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**Legislative Decree No. (26) of 1980 promulgating the Lawyering Law**

We, Isa Bin Salman Al Khalifa, Emir of the State of Bahrain;

Having reviewed the Constitution;

Emiri Order No. 4 of 1975;

Power of Attorney Law in Bahrain's Courts of 1935;

Law of Criminal Procedures of 1966;

Structure of the Judiciary Law No. 13 of 1971;

Legislative Decree 12 of 1971 promulgating the Civil and Commercial Procedures Law;

Legislative Decree No.3 of 1972 regarding the Judicial Fees;

And upon the submission of the Minister of Justice and Islamic Affairs and after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Article One:**

The Power of Attorney in Bahrain’s Courts Law of 1935 shall be repealed and replaced by the accompanying Lawyering Law. Any text that contradicts its provisions shall be repealed.

**Article Two**

The Minister of Justice and Islamic Affairs shall implement this Law, and it shall come into force following one month from the date of its publication in the Official Gazette.

**Emir of the State of Bahrain**

**Isa bin Salman Al Khalifa**

Issued at Riffa Palace

On:1 Safar 1401 A.H.

Corresponding to: 8 December 1980

**Lawyering Law**

**Chapter One**

**On the terms for Practising Law**

**Article -1-**

It is required for anyone practising law before the courts to have their name registered in the roll of lawyers, taking into account the conditions and provisions stipulated in this law.

**Article -2-**

For the registry in the roll of lawyers, the following conditions are required:

First: To be a Bahraini national

Second: To have full legal capacity

Third: To have graduated with a degree in Law from one of the Law Schools at universities recognized by the competent authority, provided that the Islamic Sharia’ is included in its curricula, otherwise, he shall pass the test organized by the Ministry of Justice and Islamic Affairs; or to have graduated with an equivalent of the law degree in Sharia Judiciary, from an accredited university of Islamic Sharia’

Fourth: To be a person of sound conduct and good reputation, having due respect for his profession and to have not been convicted of penal or disciplinary sentences involving a breach of honour, trust or morality, unless being acquitted thereof.

**Article -3-**

Shall be excluded from the (third) paragraph of Article 2, anyone who practices law at the date of enforcement of this Law, amongst Bahraini legal representatives registered at the Bar, according to the Power of Attorney Law in Bahrain's Courts of 1935, and who continue to practice their work.

The non-Bahraini lawyers or legal representatives previously authorized to plead in courts of law, shall be granted a two-year period from the enforcement date of this Law. They, during this period of time, shall associate themselves with the office of an accredited Bahraini lawyer, and they shall not be permitted to plead in any court of law from the date of their association. In the event the said period expires without any association, they shall be prohibited from the practice of law.

**Article -4-**

It is not permissible to combine the profession of lawyer with the following:

1- Presidency of the legislative or municipal councils, or ministerial positions.

2- Government public positions, or positions in public bodies or institutions, corporations, banks, associations or with individuals.

3- The lawyers among members of legislative or municipal councils are prohibited from pleading in cases against the councils of which they are members.

**Chapter Two**

**The General Roll of Lawyerss**

**Article -5-**

All the Lawyers fulfilling the requirements for the practice of law as provided for in this Law, shall, in the three months after its entry into force, submit an application for their enrolment in the roll known as the “General Roll of lawyerss”, in accordance with the terms and provisions of this Law.

The General Roll comprises:

A- A register of the Practising Lawyers.

B- A register with the names of the Trainee Lawyers.

C- A register with the names of the non-Practising Lawyers.

**Article -6-**

Applications for register in the General Roll shall be submitted to the Minister of Justice and Islamic Affairs, accompanied by all the documents determined upon a decision by his authority.

The Minister shall take the decision of admission or non-admission for enrolment on the General Roll after consulting the ad-hoc committee he has established and set the operating mode thereof, which is called the Lawyers Enrolment Committee.  The aforesaid committee comprises the President of the Higher Civil Court as a chairman and the membership of one of its judges, appointed each two years by the Minister of Justice and Islamic Affairs and one Practising Lawyer selected each two years by the Minister of Justice and Islamic Affairs.

