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Published on the website on May 2024

**Legislative Decree No. (1) of 1990
amending some Provisions of The Civil and Commercial Procedures Law
promulgated by Legislative Decree No. (12) of 1971**

We, Isa bin Salman Al Khalifa, Emir of the State of Bahrain.

Having reviewed the Constitution,

Emiri Order No. (4) of 1975,

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

Upon the submission of the Minister for Justice and Islamic Affairs,

And after the approval of the Council of Ministers,

**Hereby Decree the following Law:**

**Article One**

The texts of Articles (7, 25, 26, 35, 46, 49, 51, 54, 62, 124 second paragraph, 179, 190, 200, 214, 224, 228, 230, 244, 245 first paragraph, 247, and 308 third paragraph) of the Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971, are hereby replaced with the following texts:

**Article (7):**

The courts consist of:

1- Court of Cassation.

2- The High Court of Appeal.

3- The Higher Court.

4- Lower Courts and Execution Courts.

**Article (25):**

The lawsuit registration department shall devote a file for the lawsuit when it is submitted, and after making sure that the fees are paid and the documents stipulated in the previous Article are fulfilled, the department shall register the lawsuit in the relevant register of the court, and the original of the Statement of Claim and the receipt of payment of fees and documents shall be deposited in the lawsuit file.

The lawsuit registration department shall set a hearing for the lawsuit on the day of its registration in the court register and shall inform the claimant to attend.

The claimant shall be notified by serving him or his legal representative with an original copy of Statement of Claim and its copies. The defendant shall be notified the next day of both, the Statement of Claim and attendance.

Apart from urgent lawsuits or lawsuits where the Law specifies another date, the deadline for appearance shall be fifteen days before the High Court of Appeal or the Higher Court, and eight days before the Lower Court. Non-observance of the date of attendance shall not result in invalidity, without prejudice to the right of the Notification's Receiver to adjourn the completion of the deadline.

**Article (26):**

In all lawsuits except urgent or where the Law specifies another deadline, the defendant shall deposit in the lawsuit registration department a memorandum of his defence with his documents at least three (3) days before the hearing specified for the lawsuit.

**Article (35):**

If the person assigned to attend cannot be found after conducting the necessary search for him, the summons shall be delivered to the person who decides to be his representative, works in his service, or is one of the spouses, relatives, and in-laws living with him, and this last person must sign the original summons indicating receipt of the copy.

If there is no one who is eligible to receive the paper, in accordance with the provisions of the preceding paragraph, or if any of them refrains from signing the original upon receipt or from receiving the copy, the summons shall be delivered by affixing a copy of it on a visible side of the house usually inhabited by the person assigned to attend.

**Article (46):**

If neither the claimant nor the defendant is present, the court shall rule on the lawsuit if it is valid for ruling, otherwise, it shall decide to dismiss it.

The court shall rule on the lawsuit if the claimant or the claimants or some of them are not present, and the defendant is present and does not request the dismissal of the lawsuit.

If the lawsuit remains dismissed for a period of sixty days and none of the litigants request to proceed with it, it shall be considered as though it has never been filed.

**Article (49):**

If the defendant alone fails to attend the first hearing despite the Statement of Claim having been delivered to him and has been notified in person, the court shall issue a ruling in the lawsuit. However, if the defendant has not been notified in person, the court, in lawsuits other than urgent ones, must adjourn the hearing to a subsequent one, of which the defendant is notified. In both cases, the ruling in the lawsuit is considered as if the defendant was present.

If there are multiple defendants and some have been personally notified while others have not and are absent, the court must, in other than urgent lawsuits, adjourn the hearing of the lawsuit to a subsequent one where those who have not been personally notified, will be, and the ruling in the lawsuit shall be considered as if all the defendants were present.

If, in the absence of the defendant, the court finds that his notification is invalid, it shall adjourn the lawsuit to a subsequent hearing in which he shall be re-notified in a valid way.

**Article (51):**

If the defendant attends any hearing or files a memorandum of his defence, the litigation shall be deemed to be in his presence, even if he fails to attend thereafter.

The claimant is not permitted to present new requests, amend, increase, or reduce the initial requests during the hearing in which his litigant is absent.

The defendant is also not permitted to request a ruling in his favour in the absence of the claimant.

**Article (54):**

Pleading takes place at the first hearing.

If the claimant or defendant submit in this hearing a document that he could have submitted within the deadline specified in Articles (25) and (26), the court may accept it if this did not result in adjourning the hearing of the lawsuit, if the acceptance of the document results in adjourning the lawsuit, the court shall sentence him to a fine of no less than five dinars and no more than twenty dinars.

