

The judge's work or judgement in the above-mentioned cases, even if it has the agreement of the litigants, is invalid and the judge shall retire from examination of the lawsuit after asking leave of the Head of the Justice Circuit.

**Article -185-**

If it happens while any trial is in progress that the judge or a member of the Court becomes disqualified or unable to continue with the lawsuit, the lawsuit shall be suspended until another judge is appointed to his place. The lawsuit shall resume its progress by force of law from the point at which it has been suspended. Notwithstanding, the Court may at its own instance or by reasonable request of one of the parties re-examine the lawsuit and summon all or any of the witnesses again

**Part Six**

**Judgments, Methods of Appeal and Arbitration**

**First - Judgments**

**(a) Issuing judgments**

**Article -186-**

The Court shall pronounce the judgment as soon as the trial ends if possible, or otherwise at another session defined for this purpose. The judgement shall be pronounced by being read aloud in public session.

**Article -187-**

Deliberation over judgements, in case of plurality of judges, shall be conducted behind closed doors. The judgement shall be pronounced by a majority vote. If there is no majority and there is more than one opinion, a judge shall be appointed to make a casting vote in favour of one of the two opinions.

**Article -188-**

The Court may hear clarifications during deliberations from one of the litigants only in the presence of the opponent litigant; and likewise, it may not receive papers or memoranda from one of the litigants without the other litigant seeing them.

**Article -189-**

The judgement shall be recorded in writing, dated and signed by the Court, and it shall incorporate the following:

1- The names and signatures of the judges who examined the lawsuit and contributed to the passing of the judgement.

2- The names, surnames and capacities of the litigants; the domicile of each of them, whether they attended or were absent, and the names of their attorneys, if any.

3- A record of the limits and a detailed description of the property so as to eliminate any doubt, if the substance of the lawsuit is immovable property, or a record of its limits and figures established in the records of the Directorate of Land Registration, if any.

4- The terms of the claims, defence or pleas submitted by the litigants and a summary of the objective evidence and legal arguments they used and the stages of the lawsuit. After that the grounds for and contents of the judgement shall be given.

A deficiency in the objective grounds for the judgement or gross error in the names and capacities of the litigants or failure to give the names and signatures of the judges issuing the judgement shall render the judgement null and void.

**Article -190-**

The Court may at any time, at its own instance or at the request of one of the parties, correct clerical or arithmetical errors occurring in judgements and decisions through accidental oversight.

**Article -191-**

Any interested person affected by a judgement or order issued by a civil court may obtain a copy of that judgement, order or other excerpts of the records and this copy shall be given to him if he requests it and the Court agrees to such requests, upon payment of the prescribed fee.

**(b) Costs of the Lawsuit**

**Article -192-**

When issuing the final judgement on the litigation, the Court shall at its own instance rule on the costs of the lawsuit. The Court shall award costs of the lawsuit, including the fees as it assesses for the attorney, to be paid by the convicted litigant. In case of plurality of convicted persons, it shall order that costs be shared among them in proportion to the interest of each one in the lawsuit as evaluated by the Court. They shall not be bound by joint liability unless they were originally jointly liable in the obligation which has been judged upon.

**Article -193-**

Costs for authentication of handwriting, seals, signatures and fingerprints shall be awarded against the party denying them or claiming they are forged if as a result of examination and comparison his allegation or his denial proves invalid.

**Article -194-**

Costs for trial in absentia person convicted in absentia. Costs for objection to the judgment in absentia shall be borne by the party who loses the lawsuit ultimately.

**Article -195-**

Costs for intervention shall be borne by the intervening party if he has independent claims and his intervention is ruled out of court or his claims are repudiated.

**Article -196-**

The Court may order the litigant who wins the lawsuit to pay all or part of the costs if the convicted party recognises his claim or if the prevailing litigant has caused pointless expenses to be incurred or if he has left the other litigant in ignorance of documents or the contents of documents available to him which had a decisive bearing on the lawsuit.

**Article -197-**

If both the litigants are unsuccessful in some claims a judgement may be given that each litigant bears the costs he himself has paid, or costs may be divided between the litigants according to the Court's evaluation in its judgement. It may also rule them all to be paid by one of them.

**Article -198-**

If the purpose of the lawsuit or the defense in the lawsuit is purely malicious intent, it shall be permissible to issue a judgment for compensation against the party who had such intent.

**Article -199-**

Costs of the lawsuit and attorney's fees shall be assessed in the judgment, and the parties shall attach a statement of these expenses along with the lawsuit file. If the assessment is overlooked in the judgment, the court that issued the judgment shall order the litigant to pay the expenses after hearing their statements. This shall be done based on a supported request with documents submitted by the concerned parties. The court shall determine the costs and fees entitled to the lawyers and shall order the payment.

**Second - Methods of Appeal Against Judgements**

**Article -200-**

The methods of appeal against judgements are:

1- Objection to judgement in absentia

2- Objection by a party external to the litigation

3- Appeal

4- Requesting a re-hearing of the trial

**1) Objection to Judgement in Absentia**

**Article -201-**

Objection maybe made to any judgment passed in abstentia in accordance with the provisions of the law in the Court which handed down the judgment.

**Article -202-**

The time limit for the objection is fifteen days from the date on which the convicted party is notified of the judgement passed in absentia. A judgement passed in absentia shall be deemed null and void if not been submitted for execution within six months from the date of notification of the party convicted in absentia.

**Article -203-**

Objections shall be filed with the Court which handed down the judgement by default by means of a notice served on the opposed party in accordance with the usual conditions prescribed for methods of filing lawsuits and serving notification thereof.

The notice of objection shall identify the judgement opposed and the grounds for opposition.

The opposer shall pay the full fee upon submitting the notice of objection.

**Article -204-**

An objection filed properly within the time limit shall stay the execution of the judgement in absentia or commencement of execution if it has not begun.

However, objecting to the absentia judgement shall not prevent the prevailing litigant, as deemed necessary for his interests, from taking necessary precautionary measures, such as imposing precautionary seizure on the assets of the convicted party whether in his possession or in the possession of a third party, and impose a travel ban.

**Article -205-**

If the opposer and the opposed appear in Court at the appointed time and the Court finds the objection has been submitted within the legal time limit, the Court shall rule that the objection be formally admitted. The grounds for the objection and the additional evidence of the party objected against shall then be examined after which the opposed judgement shall be either upheld, amended or annulled.

**Article -206-**

If the opposer and opposed do not attend the session appointed for examination of the objection, despite being duly notified, the Court shall decide to reject the objection, and the opposer may not object thereto for a second time.

