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**LEGISLATIVE DECREE NO. (15) OF 2002**

**WITH RESPECT TO THE SHURA COUNCIL AND THE COUNCIL OF REPRESENTATIVES**

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

Having reviewed the Constitution,

Legislative Decree No.(14) of 2002 with respect to the Exercise of Political Rights,

upon the submission of the Prime Minister,

And with the approval of the Council of Ministers,

**Hereby Decree the Following Law:**

**Part One**

**Shura Council**

**Article 1[[1]](#footnote-1)**

The Shura Council shall consist of forty members who shall be appointed and relieved from their offices by a Royal decree, as per the procedures, parameters and regulations set forth by a Royal Order.

**Article 2**

The Shura Council's term of office shall be four years commencing from the date of its first meeting. A member whose term of office has expired may be re-appointed.

**Article 3**

Without prejudice to the provisions set forth in the Law of the Exercise of Political Rights, any person who is appointed as a member of the Shura Council shall fulfill the following conditions:

1. He shall be a Bahraini national, has acquired the Bahraini nationality for a period not less than ten years and does not possess any other nationality with the exception of the nationality of any of the Gulf Co-operation Council countries, provided that his original nationality shall be the Bahraini nationality, and that he is enjoying full civil and political rights.[[2]](#footnote-2)
2. His name shall be included in one of the Electoral Schedules.
3. He shall not be less than thirty five full years on the date of his appointment.
4. He shall be one of the following groups who enjoys experience or provides valuable services to the country including:
5. Members of the Royal Family.
6. Former ministers.
7. Those who filled the posts of ambassadors and ministers plenipotentiary.
8. Former members of the judicial authorities.
9. Retired senior officers.
10. Former senior civil servants.
11. Prominent scholars, businessmen and professionals.
12. Former members of the Council of Representatives.
13. Figures who have gained the people's confidence.

**Article 4**

The King shall nominate the Chairman of the Shura Council for a term equal to that of the Council. The Council shall elect two Deputy Chairmen for each session.

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**Article 5**

A Shura Council membership shall be forfeit if the member lost one of the membership conditions, if he lost confidence or if he commits a breach of their membership duties.

A resolution of forfeiture of membership shall be adopted by a majority of two thirds of the Council members. Then, the resolution shall be referred to the King for ratification.

**Article 6**

Any member of the Shura Council may request to be relieved of the Council's membership by a petition to be submitted to the Council Chairman. The latter shall refer the petition to the King. Membership shall not cease except from the date of the King's acceptance of such petition.

**Article 7**

If the office of any Shura Council member is vacated for any reason before the expiry of their term of office, a Royal Order shall be issued appointing a replacement thereof within one month from the date of the Council's announcement of such vacancy.

The new member's term of office shall complete that of their predecessor.

**Part Two**

**Council of Representatives**

**Chapter one**

**Council of Representatives’ formation and term**

 **Article 8**

The Council of Representatives shall consist of forty members who shall be elected by direct secret general elections in accordance with the provisions of Legislative Decree No. (14) of 2002 with respect to the Exercise of Political Rights.

**Article 9**

Election of members of the Council of Representatives shall be according to the individual election system.

**Article 10**

The Council of Representatives' term shall be four years commencing from the date of its first meeting. During the last four months of such term, the elections of the new Council shall occur subject to the provision of Article (64) of the Constitution. Any member whose term of office has expired may be re-elected.

The King shall be empowered to extend the Council of Representatives legislative session whenever necessary by a Royal order for a period not exceeding two years.