In case of vacancy of the position of one committee member, the member appointed as his substitute shall continue the term of office of his predecessor.

Any person whose application for enrolment was refused, may within forty-five days from the date of his notification of this refusal, present his grievance to the Higher Civil Appeal Court. The decision of the Higher Appeal Court in such appeal, shall be final.

**Article -7-**

The Minister of Justice and Islamic Affairs and following the approval by the Council of Ministers, shall issue a decision determining the fees for enrolment in the General Roll as provided for in Article (5), the said enrolment shall be subject to the payment of the required fees. The enrolment fees apply to all the practicing lawyers at the moment of the execution of this Act.

**Article -8-**

Lawyers shall renew their registration in the General Roll on annual basis. Shall be excluded from the renewal, the non-practising lawyers. An annual fee shall be due for renewal of enrolment in the General Roll of Practising lawyers and for renewal of enrolment in the General Roll of Trainee lawyer, to be determined by a decision of the Minister of Justice and Islamic Affairs following the approval of the Council of Ministers.

**Article -9-**

In case the lawyers fails to pay the registration renewal fees by the end of the applicable year, his name shall be removed from the General Roll of Lawyers. The removal shall be carried out upon a decision of the Minister of Justice and Islamic Affairs, and no reinsertion shall be possible without the payment of both the new fees and the arrears

**Article -10-**

Lawyers registered in the Roll shall not be authorized to practice law unless they take oath before the Higher Civil Appeal Court, as following:

“I swear by Allah (God) the Almighty to perform my duties with honesty and honour, to fully adhere to legal privilege and to respect the profession rules and custom.”

**Article -11-**

Any person, amongst those fulfilling the requirements provided for in Article (2), who has not practiced the profession of law before the enforcement of this Law and wishes to become a lawyer, shall enrol as a trainee lawyer, and spend a two-year training period at the office of Practising lawyers with a five years seniority.

**Article -12-**

Trainee lawyer may plead in their own names in Lower Courts under the supervision of his Practising lawyer, however, he is not authorized to plead elsewhere except in the name and under the supervision and responsibility of the Practising lawyer.  The aforementioned restriction applies as well to the signature by the trainee lawyer of petitions, statements of lawsuits and all documents presented in courts where he is forbidden from pleading in his own name.  The trainee lawyer is entitled to appear before Public Prosecution, arbitration bodies, police departments and competent judicial and administrative committees of judicial jurisdiction.

**Article -13-**

During his training period, the lawyer under training shall not be authorized to launch a legal practice in his name. In case of violation of this provision, the Minister of Justice and Islamic Affairs, and after hearing the lawyer, shall command the Higher Civil Court, to deliver an order by virtue of a motion to close the office; the decision made upon such order shall be final.  The competent authorities shall implement this order.

**Article -14-**

A lawyer who has accomplished the training period, shall be entitled to request the Minister of Justice and Islamic Affairs to transfer his name to the Practising Lawyers Roll, such request shall be accompanied with a statement of all the cases where he has pleaded.  The Minister of Justice and Islamic Affairs shall refer this request to the committee in charge of Lawyers enrolment.  The aforementioned committee may request a secret report from the Practising Lawyer, in which he expresses his opinion regarding the trainee lawyer’s skills, his conduct in the practice of law and the works he has accomplished and seek his recommendations therein.

**Article -15-**

The Minister of Justice and Islamic Affairs and after obtaining the committee opinion, shall deliver his decision as regard to the request made by the lawyer under training to be transferred to the Practising Lawyers Roll.  The decision in such matter shall be the approval or refusal of the request or the extension of the training period for the same duration.

This decision shall be communicated to the applicant. Any person whose application was refused or whose training period was extended may, within forty-five days from the date of his notification of such decision, file a grievance against this decision before the Higher Appeal Court.

The decision of the Higher Appeal Court in such grievance shall be final.