**Article -207-**

If the opposed does not attend the session appointed for examination of the objection despite having been duly notified, the Court shall, upon request of the objector, decide to proceed with the objection lawsuit concerning the opposed in his absence and to admit the objection if it appears to have been submitted within the legal time limit, then examine the grounds for the objection and issue its decision rejecting, amending or upholding the judgement by default. However, the opposed is entitled to appeal against the ruling on the objection and the time allowed for appeal shall apply from the date of his being notified of this ruling by the Court.

**2) Objection by a party external to the litigation to the judgement passed thereon**

**Article -208-**

In cases where the judgement issued in a lawsuit takes the form or an argument against a person or is damaging thereto and he has not hitherto been impleaded into the lawsuit nor has he intervened in it, this person is entitled to object to this judgement unless his entitlement has lapsed through expiry of the time limit.

**Article -209-**

The objection shall be filed with the Court which handed down the judgement by the usual methods of filing lawsuit, subject to the provisions concerning service of notification and process, and payment of the prescribed fee.

**Article -210-**

The objection may be filed in the form of a interlocutory applications by making it subordinate to another existing lawsuit unless the Court is by its nature incompetent to deal with this or inferior in status to the Court which has handed down the judgement, in which case objections may only take the form of an original lawsuit filed with the Court which has handed down the judgement.

**Article -211-**

As a result of the objection to the judgement, the litigation shall be brought before the Court once again and no one but the person who filed it shall draw advantage from the ruling given thereto.

**Article -212-**

Objections to the judgement shall not stay execution thereof unless the Court with which the objection is filed orders it to be stayed for substantial reasons.

**3) Appeal**

**Article -213-**

Appeal may be made against judgements issued on the subject of the lawsuit in the first instance unless the law provides otherwise.

**Article -214-**

Judgements given in the course of the lawsuit may not be challenged by way of appeal, nor may the litigation be terminated thereby until the final judgement in the litigation has been given - all this taking place in the Court of first instance - except judgements issued on urgent matters. An appeal against the judgement on the subject-matter of the lawsuit necessarily implies appeal against all prior judgements given in the lawsuit unless these are explicitly admitted.

**Article -215-**

Litigants may agree that the judgement of the Court of first instance be final, in which case there can be no appeal against the judgement unless there is something invalid in the judgement or something invalid in the proceedings which affects the judgement.

**Article -216-**

The time limit for appeals is thirty days from the date on which the convicted party was notified of the judgement.

The judgement shall be notified to the - convicted person or to his place of residence or his elected domicile.

In the event of the deadline given above not being observed the right to appeal against the judgement shall lapse and the Court shall rule at its own instance that it has lapsed.

**Article -217-**

Appeals shall be filed by means of a bill submitted to the Lawsuit Registration Section of the Court with which the appeal is being filed in accordance with the conditions prescribed for the filing of lawsuits. The petition of appeal shall include a reference to the judgement appealed against, its date, and the grounds for appeal. The appellant shall pay the full fee on submitting the petition of appeal, otherwise the appeal shall not be formally admitted.

**Article -218-**

The appellant shall enclose, with the petition of appeal, as many copies of it as there are parties appealed against, and he shall enclose with the petition copies of all supporting documents for his appeal together with an explanatory memorandum on the grounds for the appeal.

**Article -219-**

The Clerks Section of the Court with which the appeal is filed shall record the petition of appeal in the Court's register kept for that purpose on the day on which the petition is submitted, and on the day following its submission it shall seek incorporation of the file on the initial lawsuit and deliver to the appellee a copy of the petition of appeal.

The appellee may, within ten days of the petition of appeal being delivered to him, lodge with the Clerks’ Section of the Court with which the appeal is filed, with memorandum for defence accompanied by such documents as he deems fit to submit.

If he does so the appellant may also within ten days of the expiry of the deadline laid down in the preceding paragraph lodge a plea with the Clerks’ Section of the Court accompanied by such documents as he sees fit to submit supporting the refutation.

**Article -220-**

Of the pleas and dockets of documents lodged in the name of the litigant there shall be the original and as many copies as he has litigants, and they shall be signed by him or by his attorney in the appeal litigation or by his representative.

**Article -221-**

When the deadlines in the preceding Articles have elapsed the Court Clerk shall appoint a session for the appeal to be examined and notify the appellant and the appellee of the date thereof.

**Article -222-**

The same principles and procedures which apply to the lawsuit examined in the Court of appeal shall apply to the lawsuit in the Court of First Instance unless the law states otherwise.

**Article -223-**

The appeal transfers the lawsuit as it was before the judgement appealed against was issued with respect only to that concerning which the appeal is filed.

**Article -224-**

The Court shall examine the appeal on the basis of the evidence and pleas, and aspects of new defences submitted to it and those submitted to the Court of first instance.

The new evidence referred to in the preceding paragraph shall only be admitted in the Court of appeal with the consent of the Court and on the following conditions:

1- That the Court has ascertained that the appellant did not submit the evidence to the Court of first instance for reasons beyond his control.

2- That the new evidence, if not admitted in the lawsuit, shall have an important bearing on its outcome even if it is not conclusive.

3- That the new evidence shall be prima facie plausible; in other words it shall be self-evidently valid and substantial, but it is not obligatory that it should be impossible to prove the opposite.

**Article -225-**

New claims shall not be admitted in the appeal and the Court shall at its own instance rule them out of court. Nevertheless wages, salaries and all supplements due since the submission of the final claims to the Court of first instance, and additional liabilities since the ruling appealed against was given, may be added to the original claim. Likewise, while the merits of the original claim remain the same, the grounds for it may be altered or added to.

**Article -226-**

A person who was not a party to the lawsuit before the Court of first instance may not be impleaded into the appeal, nor may anyone intervene therein unless he is seeking to be associated with one of the litigants or the appealed ruling is considered to be an argument against him. He may object to it in accordance with the provisions laid down for this purpose.

**Article -227-**

If an initial ruling is issued in which a part of the claims of one of the parties to the litigation is granted or in which each of them is ruled against in favour of the other regarding all or part of what is required of him, each of them may appeal against the ruling with respect to that wherein it rules against him.

If both appeals are filed within the deadline by the proper procedure and neither of the appellants has accepted the initial ruling, they shall be two independent original appeals, and the Court shall judge each of them separately or combine them to rule on them in a single judgement.