**Chapter Two**

**Candidature for Membership of**

**the Council of Representatives**

**Article 11**

Without prejudice to the provisions set forth in the Law of the Exercise of Political Rights, any candidate nominating himself for membership of the Council of Representatives shall fulfill the following conditions:

1. He shall be a Bahraini national, has acquired the Bahraini nationality for a period not less than ten years, and does not acquire any other nationality with the exception of the nationality of any of the Gulf Co-operation Council countries, provided that his original nationality shall be the Bahraini nationality, and that he is enjoying full civil and political rights. [[3]](#footnote-3)
2. His name shall be included in the Electoral Schedule of the constituency for which he nominates himself.
3. He shall not be less than 30 full years of age on the election date.
4. He shall be able to read and write in Arabic.
5. His membership of the Shura Council or the Council of Representatives shall not have ceased by a resolution of the Council he was a member of because of the loss of the confidence or because of a breach of his membership duties. However, anyone whose membership has been forfeited may nominate himself if the legislative term during which the membership forfeiture decision was adopted has ended or if a resolution is adopted by the Council of which he was a member revoking the effect barring the nomination arising from forfeiture of his membership upon the expiry of the session during which the membership forfeiture decision was adopted.
6. His membership in the Council of Representatives should not cease due to resignation during the legislative term in which he resigned.[[4]](#footnote-4)

**Article 12**

Anyone who desires to become a candidate for membership of the Council of Representatives shall file a written application using the prescribed form with the Referendum and Election Soundness Supervision Committee provided for in Article (7) of the Legislative Decree No. (14) of 2002 with respect to the Exercise of Political Rights. He shall indicate in the said form the constituency for which he nominates himself. The nomination application shall not contain any words or details other than these indicated therein, otherwise it shall not be acceptable.

The nomination application shall be accompanied by a receipt evidencing the deposit in the Treasury of the Ministry of Justice and Islamic Affairs of a non-refundable cash sum of two hundred Bahraini Dinars. The proceeds of such sums shall be allocated for one of the social activities undertaken by the Ministry of Labor and Social Affairs.

The nomination applications shall be registered in a special register according to the dates of submission thereof and receipts shall be issued in respect thereof.

**Article 13**

A list shall be displayed at the offices of each constituency containing the names of candidates for a period of three days following the closing date of candidature.

Any applicant whose name is not included in the list prepared for this purpose shall apply to the Committee referred to in the preceding Article to include their name amongst the candidates or to challenge the inclusion of names of any of the candidature during the list display period.

The Committee shall adopt its decision with respect to the application or challenge within three days from the date of its submission, and if there were no decision issued then the application or challenge is implicitly considered rejected, and the person concerned shall be entitled to contest the rejection decision before the Supreme Civil Court of Appeal within a period not exceeding three days from the date of its adoption. The Court shall rule in respect of the challenge within seven days from the date of filing the case by a final judgment that shall not be contested.

The final lists of the candidates' names shall be displayed at the premises of their constituency and the said names shall be published in one of the local media.

**Article 14**

Upon the display of the candidates' final lists, a candidate shall be entitled to obtain one official copy of the Voters’ Schedule in the constituency in which he is a candidate.

**Article 15**

A candidate shall be entitled to withdraw their candidature by giving a written notice to the Committee referred to in Article (12) of this Law at least ten days before the Election Day. Such withdrawal shall be confirmed against their name in the constituency's candidates list and the said withdrawal shall be announced on the Election Day at the door of the premises of the Sub-committee in the constituency of their candidature.

The Ministry of Justice and Islamic Affairs shall publish a notice of such withdrawal in one of the local media at least three days before the fixed date of the election.

**Article 16**

Every civil servant who is a candidate for membership of the Council of Representatives shall be given an unpaid leave, if he does not have sufficient leave balance, with effect from the day following the closing date of candidature until the end of the election process. During such period, he shall not exercise any of the powers of their public office.

**Article 17**

Candidature applications of ministers, members of the judiciary and public prosecution for membership of the Council of Representatives shall not be accepted unless they first resign from their jobs.

**Article 18**

The Bahrain Defense Force, Public Security forces and National Guard personnel shall be subject with respect to their exercise of their right of nomination for membership of the Council of Representatives to the provisions of the laws, regulations and instructions related to their service in this respect.