**Article -16-**

Shall be exempted from undergoing a course of training any person who has practised law before the enforcement of this Law. Shall also be exempted any person who has a two-year experience in a legal position, the duration of the course of training, shall also be reduced of the length of the experience spent in such a position.

**Article -17-**

In case of discontinuance of the practice of law for any reason whatsoever, the Practising Lawyer or the lawyer under training shall request the transfer of his name to the list of non-Practising Lawyers.

The lawyer, whose name has been included in the list of non-Practising Lawyers, may, in case of resumption of the practice of law, request to transfer his name to the list of Practising lawyers or to the list of Trainee lawyer.  The Minister of Justice and Islamic Affairs shall deliver his decision in approval or refusal of such request, after obtaining the opinion of the committee in charge of the Lawyers enrolment.

Any person whose application for transfer was refused, may within 45 days from the date of his notification of the decision, file a grievance before the Civil Higher Appeal Court.

The decision of the Civil Higher Appeal Court in such grievance shall be final.

**Article -18-**

No fees shall be due for the transfer of the Lawyer’s name to the Roll of non-Practising lawyers or to the list of the Trainee lawyer, as per the previous Article.

**Chapter Three**

**Lawyers’ rights and duties**

**Article -19-**

Without prejudice to the provisions of Article (20), Lawyers are the only persons entitled to appear on behalf of the interested parties, before courts, arbitration institutions, police departments, and judicial and administrative committees of judicial competence.

It is prohibited for any persons, other than lawyers, to provide on a regular basis the services of consultancy or legal advice or to accomplish any legal procedure on behalf of the others.

**Article -20-**

Litigants may choose to be represented during pleadings by their spouses, in-laws or relatives to the fourth degree.

**Article -21-**

A lawyer shall appear on behalf of his client by virtue of a Power of attorney that he shall submit with the lawsuit file during the pleading session, in case it is relevant thereof. In all the other cases, the power of attorney shall be taken into consideration and mention thereof shall be contained in the minutes of hearing, with its number, date and issuing authority.

**Article -22-**

A Lawyer engaged in a lawsuit may be represented, under his responsibility, in appearance, pleading or any other procedure, by another registered Lawyer, without a special power of attorney, except when otherwise stated in the original client’s power of attorney.

**Article -23-**

Courts, authorities and other entities before which a lawyer practices his profession, shall be requested to provide him with the facilitations required for the performance of his duties, and shall allow him to attend the investigation sessions and to review the lawsuit papers, except when it may affect the progress of the investigation; written mention of what precedes shall be contained in the lawsuit file.

**Article -24-**

It is prohibited for the lawyer to accept the power of attorney of the opponent of their client during the lawsuit hearing in which they were appointed or in any matter directly related thereto. Furthermore, the lawyer shall not be allowed to express an opinion or provide advice to the opponent of their client in the same lawsuit or in any related lawsuit, even after the termination of their power of attorney. In general, the lawyer is not permitted to represent conflicting interests, and this prohibition shall apply to anyone working with the lawyer in their office, regardless of their position.

**Article -25-**

A lawyer is required to hold an office where he shall practice his profession. He shall notify the Minister of Justice and Islamic Affairs of its address and of any changes that may occur thereto.

**Article -26-**

A lawyer shall be liable toward his client for the performance of what has been entrusted to him by his client in accordance with the Law and the rules of the power of attorney, he shall also be required to refund his client any amount he has collected on his behalf and all the original copies of the documents he has received from him.

**Article -27-**

A lawyer who has been holding a ministerial, a public or a private office, and has left a service, shall not receive a representation in his own name or in the name of a colleague and for his own interest, in a matter of lawsuit filed against his former employer, during the three years following his leaving of the service. This restriction applies to the Lawyer who was a member of the legislative or municipal councils regarding any lawsuits filed against these councils.

**Article -28-**

The lawyer shall not withdraw from the power of attorney at a time that is deemed inappropriate, he shall accordingly notify his withdrawal to his client by virtue of a registered letter with an acknowledgement of receipt and shall continue to defend his client’s interest, if need be, during a period that shall not exceed one month. The court shall continue the lawsuit’s postponement until the appointment of a new lawyer.