If one of the parties appeals against the judgement and his opponent is satisfied with it or has allowed himself to miss the deadline for appeal, such litigant may not file an original appeal, but may reply to the original appeal filed against him with a subsidiary appeal on his part.

The subsidiary appeal shall be subordinate to the original appeal and shall cease when the latter is no longer valid. A ruling that the original appeal is not admitted or that the petition thereof is invalid shall necessarily entail the lapse of the subsidiary appeal connected therewith.

**Article -228-**

The Court of appeal shall decide either to reject the appeal and uphold the appealed judgement or admit it and amend the appealed judgement or annul it and issue an alternative ruling on the merits of the lawsuit.

If the Court decides to annul the appealed judgement, it shall refer the lawsuit to the Court of first instance to judge it again in any of the following cases:

1- Where the appealed judgement was given on a matter concerning jurisdiction.

2- Where the Court of first instance has ruled on the original claims and neglected to judge the auxiliary claims.

3- Where the Court of first instance neglected to rule on one of the claims submitted thereto.

**4) Request for Re-hearing of the Trial**

**Article -229-**

The litigants may request re-hearing of the trial with respect to final judgements issued by courts of appeal or courts of first instance for any of the following reasons:

1- If the litigant or his representative commits an act of trickery or fraud liable to have a bearing on the judgement.

2- If after issuance of the judgement, the documents on which it was based are admitted or ruled to have been forged or if the judgement was based on a false testimony of a witness judged after the judgement has been passed to have been false.

3- If, after the judgement is issued, the litigant acquires documents with a deciding influence on the lawsuit which his adversary had prevented from being submitted.

4- If the judgement decides something the litigants did not claim or more than they claimed.

5- If two contradictory judgements are issued by the same Court and both litigants are similarly described and the lawsuit is the preceding one, provided that no article has been enacted that could, according to the law, be a reason for the handing down of a different judgement.

**Article -230-**

The period for re-trial is the same as the period appointed for appeals, and starts from the date on which the convicted party is notified of the judgement in accordance with the provisions of Article 216 of this Law, except in the cases provided for in the three paragraphs of the previous article, so that the time limit shall only commence from the first day on which the fraud becomes evident or on which the forger admits to his forgery or a judgement is given establishing it, or on which a ruling is given on the false witness, or the day on which the withheld document comes to light.

The request for re-trial shall be submitted to the Court which issued the judgement in the regular manner of filing lawsuits, and in the course of this the exchange of bills between the litigants shall take place in accordance with the provisions of the law.

**Article -231-**

If the request for re-trial is submitted within the legal period and incorporates one or more of the reasons provided for in Article 229 of this Act, the Court shall decide to admit the request, then examine the basis of the lawsuit, and, after having heard the testimonies of the litigants and scrutinised their probative documents, issue its ruling either rejecting the request or annulling or amending the judgement.

If, however, the request for re-trial is admitted on the basis of the existence of two contradictory judgements, the second shall be annulled and the first shall remain in force.

**Article -232-**

Motion for re-trial shall not be accepted for a judgment that has been issued based on a retrial

**Part Seven**

**Arbitration**

**Article -233-**

The contracting parties may make general provisions for arbitration in respect of disputes arising between them over the execution of a certain contract tr, or agreement may be reached on arbitration in respect of a particular dispute by means of a special arbitration agreement.

The agreement on arbitration shall be valid only if it is made in writing. The issue of the dispute shall be specified in the arbitration agreement or in the course of proceedings, even where the arbitrators are authorised to bring about conciliation, otherwise the arbitration is invalid.

Arbitration is not permissible in matters where conciliation is not allowed. Arbitration is only permissible for those competent to dispose of their rights, without prejudice to the provisions of any other law.

**Article -234-**

An arbitrator may not be a minor, interdicted, deprived of his civil rights as a result of a criminal punishment, or bankrupt, unless he has been rehabilitated. Where there are several arbitrators, their number shall be uneven; otherwise, the arbitration is invalid.

The arbitrators shall be named in the arbitration agreement or in a separate agreement. The assent of the arbitrator shall be given in writing. Once he has agreed to arbitrate, he may not withdraw without substantial cause; otherwise, he may be found liable for damages. The arbitrators may not be dismissed except by mutual consent of the litigants or by court order.

**Article -235-**

If a dispute arises and the litigants have not agreed on the arbitrators, or if one or more of the agreed arbitrators has abstained, withdrawn or been dismissed, or an impediment has arisen to prevent him from acting, and there is no agreement between the litigants concerning this matter, the Court originally given jurisdiction to examine the dispute shall appoint the necessary arbitrators at the request of the party concerned with expediting the matter, in the presence of the other litigant or in his absence, having been summoned to attend. The decision given in this respect may not be challenged or appealed against.

**Article -236-**

The litigants shall, in consequence of the arbitration clause, relinquish their rights of recourse to the court which is actually competent to examine the dispute. If a dispute arises concerning the execution of a contract containing an arbitration clause and one of the parties thereto files a lawsuit before the competent Court, the other party may invoke the rules by means of a plea for the lawsuit not to be heard and for recourse to be had to the arbitration clause in accordance with the agreement.

**Article -237-**

If the litigants do not specify in the arbitration agreement a time limit for the award, the arbitrators shall give an award within three months of their agreeing to arbitrate; otherwise, either litigant may take the dispute to the competent court, unless they have jointly agreed to extend the time limit.

The award of the arbitrators shall be based on the principles of law, unless they are authorised to bring about conciliation, in which case they are not bound by these principles. If the arbitration agreement was made in Bahrain, the Bahraini law shall be applied in all aspects of the dispute, unless the parties agree otherwise and provided the arbitration takes place in Bahrain.

**Article -238-**

The arbitrators shall rule in the dispute on the basis of the litigants' submissions. The arbitrators shall set a time limit for them to submit their documentary evidence, memorandums and points of defence.

The litigants shall submit to the arbitrators all documents, papers, accounts and written evidence in their possession or charge, and do all that the arbitrators require of them.

Either of the litigants, or the arbitration committee, may file an application to the Court for any document necessary to the arbitration in the possession of others to be produced or for notice to be sent to any witness to attend in order to give testimony before the arbitration committee.

The arbitrators may make witnesses take an oath or charge them to make a formal declaration to tell the truth. Anyone giving false testimony concerning an essential issue before an arbitrator or umpire shall be held to have committed false testimony just as if he had been giving testimony before a competent court. He may be cross-examined and punished according to the penalty laid down for false testimony.