**Article 19**

If candidates applying for membership of the Council of Representatives in a constituency is limited to the fixed number thereof, or if this number remains for any reason whatsoever, the Minister of Justice and Islamic Affairs shall declare that the said candidates have won membership without the need for holding an election in the constituency.

**Article 20[[5]](#footnote-5)**

A Council of Representative member shall be elected by an outright majority of valid votes cast in the election. If such majority is not gained by one of the candidates in the constituency, the election shall be held once again between the two which have gained the highest number of votes. If the second candidate acquires an equal number of votes to that obtained by another candidate, the latter shall participate in the second election round. In such case, the winner shall be the candidate who has gained the highest number of votes. If more than one candidate obtains an equal number of votes, a random draw will be held between them with the knowledge of the Chairman of the Elections Supervisory Committee.

In all cases, the Sub-committee Chairman shall confirm in the counting minutes the number of votes obtained by each candidate in their constituency, the Committee chairman and the secretary shall then sign the minutes, the ballot boxes shall be sealed and the minutes along with the election papers which shall be sent to the Chairman of the Elections Supervisory Committee who shall declare the winning candidate.

**Article 21**

Every candidate in a constituency shall be entitled to challenge the result of the election which has occurred in their constituency before the Court of Cassation within fifteen days from the date of announcing the election's general result. If it is proved to this Court - upon examining the documents, hearing the testimonies of the petitioner and respondent whose election is challenged and those whom it deems necessary to hear their testimonies - the validity of the challenge, it shall invalidate the success of the member whose election has been contested. In such case, the Court may rule that the candidate whose valid election has been proved shall win the election unless the grounds of the challenge and its circumstances require a re-election.

The filing of an election challenge shall not bar the member who is subject to the challenge from the exercise of their powers at the Council of Representatives during the period preceding the handing down of the Court's judgment in respect of the challenge. The effect of a judgment invalidating the election of a member shall apply to the future without being applicable to the period prior to handing down the judgment.

**Chapter Three**

 **Election Publicity**

**Article 22[[6]](#footnote-6)**

An election publicityshall be a right in accordance with the provisions of this Law and any candidate shall be allowed to launch such publicityfrom the date of accepting their candidacy according to the following rules:

(a) Upon launching the election publicity, a candidate shall comply with the following:

1. The provisions of the Constitution and to observe the supremacy of law.
2. Respect the freedom of thought and opinion of others.
3. Maintain national unity and national security and stability, and to avoid any action that would cause factions or sectarianism between citizens.
4. Not to carry out any election publicityin government ministries and their directorates and affiliating bodies and public institutions.
5. Not to interfere in the election publicity of other candidates personally or by other intermediaries in their election campaign.

 (b) It shall be prohibited to organize and hold election meetings and deliver election speeches at places of worship, universities, academic institutes, government and private schools, squares, streets, public roads and buildings occupied by government ministries, their departments, affiliating bodies and public institutions.

**Article 23**

(a) Each municipality in the governorate's area shall designate special locations in which advertisement, including posters and election statements, may be displayed. Equal spaces shall be allocated for the candidates in all the said locations.

(b) Candidates shall be entitled to publish advertisement including posters, statements expressing their objectives, plans and programs of action in the designated places, provided that they shall clearly carry their names. The said advertisements and statements shall be exempted from the licensing and fee requirements.

(c) It shall be prohibited to display any election advertisement or statement including posters, pictures, drawings and writings in areas other than designated places. The Municipality's Director General shall be entitled to issue a resolution for removing any violation of this restriction at the expense of the candidates to whom such posters, pictures, drawings and writings relate without the need for giving notice thereto.

(d) It shall be prohibited to hold festivals and gatherings near the polling stations.

(e) It shall not be permitted to use the official state emblem in election meetings, advertisements and statements including posters, pictures, drawings and writings used in election publicity. Further, it shall be prohibited to use loudspeakers outside the halls and on the transport facilities.

**Article 24**

It is prohibited for civil servants and employees of public organizations and institutions and municipal council chairmen and members to campaign in favor of any candidates in their places of work.