**Article -29-**

The lawyer shall not disclose, even after the termination of his power of attorney, any information or fact that he came to know during the practice of his profession, except in cases where he aims to prevent the commission of a felony or a misdemeanour or to report the occurrence thereof. The lawyer shall not be requested to be a witness in a litigation he has been engaged therein or in which his opinion was sought, except if authorized in writing by his client.

**Chapter Four**

**Lawyer Fees**

**Article -30-**

The lawyer shall receive from his client fees according to the contract concluded between them, taking into account the importance of the lawsuit, the effort exerted, and the scope of work within their profession. He shall also be entitled to request the payment of expenses he has defrayed to carry out the case or to any services he might have provided.

**Article -31-**

The lawyer shall not buy any rights or parts therein that have been matter of litigation, nor should he agree to receive as fees a part therein or a part of the litigation lawsuit or of the decision pronounced therein.  In all cases, he should not make any arrangements surrounding the fees that would create any interest for him in the lawsuit or in the task entrusted to him.

**Article -32-**

After the termination of the proceeding through conciliation or arbitration, the lawyer shall be entitled to receive half of the fees agreed upon, save as otherwise required or if the effort exerted requires that he receives more than the half of the fees agreed on.

**Article -33-**

The Higher Civil Court shall have the authority to determine fees if they have not been specified by a written agreement, if the agreement is invalid, if the fees are excessive, or if the disputed fees are for work that has not presented to the court. The reduction of fees shall not apply if the agreement was made after the execution of the power of attorney, and the determination of fees is based on the request of the lawyer or the client.

**Article -34-**

The court shall take into consideration, when assessing the fees, the importance of the lawsuit, the effort exerted by the lawyer and the outcome of the lawsuit.

**Article -35-**

The court, after hearing the party requesting the assessment and the party against whom it is requested, shall issue an order bearing the estimated fees.

In case of absence of the party against whom the assessment is requested, after notification, the order bearing the assessment pronounced against him shall be deemed in praesentia.  The order bearing the assessment may be subject to grievance before the Higher Appeal Court within forty-five days from the date of its issuance.

**Article -36-**

The lawyer’s fees should be the first to be paid by the client from the amounts awarded as a result of the lawsuit or by the outcome of the mission subject to the power of attorney.

**Article -37-**

The right of the lawyer or the client to the assessment of fees, as provided for in Article (33) of this Law, shall expire after the elapse of one year from the end of the mission subject to the power of attorney.

**Article -38-**

The client shall have the right to dismiss their lawyer, and in this case, they shall be obliged to pay fees that are proportional to the effort exerted and the results achieved.

**Chapter Five**

**Judicial Aid**

**Article -39-**

The judicial Aid committee is constituted of three Practising Lawyers, to be selected by the Minister of Justice and Islamic Affairs. This committee shall be competent for the award of judicial Aid.

Judicial Aid means to engage a Practising Lawyer for appearance and pleading in the following cases:

a-If a party in the dispute or lawsuit is insolvent and unable to pay the lawyer fees and that the committee deems to provide legal/judicial aid for reasonable grounds.

b- If several lawyers have rejected the representation in the concerned lawsuit.

c- If the lawyers has died or that he was suspended from practice.

And in general, in all cases where the lawyer becomes unable to practice or perform the work and lawsuits of his clients.  The duties of the lawyer designated in the previous cases shall be to undertake all measures necessary to preserve and uphold the interests of his client and of the lawyer owner of the office.

d- In the case where it is required by the Law or any court decision to designate an Lawyer for an accused or a minor child who have not appointed a representing Lawyer.  In such cases, the lawyer shall be assigned to appear and plead by virtue of a decision from the Minister of Justice and Islamic Affairs.

The decision issued by the Judicial Aid Committee or the Minister of Justice and Islamic Affairs shall be deemed as the power of attorney made by the concerned person and shall not be subject to taxation.

**Article -40-**

The designation of lawyers for the Judicial Aid shall be undertaken in sequence from the list established for this purpose by the Judicial Aid Committee.