**Article -239-**

The award of the arbitrators shall be made by a majority of opinions. The award shall be made in writing, and shall include in particular a copy of the arbitration agreement, a summary of the litigants' statements and documents, reasons for the award and date of issue of the award, and the signatures of the arbitrators. If one or more of the arbitrators refuses to sign the award, this should be stated therein. The award shall be legally valid if it is signed by a majority of the arbitrators.

Awards made as a result of arbitration may not be challenged.

**Article -240-**

All awards made by the arbitrators, even if made by way of confirmation, shall be deposed in the original copy, together with the original arbitration agreement, at the clerk of the Court which is actually competent to hear the lawsuit within three days after issuance. The clerk of the court shall draft a record of this deposit and notifies a copy thereof to the concerned arbitrating parties.

If the arbitration arises in connection with an appeal case, deposition shall be made at the office of the clerk of the court which is actually competent to hear the appeal.

**Article -241-**

The arbitrators' award shall not be executable without an order issued by the President of the Court with whose Clerk's Office the original award was filed at the request of any of the concerned parties after perusal of the award and arbitration agreement and after ascertaining that there is nothing to prevent its execution, and after the lapse of the period for appeal, where the award admits of appeal.

The executive judge is responsible for all matters concerning the execution of the arbitrators' award.

**Article -242-**

The award of the arbitrators may be appealed against in accordance with the established principles for appealing against court judgements, within thirty days of the record on the original award's deposition being sent to the arbitrators. The appeal shall be submitted to the competent court of appeal.

However, the award may not be appealed against if the arbitrators are authorised to bring about conciliation or if they are arbitrating on an appeal, or if the litigants have explicitly waived the right to appeal.

**Article -243-**

Any interested party may request that the final award of the arbitrators be invalidated in the following cases:

1- If it was issued on the basis of an invalid arbitration agreement or departed from the bounds of a valid agreement.

2- If it was issued by arbitrators who were not appointed in accordance with the Law.

3- If any of the reasons is established for which re-hearing of the trial can be requested.

4- If an invalidating fact in the award or the proceedings affects the award.

Requests for invalidation shall be filed in the normal manner to the court which is actually competent to examine the dispute, on payment of the prescribed fee.

The litigant's waiver of his rights prior to the arbitrators' award being issued shall not prevent the request from being accepted.

Filing a lawsuit challenging the arbitrators' award shall result in the suspension of the award’s execution, unless the court decides that execution shall continue.

**Part Eight**

**Execution**

**1) General Provisions**

**Article -244-**

The Courts of Execution shall have jurisdiction to execute judgements and decisions made by the Civil Courts in their various kinds and degrees. Execution shall take place under the supervision and control of the Judge of the Court of Execution unless otherwise provided by law.

Execution may be in accordance with authenticated instruments and conciliation records ratified by the courts and other documents granted such status by law.

**Article -245-**

Judgements may not be forcibly executed while it is permitted to appeal against them by means of objection or appeal unless accelerated execution is provided for in the law or ordered in the judgement.

Accelerated execution is obligatory by force of law for judgements and orders given on urgent matters and it is obligatory by force of law provided a guarantee is given for judgements issued on commercial matters.

**Article -246-**

The Court may make its judgement inclusive of accelerated execution, with or without guarantee, at the request of the litigants in the following cases:

1-If the convicted person has admitted the inception of obligation.

2- If the judgement is in execution of a judgement having attained the final degree or based on an unchallenged authentic document or an un-repudiated private document, where the convicted person was a litigant in the previous judgement or a party to the document.

3- If the judgement is issued in lawsuits of possession.

4- If the judgement is issued to remove the tenant from the leased property in accordance with the law.

5- If the judgement is issued by deciding on a temporary alimony, an obligatory alimony, a nursery or child custody allowance, a dwelling, or the surrender of the child to his mother.

6- If the judgement is issued for the payment of the wages and salaries of employees and functionaries or the wages of servants, manufacturers or workers.

7- If the judgement is issued to carry out urgent reforms.

**Article -247-**

The court to which the appeal or objection is filed may order the suspension of accelerated execution if it deems that the grounds for challenging the judgment are likely to result in its annulment and if it fears grievous damage may arise therefrom.

**Article -248-**

In cases where a judgement or order may only be executed under guarantee the person under obligation may opt either to deposit with the Court's treasury sufficient money or securities or to agree to deposit the proceeds of execution with the Court's treasury or to deliver what he is ordered in the judgement or order to a capable receiver.

**Article -249-**

It shall not be permissible to seize the necessary bedding of the convicted person, his spouse, relatives, and in-laws who reside with him in the same household. It shall also not be permissible to seize the clothing they wear, the books necessary for the debtor's profession, the tools of trade used personally by the debtor in his work, or the necessary provisions for the debtor and his family for a period of a full two months.

No execution may be carried out against the house of the judgment-debtor in which he dwells with his family, if it is appropriate and on condition that the house has not been given as a security for a debt incurred by the debtor or if the debt arises from the cost of that house.

In the event of the debtor's death before the debt is repaid, the dwelling house shall be left as the exclusive property of the family he is legally obliged to support.

**Article -250-**

It is not permissible to seize the salaries of employees and functionaries, nor the wages of servants, workers and laborers, except up to one-quarter. In case of competing debts, half of the seize amount shall be allocated for fulfilling the debts arising from alimony, and the other half for other debts.

The seizure of wages does not prevent the seizure of the debtor's other properties.

The other cases in which the seizure of salaries and wages is not permitted are set out in the law.

**Article -251-**

Public property or property owned by the state may not be seized nor executed.

**Article -252-**

Court judgements and orders passed in any foreign country may be ordered to be executed on the same conditions as are laid down in the law of that country for executing court judgements and orders issued in Bahrain.

The request for execution order submitted toted to the High Court in accordance with the terms and conditions for filing the lawsuit after payment of the prescribed fees.

It is not permissible to order execution except after verifying the following:

1- The courts of the of Bahrain are not competent to hear the dispute in which the judgment or order has been issued, and the foreign courts that issued it are competent to hear it in accordance with the rules of international jurisdiction established in its law.

2- The litigants in the lawsuit in which the judgment was rendered have been summoned to appear and have been properly represented.

3- The judgment or order has acquired the final degree in accordance with the law of the court that issued it.

4- The judgment or order does not contradict a judgment or order previously issued by the courts of Bahrain and does not contain anything contrary to public order or morals therein.

**Article -253-**

The provisions of the preceding Article shall be applicable to the awards issued by arbitrators in any foreign country. Any such award shall have been passed in respect of a question which is subject to arbitration in accordance with Bahrain law.