**Article 25**

It is prohibited for any candidate to offer through their election publicitygifts, donations, financial or complementary aid or any other benefits or to promise to offer them to a natural or legal person, either directly or through a third party. Further, it is prohibited for any person to ask for such gifts, donations, assistance or promise from any candidate.

It is prohibited for a candidate to receive any funds for election publicityfrom any party whatsoever.

**Article 26**

All the media shall ensure that equality is maintained when they deal with all the candidates.

**Article 27**

All the election publicityactivities shall be discontinued throughout the Kingdom 24 hours before the time fixed for the polling process.

**Chapter Four**

**Terminating the Membership and Vacating the Office**

**Article 28**

A Council of Representatives’ membership shall be forfeit if the member lost one of the membership conditions if they lost confidence or if they commit a breach of their membership duties. Membership shall be invalidated if it is found that the member did not fulfill the membership conditions upon their election.

A resolution to forfeit or invalidate membership shall be adopted by a majority of two thirds of the Council members. Voting in this case shall be by a call of names.

**Article 29**

A Council of Representatives' member may resign by a letter to be submitted to the Council of Representatives’ Chairman. The resignation shall be deemed final from the date of issue of the Council's resolution to accept it. A representative's office shall become vacant from the date of such acceptance. A member may withdraw their resignation before the issue of the Council's resignation.

**Article 30**

If the office of a member of the Council of Representatives becomes vacant before the expiry of their term of office, for any reason whatsoever, a supplementary election shall be held to elect a replacement within two months from the date on which the Council announced such vacancy.

A new member's term of office shall complete the term of their predecessor.

If the office is vacated within the six months preceding the end of the Council's legislative term, no replacement shall be elected.

**Chapter Five**

 **Penalties**

**Article 31[[7]](#footnote-7)**

Without prejudice to a more severe penalty provided for in the Penal Code or any other law, anyone who violates any of the provisions of Articles (22), (23), (25), (26) and (27) of this Law shall be sentenced for imprisonment for a period not less than three months and not exceeding a year and a fine not less than three hundred Bahraini Dinars and not exceeding a thousand Bahraini Dinars, or either penalty.

Without prejudice to the criminal liability of a natural person, a private legal person shall be punished with a fine equal to twice the fine prescribed for the crime if any of the crimes stipulated in the articles referred to in the previous paragraph is committed in their name or for its account, or by one of their representatives.

Whoever violates one of the provisions stipulated for in Article (24) of this Law shall be punished by imprisonment for a period of not less than six months and not exceeding two years and a fine not less than five hundred dinars and not exceeding three thousand dinars, or either penalty.

**Article 32**

No judgment shall be delivered for stay of execution of the fine penalty provided for in the preceding Article.

**Article 33**

The criminal case shall lapse and the civil claim shall not be heard in respect of the crimes provided for in this Law six months after the date of announcing the result of the election, or from the date of the last court action concerning it.

**Part Three**

**Joint Provision for the Two Councils**

**Article 34**

It shall not be permitted to combine between membership of the Shura Council and membership of the Council of Representatives. Further, it shall not be permitted to combine between the membership of either of the two Councils and membership of Municipal Councils or undertaking public office jobs.

**Article 35**

Any member who is appointed on the Shura Council or elected for membership of the Council of Representatives shall be deemed to have abandoned their other membership or job upon assuming their duties on the Council.

**Article 36**

Any member shall be deemed to have resigned their membership of the Shura Council or Council of Representatives if they accept a position or a job which cannot be combined with membership of either of the two Councils. Their office shall become vacated by a resolution to be adopted by the concerned Council. However, in the case of a Shura Council member, their office shall not be deemed vacant unless a Royal order is issued to this effect.

**Article 37**

During their term of membership, a Shura Council or a Council of Representative member shall not be appointed on the Board of Directors of a company nor participate in obligations subject to contracts of the Government or Public Organizations except in the cases outlined in the Law.