**Article -41-**

The lawyer designated for Judicial Aid should perform the duties entrusted to him and he should not disengage therefrom except for grounds deemed acceptable by the committee of designation, otherwise, he shall be subject to disciplinary proceeding.

**Article -42-**

The court before which the lawyer has performed the duties entrusted to him by virtue of paragraph (d) of Article (39), shall assess the fees he shall receive, which shall be withdrawn from the treasury of the Ministry of Justice and Islamic Affairs.  The court order bearing the fees assessment is deemed executory and may be used by the aforementioned Ministry against the person responsible for the fees payment, if he is not insolvent or that his insolvency has ended.  The lawyer designated by virtue of paragraph (a) of Article (39), shall be entitled, if the insolvency of his client has ended, to request the assessment of his fees as provided for in Article (33) of this Law.  The provisions of Article (37) shall apply in these cases.

**Chapter Six**

**Disciplinary Provisions**

**Article -43-**

Any lawyer who violates the provisions of this Law, fails to undertake his duties or has misconducted himself in a manner that tarnishes the image and standards of the profession, shall be punished by one of the following sanctions:

1 -A warning

2- Reprimanding

3- Suspension from practice for a period not exceeding 03 years.

4- Total removal of the lawyer’s name from the Roll.

**Article -44-**

The disciplinary actions shall be the power of a council constituted of the President of the Higher Civil Court, two judges amongst the judges of the Higher Court and two Lawyers amongst the Practising Lawyers, the decision of their appointment shall be issued by the Minister of Justice and Islamic Affairs.

The lawyer presented to the disciplinary council shall inform the president of the council of the name of the lawyer that he has selected for the membership of the council, within seven days at least, should he not do so, the council shall select this lawyer during his first meeting.

**Article -45-**

The disciplinary lawsuit shall be filed with a petition initiated by the Minister of Justice and Islamic Affairs.  Notice shall be served to the lawyer against whom the disciplinary lawsuit is initiated, at least fifteen days before the date of the meeting, by a registered letter with an acknowledgement slip.

**Article -46-**

The Disciplinary Council shall consider the disciplinary lawsuit in a closed session held at the Higher Civil Court.

The disciplinary council is vested of the same powers as the court with regard to the order of the session and the rules of procedures applied to the summons of witnesses, their appearance and failure to appear or their abstention from testimony or any other similar procedure.

The Disciplinary Council shall issue its decision by majority of opinions in a closed session.  The grounds upon which the decision was established should be announced with the pronounced decision.

**Article -47-**

The convicted lawyer whom the disciplinary sanction was pronounced is entitled alone to appeal against the decision before the disciplinary council, within fifteen days from the date of notification of such decision to him by a registered letter with an acknowledgement of receipt.  The appeal shall be considered by the Appeal Disciplinary Council.  The Appeal Disciplinary Council shall be chaired by one judge from the Civil Higher Appeal Court and constituted of two judges from the Civil Higher Court and two Practising Lawyers with no less than ten years seniority.  All the members shall be appointed by the Minister of Justice and Islamic Affairs.  The Appeal Disciplinary Council shall hold its meeting sessions at the Higher Civil Appeal Court.

The said council shall observe the procedures provided for in the previous Article and it shall notify the aggrieved lawyer of the date of the first session by a registered letter with an acknowledgement of receipt, at least fifteen days before the fixed date.

**Article -48-**

The final disciplinary decisions pronounced against the lawyer shall be registered in the records of the Ministry of Justice and Islamic Affairs.  The clerk’s offices and public prosecution departments shall be notified thereof.

If a decision is made to remove the lawyer from the Roll or prohibit the practice of the profession it shall be published, excluding its grounds, in the Official Gazette.

**Article -49-**

The provisions of the Legislative Decree No. 3 of 1972 shall be applied regarding the judicial fees with regards to grievances submitted in accordance with this Law and to the assessment of fees and appeal thereto.

**Article -50-**

The Minister of Justice and Islamic Affairs shall issue the necessary decisions for the implementation of this Law.