**Article -254-**

Official instruments drafted in any foreign country may be ordered to be executed in Bahrain on the same conditions as are laid down in the law of that country for executing official instruments executed in Bahrain.

Any application for issue of an execution order shall be submitted to the execution Judge upon payment of the prescribed fees.

No execution order may be issued except after ensuring the fulfilment of the conditions required for validity of the instrument in accordance with the law of the country where it was made, provided that the instrument shall not contain anything which constitutes a contravention of public order or ethics in Bahrain.

**Article -255-**

Compliance with the rules set forth in the preceding three Articles shall not prejudice the provisions of existing conventions or those which are to be entered into between Bahrain and other states in this respect.

**Article -256-**

The execution judge may issue orders and decisions in respect of the following matters:

1- Placement of seizure on the property of a convicted party and lifting the seizure thereof.

2- Sale of property which is under seizure t.

3- Imprisonment of a convicted party.

4- Payment of amounts collected from the convicted party to the prevailing litigant t or surrender of the disputed items to the latter party.

5- Taking precautionary or provisional measures.

6-Authorising the use of force whenever it’s necessary and seeking the assistance of the police, if necessary.

**Article -257-**

 Decisions passed by the Judge of the execution court in connection with validity of execution, rules governing procedures thereof or affecting proceedings thereof may be appealed against by any interested party before the High Court within seven days from the date of serving notice thereof to the persons concerned. In this case, the appeal shall be considered as urgent matters which shall be directly filed with the Court without any preliminary procedures or preparation after payment of the prescribed fees. The Court shall closely examine the appeal unless it deems otherwise, and the decision of the High Court shall be deemed final.

**Article -258-**

The appeal against the decisions of the judge of the Execution Court referred to in the preceding Article shall cause the postponement of the execution of the sentence until the High Court completes its examination of the decisions appealed against.

If the appeal relates to a decision regarding the imprisonment of the convicted party, the appellant shall provide a surety to be approved by the Execution Court and shall give a guarantee in an amount deemed by the Court to be suitable in addition to giving an undertaking to appear along with the convicted party before the Execution Court whenever asked to do so.

**Article -259-**

Objection to the execution procedure shall not be accepted before the execution court if the objection is based on an appeal against the bond to be executed or its error.

The judge of the Execution Court shall not alter the judgements described as preliminary or final, nor order their inclusion in accelerated execution if they are not covered by it, nor prevent their execution if they are covered by accelerated execution.

**Article -260-**

If there is any obscurity or ambiguity in the judgement writ which is required to be executed , the Execution Court may not offer any explanation or clarification of its own, and it shall be imperative for the judge of the Execution Court, prior to execution of the judgement, to seek in writing from the Court which passed the said judgement, an explanation of the obscurity or ambiguity contained in the judgement writ.

The judge of the Execution Court shall advise the interested parties to approach the relevant Court if it appears to him in the course of execution that there are certain matters which require the issue of a court judgement in respect thereof. However, such advice shall not cause any delay in the execution of other obvious sections of the judgement writ where the aforesaid sections are not dependent upon the matters advised to be locked into by the relevant Court.

**Article -261-**

Unless otherwise provided by the law, execution shall take place in accordance with a copy of the judgement writ carrying the words "A true and original copy delivered for execution purposes”

The executive copy of the writ shall be signed by the judge of the Court which has passed the judgement and shall be stamped by the Court's official seal.

This copy shall only be handed over by a Court order to a person having an interest in the execution of the judgement after payment of the prescribed fees, provided that the judgement is to be executed.

**Article -262-**

The execution shall be filed to execution court by submitting an application signed by the applicant or who is acting on his behalf . The said application shall be accompanied by the writ sought to be executed. The application shall contain the following details:

1- Name of the applicant, his designation and address or place of residence.

2- Name of the convicted person and his address or place of residence.

3- Summary of the execution request.

4- Summary of the writ with a statement of the authority or Court which issued it.

5- Statement that specifies the properties of the convicted person for which a seizure is requested, if possible.

The applicant for execution shall, upon filing his request, pay the prescribed fees and the request shall be accompanied by a number of copies equal to the number of convicted parties. The Execution Department shall record the request and the supporting documents in the relevant Register kept by the Court for this purpose. The applicant shall be issued with a deposit certificate in which shall be stated the deposit date and details of supporting documents.

**Article -263-**

The Execution Court shall maintain a special register in which it shall enter execution requests. A file shall be maintained for each request to be kept therein all documents and papers pertinent to the said requests. Subsequent to the taking of every action, the Judge of the Execution Court shall evidence any judgements or orders issued thereby.

**Article -264-**

The Execution Department shall, on the following day after the filing of the execution request, forward to the debtor, a copy of the execution request along with copies of the documents referred to in Article 262 of this Law.

Such notification to the debtor shall include an order to the debtor for fulfilment of the debt owed by him within seven days from the date of notification.

The notification shall be served on the debtor personally or addressed to its original domicile.

If the debtor dies, loses capacity, or the person authorized to act on his behalf loses capacity before the execution proceedings commence or are completed, execution shall not be permitted until one month has elapsed from the date on which the debtor’s heirs or representatives are notified of the execution request.

In the event of the debtor's death, the documents pertinent to execution shall be forwarded to all its heirs at the most recent residence address of their testator without stating their names and titles.

**Article -265-**

In cases of expedition or when the delay of execution has damaging consequences, the Court may, upon a requisition from the litigants, order the execution of the judgement by using its draft without notification.

In this event the clerk shall deliver the judgement draft to the Execution Department. The above-mentioned Department shall return the draft immediately after completing the execution proceedings. The party seeking execution shall, in this case, pay the prescribed fees.

**Methods of Compulsory Execution**

**Article -266-**

 Compulsory execution shall be carried out in pursuance to the rules and procedures mentioned in the following Articles.

**a- Compulsory Execution Against the Convicted Person before the Execution Court**

**Article -267-**

If the convicted person fails, within the periods specified by the provisions of Article 264 of this Law, to fulfil the requirements of the petition submitted to the Execution Court, the prevailing litigant shall, upon the elapse of the aforesaid periods, ask the Execution Department to summon the convicted person to the Execution Court to take executive action against him.

The Execution Department shall fix a date for holding a Court session within no more than thirty days from the elapse of the aforesaid periods. The date of the Court session shall be notified to the parties concerned in accordance with the rules laid down in this Law in respect of summons and notification.