During such period, they shall not purchase or rent any of the State property, neither lease or sell any of their properties, nor enter into barter in respect thereof unless this takes place by way of a public auction or tender or by the application of the scheme of acquisition of property for the benefit of the public.

**Article 38**

Upon election of the Shura Council Chairman and the Council of Representatives Chairman, they shall not engage in any business or non-business occupation.

**Article 39**

Members of the Shura Council and Council of Representatives shall not be awarded any decorations during their term of office.

**Article 40**

A Shura Council member and a Council of Representative member shall receive a monthly award of two thousand Bahraini Dinars. The award shall be payable from the date of acquiring membership.

**Article 41**

Each of the Shura Council Chairman and Council of Representatives Chairman shall receive a monthly award that equals a Minister's salary. The said award shall be payable from the date of their election as Chairman.

**Article 42**

Each of the Shura Council Deputy Chairman and the Council of Representatives Deputy Chairman shall receive a monthly award of two thousand five hundred Bahraini Dinars. The said award shall be payable from the date of their election as Deputy Chairman.

**Article 42-bis [[8]](#footnote-8)**

A unified regulation shall be issued by a decree to determine the allocations of each of the Shura and Representatives Councils Chairman, the Deputy Chairmen and the members of both Councils, the appropriations shall be included by a single figure within the budget of each Council. The Regulation shall specify the name and amount of these allocations, the system, the conditions, the timing of disbursement as well as which of such allocations shall be an essential part of the monthly award.

**Article 43**

Each of the Shura Council and Council of Representatives shall have its independent budget. The appropriations allocated for each Council shall be included by a single figure within the State Budget.

The internal regulation of each of the two Councils shall outline the manner of preparing the Council’s annual budget, its discussion and ratification, the manner of drawing up and maintaining the Council accounts and the manner of preparing and approving the annual final account without having to comply with the applicable Government rules.

**Article 44**

Each of the Shura Council and Council of Representatives shall introduce its own personnel regulations. Where they are not subject to a specific provision in the regulations, they shall be subject to the provisions of the Civil Service Regulations.

Pending the introduction of the regulations referred to in the preceding Paragraph, the staff of both Councils shall be subject to the provisions of the Civil Service Regulations.

**Article 45**

The control exercised by the Shura Council and Council of Representatives with respect to the activities and actions of members of the Executive Authority shall be limited to these which occur after the date of convening the two Councils in the first legislative term. They shall not be concerned with the activities or actions which occurred prior to the said date.

**Article 46**

During the period of dissolution of the Council of Representatives, the Shura Council Chairman shall assume all the administrative and financial powers vested in the Council's office bearers and Chairman.

**Article 47**

Every provision that conflicts with the provisions of this Law shall be revoked.

**Article 48**

The Prime Minister and the Ministers, each in his respective capacity, shall implement this Law, which shall come into effect from the date of its publication in the Official Gazette.

 **Hamad bin Isa AI Khalifa**

**King of the Kingdom of Bahrain**

**Khalifa bin Salman AI Khalifa**

**Prime Minister**

Issued at Riffa Palace

On: 22nd Rabie AI Akher 1423 Hijra

Corresponding to: 3rd July 2002

1. Amended by Legislative Decree No. (39) of 2012. [↑](#footnote-ref-1)
2. Amended by Legislative Decree No. (39) of 2012. [↑](#footnote-ref-2)
3. Amended by Legislative Decree No. (39) of 2012. [↑](#footnote-ref-3)
4. Amended by Legislative Decree No. (39) of 2012. [↑](#footnote-ref-4)
5. Amended by Legislative Decree No. (39) of 2012. [↑](#footnote-ref-5)
6. Paragraph (b) was deleted by Legislative Decree No. (30) of 2002 and the paragraph was renumbered. [↑](#footnote-ref-6)
7. Amended by Decree No. (33) of 2017 [↑](#footnote-ref-7)
8. Added by Law No. (31) of 2009. [↑](#footnote-ref-8)