If the convicted person fails to appear in Court at the session fixed for this purpose, the Execution Court shall issue an order to bring him before the Court by the police. In such an event, a writ signed by the Execution Judge shall be sent to the police for the arrest of the debtor who shall be brought to the Execution Court.

**Article -268-**

Should the convicted person appear in Court immediately upon the service of notification thereto or if he is brought in by the police, the Judge shall demand payment of the debt in one lump sum. If the said debt is satisfied together with the costs, fees and interest, if any, the debtor shall be released. Then a collection fee shall be charged against the amount paid of which the balance shall be kept in custody in the name of the creditor. A brief summary of the aforesaid procedures shall be recorded in the execution statement.

**Article -269-**

Where the debtor fails to pay the debt and its elements referred to in the foregoing Article in one lump sum in spite of having recognisable property, a compulsory execution shall take place by seizing the debtor's property to the extent of satisfying the debt and elements thereof, provided that the seizure and sale of the debtor's property shall be carried out in accordance with the rules laid down with respect to seizure.

In case the debtor has no recognisable property and if the creditor provides no evidence as to the debtor's property, the prevailing litigant may demand the debtor's imprisonment unless the latter submits a petition to be approved by the Court for a compromise for repayment of the debts or repayment in instalments with or without the provisions of a surety.

If the creditor agrees to the settlement terms, the debtor shall be released.

**Article -270-**

If the debtor conceals its seizable property or if he smuggles its funds without having offered any settlement, provided an acceptable surety or suggested a compromise and committed a breach of the terms thereof, the creditor may request the Judge of the Execution Court to order the imprisonment of the debtor.

**Article -271-**

If it is established to the Judge of Execution Court that the convicted litigant is capable of carrying out the court judgement as required in the execution petition and in the Judge's order for settlement of the debt, but the said litigant does not comply with the said order, the Judge may order the imprisonment of the said convicted litigant.

**Article -272-**

The period of imprisonment referred to in the preceding Articles shall not be more than three months. However, the convicted litigant shall be released if he fulfils the requirements of the judgement or provides an acceptable surety.

The imprisonment of the debtor does not absolve them from the debt, nor does it prevent the seizure of their property or the execution of the judgment through regular means.

**b- Execution against the debtor's property**

**Article -273-**

Without prejudice to the rules regarding the debtor's real estate, any execution against the debtor's property shall be effective by seizure of its movable and immovable property and the sale of such property by a public auction.

 Seizure of the debtor's property and sale thereof shall be barred upon a requisition from the parties concerned endorsed by a decision of the judge of the Execution Court, provided that the property is such that it is not seizable nor subject to a legal sale. The seizure shall only be lifted by a decision from the judge of the Execution Court.

**Article -274-**

An execution shall be undertaken by the police or by officers of the Execution Department who are appointed for this purpose by the Execution Court Judge. The authority vested with the execution powers shall be bound to undertake it by virtue of a judgement passed or decision adopted by the Execution Court.

**1) Seizure of the debtor's movable property and sale thereof**

**Article -275-**

The seizure of the Debtor’s movables shall be levied by preparation of a record in which shall be recorded the seized items, their description, approximate value, date and place of the seizure and any obstructions or objections encountered by the officer in charge.

The said seizure record shall be signed by the officer in charge and the debtor, if present. The officer in charge may not force doors open or undo locks in the course of seizure except in the presence of an authorised police officer who shall sign the seizure record .

A seizure shall not imply the removal of seizure items from their location.

**Article -276-**

Where a seizure is levied upon jewellery, gold or silver bullion or other precious metals or upon jewellery made of any precious stones, they shall be weighed and their descriptions shall be recorded precisely in the seizure record .

An assessment of the said items shall be made by an expert to be appointed by the Execution Court Judge upon the request of the officer in charge or the request of the distrainer or the distrainee.

Where a seizure is imposed upon any amounts in cash or banknotes, the officer in charge shall record their description and amounts in the statement and shall cause the deposit thereof with the Court Treasury.

**Article -277-**

Items shall be considered seized as soon as they have been recorded in the seizure record even though no official receiver has been appointed in respect thereof. The distrainee may not dispose thereof, otherwise he shall be charged with misappropriation and be punished in pursuance of the provisions of Article 251 of the Bahrain Penal Code of 1955.

**Article -278-**

The seizure record shall be referred to the Execution Court Judge for scrutinising the contents thereof. He shall subsequently order the sale of the seized items and shall fix the date and place of sale.

The Execution Department shall forward a copy of the seizure record to the distrainee if not present at the time of imposing the seizure.

The date of sale may only be set after the elapse of seven days from the date of levying the seizure or from the date of forwarding a copy of the seizure record to the distrainee.

Where the seized property is perishable or the value thereof too limited to meet the costs of its safekeeping, the Execution Court Judge may decide the immediate sale thereof.

**Article -279-**

Sufficient notice shall be given in respect of the sale of seized items, or alternatively the Court may decide the manner whereby the sale is to be announced. The sale shall take place by a public auction to be held at the prescribed time and place.

The officer in charge of the execution shall be instructed to proceed with the sale if the proceeds are believed to be sufficient for repayment of the debts for which the property is seized in addition to the costs.

The officer in charge shall deposit the proceeds of sale with the Court Treasury and shall prepare a record which shall be signed by the auctioneer, the purchaser and two witnesses.

**(2) Seizure of Stock, Bonds, revenues, Shares and Sale Thereof**

**Article -280-**

Where stock and bonds are endorsable or for the bearer, they shall be seized in pursuance of the conditions set down for seizure of movable property. As regards profits, nominal shares, dividends accrued and held by any corporate entity and rights of minors, they shall be seized in accordance with the conditions laid down in respect of seizure of the debtor's property held by third parties.

A seizure of the rights referred to in the preceding paragraph two shall create a seizure of the benefits and interest accrued or due to accrue until the date set for sale thereof.

**Article -281-**

Stock, bonds and other securities set forth in the foregoing Article shall be sold by a bank, broker or money changer to be nominated by the Execution Court Judge upon an application filed by distrainer. In his order, the Judge shall state the action required to be taken to notify the sale to the public.

**(3) Seizure of the Debtor's Properties in the Possession of Others.**

**Article -282-**

The prevailing litigant shall be entitled to seek the execution of the Court judgement by seizing any funds held or debts owed by third parties to the debtor, even if such debts are deferred or dependent upon the fulfilment of a particular condition, as well as the debtor's movable property held by any third party.

The seizure shall be carried by a at seizure writ to be notified to the distrainee personally. The said writ shall be accompanied by the statement under which the seizure is being imposed and by an account of the amount for which the seizure is levied. The seizure writ shall contain a warning against handing over the aforesaid property to any person and against disposing thereof except by order of the Execution Court Judge, otherwise the distrainee shall be held liable therefor.

**Article -283-**

The distrainee shall provide the Execution Court Judge with a statement of the property held by him within one week from the date of serving the seizure writ thereon. The seizure record shall mention the amount of the debt, reasons for creation thereof and causes of its extinguishment if the debt has been extinguished. The distrainee shall produce the supporting documents or copies thereof.

The distrainee shall, within one week from the date of its statement, deposit with the Court Treasury the amount declared to be in its custody or the amount to which the distrainee is entitled.

**Article -284-**

If the distrainee abstains from declaring the property held in his custody, makes a false statement in respect thereof, or if he keeps in hiding the documents required to be provided for confirmation of the aforesaid statement, a judgement may be issued holding it liable for the amount seizure.

However, if the distrainee gives a proper statement on the property held by him but refrains from effecting the deposit and settlement as required by the provisions of the foregoing Article, the Execution Court Judge may issue an order in favour of the distrainer for execution against the property of the distrainee.

**Article -285-**

If the seizure is levied upon movable property, it shall be sold in pursuance of the procedures set down for sale of movables regardless of any further action for another seizure.

**Article -286-**

The prevailing litigant may, upon an order of the Execution Court Judge, levy a seizure of any funds owed to the debtor. The seizure shall be effected by a seizure writ to be served to the debtor which shall be summoned to appear in Court, if necessary, for a hearing of the Court judgement declaring the validity of the seizure.

**Article -287-**

If the property sought to be seized is the rent of the debtor's real property, the tenant may not make any claim as to payment of the rent in a manner contrary to the provisions of the lease contract or to the applicable custom and usage in case the said lease contract is not available.

The tenant shall be liable for the rent if he pays in contravention of the above unless it produces evidence in respect thereof by an official instrument or a court judgement.

**(4) Seizure of Wages and Salaries**

**Article -288-**

No seizure may be made upon wages and salaries of any employee, worker or servant in respect of any debt owed by him except to the extent permitted to be seizure in accordance with the provisions of the law.

The person in charge of encashment of wages shall be bound to execute the seizure writ. In this case such person shall, upon notifying him of the seizure action, be regarded as a third party.

The said person shall within one week from the date of serving notification of the seizure thereon advise the Execution Court of the actual amount of the wage or salary. In addition, he shall notify the Court of every alteration occurring to the debtor's position and wage or salary. He shall deposit the amounts subject to the seizure with the Court Treasury on a regular basis.

**(5) Seizure of real property and sale thereof**

**Article -289-**

Where the Court decides to seize the debtor's real property, it shall be imperative upon the Execution Department to give immediate notice to the Land Registration Directorate to indicate the seizure on the property's registration in the Directorate's official records.

Immediately upon making the entry regarding the seizure of the real property, no transaction shall be permitted to be carried on in respect of the said property without the consent of the Court.

Any transaction undertaken in contravention of the above subsequent to the date of making the entry regarding the seizure shall not be valid towards the distrainer creditor.

**Article -290-**

The Execution Court Judge shall instruct an officer of the Execution Department to prepare a seizure record in which he shall indicate the property's location, description, type, borders, contents, area, number - if any- and condition of all trees and plants grown thereupon together with a statement of the number and kinds of the said plants, capacity of the property's occupant, supporting documents, amount of the rent and conditions of the lease.

The officer in charge of levying the seizure of the property shall, for the purpose of obtaining the aforesaid details, have access to the said property.

**Article -291-**

The seizure record shall be referred to the Execution Court Judge who shall determine the terms and conditions of sale and basic price.

The Judge may seek the assistance of experts in order to decide the price. The debtor shall be given notice of the conditions of sale and the basic price. The said notice shall contain an order for payment of the debt amount, costs and interest chargeable within seven days from the date of such notice, otherwise the Court Judge shall order the sale of property by a public auction.

The Judge may decide to authorise the debtor to sell its property, if the latter so requests, provided that the debt amount, costs and chargeable interest shall be deducted from the proceeds of sale.

**Article -292-**

Where the debtor fails to repay the debt together with the costs and interest following the service of notice thereon without seeking permission to sell its property in accordance with the provisions of the foregoing Article, the Execution Court Judge shall set a date for a Court session for the sale of the property by a public auction

A notification regarding the sale shall be made by the Execution Department not less than fifteen days and not more than thirty days from the date fixed for the sale. This notification shall be made by displaying a notice at the entrance of the property and on the Court's notice board in addition to publication in the Official Gazette.

The Court may instruct a broker or more to make a public notification in the markets on the sale of the property.

**Article -293-**

In case there are several seizures of property, it shall be sold by a single auction in which event all the said seizures shall be executed upon the proceeds of the auction. However, in case several properties are seized, a separate statement of the conditions of selling each property shall be drawn up unless the Execution Court Judge deems it beneficial that several properties be sold according to the same terms and conditions.

**Article -294-**

The officer in charge of execution shall hold the auction on the date set for the sale.

The auction shall start at the session designated for holding the sale by proclaiming the basic price, costs and interest due. Then the property shall be decided to be sold to the highest bidder. Any offer not outbid within five minutes shall be accepted. However, the Court may postpone the sale session to a later date if it finds that there are no bidders or that the price offered is far below the estimated basic price.

The successful bidder to whom the seized property has been sold shall, immediately after the conclusion of the sale session, deposit the auction price and costs with the Court Treasury.

The successful bidder shall deposit the balance of the price with the Court Treasury during the following month after the sale becomes in full force and effect.

**Article -295-**

Each person may within the ten days following the auctioning of the property decide to make a higher bid, provided that the increase in price shall not be less than one tenth of the price.

Such person, having decided to make a higher bid, shall deposit one fifth of the new price with the Court Treasury by virtue of a record to be drawn up by the Execution Department Clerk, who shall indicate in the said statement the date fixed for holding another auction.

If several higher bids have been offered, preference shall be given to the highest bid or to the first offer should the bids be of equal value.

**Article -296-**

The Execution Department shall make a public notification in respect of the new auction, which shall take place and the second sale shall be affected in accordance with the provisions laid down in respect of the first sale. If no bidder outbids the initial offer, the person who made the higher bid shall be considered as the successful bidder for the price originally made in his offer.

**Article -297-**

If the successful bidder is in default of complying with the terms and conditions of the sale, a further auction shall be held at its own risk. Consequently, the new auction shall be held and the sale shall be effected in accordance with the provisions laid down in respect of the first sale. No bids may be entertained from the defaulting bidder. The said defaulting bidder shall be liable for settlement of any deficit in the price of the property and shall not have any claim to any surplus which shall pass to the debtor or creditors.

**Article -298-**

No proposal of an extra ten per cent shall be acceptable following the resumption of sale at the risk of the defaulting bidder, if the successful bid has been offered subsequent to proposing the payment of an additional amount.

**Article -299-**

The judgement validating the sale proceedings shall be contained in the preamble of the court judgement, which shall include an account of the terms and conditions of the sale, the procedures followed in determining the date of sale, notification in respect thereof and the records of the session held in this connection. The judgement shall contain an order to the debtor or holder of the property to hand it over to the successful bidder.

The original copy of the court judgement shall be kept in the Execution File on the following day after the issue thereof. The Execution Department shall deliver to the parties concerned copies of the judgement validating the sale to be lodged with the Land Registration Directorate Registration of the property in the name of the successful bidder shall only be permitted after the elapse of fifteen days from the date or pronouncing the court judgement.

The judgement passed shall constitute a deed establishing tide of the successful purchaser, who shall only have the right to transfer thereto the debtor's rights to the property thus sold.

**Article -300-**

Until such time as the judgement validating the sale is endorsed in accordance with the preceding Article, the debtor and each interested party may recover the sold property after payment of the amount of the debt and all costs incurred by the purchaser provided that the consent of the Execution Court Judge is obtained.

**Article -301-**

When the property is registered in the name of the purchaser, the Execution Court Judge shall, upon a requisition from the successful bidder, notify the occupants of the property to vacate it and hand it over within thirty days.

Where the above period elapses before the property is handed over, the Court shall order the compulsory vacation thereof or its handing over unless the occupant of the property is in possession thereof under a proper lease contract or management contract.

**Article -302-**

The auction shall not be deferred on grounds of claims to title of the seized property or to rights created thereupon, unless such claim existed prior to the issue of the judgement validating the sale.

In this event the Execution Court shall instruct the claimant to provide a cash deposit or provide a surety to guarantee any damages or losses sustained by the creditor by reason of the delay. Then the claimant shall be given a fifteen-day interval during which he shall approach the competent Court seeking an order for postponement of the execution otherwise the Court shall proceed with the execution proceedings as though no objection has been made.

If a lawsuit of entitlement has been instituted in respect of a certain part of the seized property, the Court may decide to defer the sale or proceed with selling the other parts thereof.

**Article -303-**

If the proceeds of sale of the debtor's movable or real property are insufficient for satisfaction of the distrainers' rights, and if they and the creditor fail within one week from the date of depositing the proceeds of sale with the Court Treasury to reach agreement on the distribution of the said proceeds of sale, they shall be divided amongst them pro rata their respective debts, provided that mortgagees shall have the right to claim their entitlements. The Execution File shall be kept unless distrainers lodge any objection as to the distribution proceedings.

If it appears, after the distribution, that the debtor has other property, they may be subject to further execution thereupon by virtue of the documents kept in the Execution File without having to submit a new application for execution.

**Article -304-**

Notwithstanding the provisions of Article 176 of this Law, the creditor may place a precautionary seizure on the movable properties of the debtor in the following cases:

1- if he is a holder of a bill of exchange or promissory note and if the debtor is a trader whose signature of the bill of exchange or promissory note obliges it to make payment in accordance with the Commercial Law.

2- in every case where the creditor fears the loss of guarantee of its right.

**Article -305-**

The lessor of the property shall be entitled to impose a precautionary seizure on the movables, fruits, and crops located on the leased property against the lessee or the sublessee, in order to secure the due rent.

**Article -306-**

The owner of the movable property has the right to make a precautionary seizure thereon with the person who possesses it.

**Article -307-**

The seizure provided for in the preceding three Articles may not be placed except for the purpose of satisfying a proven right, which shall be met.

Where the creditor is not in possession of an execution writ or an executable judgement or if its debt is of an unspecified amount, the seizure may not be placed without the order of the Execution Court Judge authorising the placement of the seizure and giving a provisional estimate of the distrainer's debt.

The said Court order shall be sought by virtue of a petition which shall state the reasons for the request. In the event referred to in the foregoing Article, the petition shall give a detailed list of the movables sought to be attached. The judge may conduct a brief investigation before issuing an order if the supporting documents for the request are deemed insufficient.

Where the lawsuit has been filed before a competent court in respect of the right claimed, permission for placement of a seizure may be sought from the Judge of the Court hearing the lawsuit.

**Article -308-**

The rules and procedures prescribed for the seizure of movables shall be followed in the case of precautionary seizure on movables.

The distrainer shall give notice to the distrainee of the seizure concerned within eight days from the date of placing it and such notice shall be accompanied by a copy of the seizure record, otherwise the seizure shall be deemed null and void.

In cases where the seizure is made by order of the judge of the Execution Court, the distrainer shall, within the eight-day period referred to in the preceding paragraph, file a lawsuit before the competent court to prove the rightfulness and validity of the seizure. Otherwise, the seizure shall be considered null and void.

If the lawsuit in respect of the right has previously been brought before another Court, the lawsuit regarding the validity of seizure shall be instituted before the same Court for hearing both lawsuits simultaneously.

**Article -309-**

If the Court passes judgement validating the seizure, the prescribed procedures set forth for the sale of the debtor's seized movables shall be followed, or alternatively, execution shall be carried out by surrendering the movable property in the event referred to in Article (306).

**Article- 310-**

No civil servant in charge of any duties relating to the sale of any property in accordance with this Law may purchase such property or offer any bid in respect thereof.

**Final Provisions**

**Dates of Proceedings**

**Article- 311-**

If the law determines for certain proceedings a period estimated in terms of days, months or years, there shall be excluded therefrom the date of the event which is deemed by law to cause the elapse of time. If such period is required to expire prior to going ahead with the proceedings, they shall not be commenced except after the expiry of the last day thereof.

Such period shall expire on the last day thereof if it is a period of time during which proceedings shall take place.

A period fixed in months shall be computed from the date of commencement thereof to the corresponding date of the following months.

A one day period shall be calculated from midnight until the following midnight. The date and time set for the commencement of any grace period shall not be included in the computation thereof. However, the date and time set for the expiry of the said period shall be included in the computation thereof.

Where the expiry date of any such period falls on a public holiday, the period shall be extended to the next business day thereafter.

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)