However, both the claimant and the defendant may submit a document in response to the defence of his litigant or his interlocutory requests. The lawsuit may not be adjourned more than once for one reason due to one of the litigants, provided that the adjournment period does not exceed three weeks.

**Article (62):**

The hearing of the lawsuit shall follow the order given in its schedule, as far as possible. Once the lawsuits of the litigants who appeared before the court have been concluded, those who are absent shall be called again, if they do not attend, the court shall enforce against them the provisions of Articles (46) and (49) as the case may be.

**Article (124) second paragraph:**

The court takes this indication upon the request of one of the litigants and on its own initiative.

**Article (179):**

The court may issue its order referred to in Articles (176) and (178) as a matter of urgency without summoning the other party.

The claimant, if the order to reject his request is issued, and the person against whom the order is issued, have the right to appeal to the court that issued it within eight days from the date of its issuance. This deadline shall not apply to the person against whom the order was issued except from the date of notification of it. The court may support, amend, or cancel the order, without prejudice to the provisions of Article (198) of this Law.

**Article (190):**

If the court neglects to rule on some substantive requests, the person concerned may inform his litigant of a statement to appear before it to consider and rule on these requests.

The court is responsible for rectifying any purely material errors, whether they are of a typographical or computational nature, through a decision issued at its own instance or upon the request of one of the litigants without pleading. The court clerk shall make this correction on the original copy of the ruling and sign it, along with the chairman and judges of the court.

The decision issued for correction may be appealed if the court exceeds its rights stipulated in the previous paragraph, using the permissible methods of appeal in the ruling subject to correction.

The decision rejecting correction may not be appealed separately.

**Article (200):**

Methods to appeal against rulings are:

1- Objection outside litigation.

2- Appeal.

3- Requesting a rehearing.

4- Cassation which is governed by a special Law.

**Article (214):**

It is not permissible to appeal against the rulings issued during the course of the lawsuit and the litigation does not end until after the ruling terminating the entire litigation has been issued before the Court of First Instance, with the exception of temporary and urgent rulings issued to suspend the lawsuit and which can be compulsory executed.

Appealing the ruling terminating the litigation shall unquestionably be followed with the appeal against all the rulings which have been issued in the case, unless they have been explicitly accepted, taking into consideration the provisions of Article (223).

**Article (224):**

The Court of Appeal shall hear on the basis of new evidence, arguments and new pleas submitted to it, in addition to what has been submitted to the Court of First Instance.

**Article (228):**

The Court of Appeal shall decide either to reject the appeal, and uphold the ruling appealed against, or accept it and amend the ruling appealed against, or cancel it and issue an alternative ruling on the subject of the lawsuit.

If the court cancels the ruling issued in the original requests, it must return the lawsuit to the Court of First Instance to decide on the secondary requests, it must also return the case to that court if it decides to cancel the appealed ruling because of lack of jurisdiction.

**Article (230):**

The deadline of the retrial hearing shall be forty-five days from the date of the issuance of the ruling or its notification to the convicted person in accordance with the provisions of Article (216) of this Law. In the cases stipulated for in the first three paragraphs of the previous Article, the deadline only starts from the day on which the fraud appeared or was admitted by the person who committed it or was proven, the day on which the false witness was sentenced, or the day on which the detained paper appeared.

A request for a retrial shall be submitted to the court that has issued the ruling by the usual conditions of filing a lawsuit.

**Article (244):**

Execution courts shall be competent to execute rulings and decisions issued by courts of all kinds and degrees. Execution shall be carried out under the supervision and control of the judge of the Execution Court, unless the Law stipulates otherwise.

Execution may be carried out in accordance with the notarized documents, the conciliation minutes ratified by the courts, and other papers so characterised by Law.

**Article ( 245 ) first paragraph:**

“It is not permissible to execute rulings coercively insofar as the appeal against them is permitted unless expeditious execution is stipulated for in the Law or ordered of in the ruling.”

**Article (247):**

“The court to which an appeal or grievance against a writ of performance is submitted may, upon the request of the persons concerned, order the suspension of expeditious execution if there is a risk of serious harm from the execution and the reasons for appealing the ruling or order are likely to be annulled."

**Article (308) third paragraph:**

In cases where the detainment is ordered by a judge of the Execution Court, the detainer must, within the fifteen days following the signing of the detainment, file before the specific jurisdiction court a lawsuit proving the right and validity of the detainment, otherwise the detainment shall be considered as though it has never been.

**Article Two**

Three new Articles numbered (12) bis, (186) bis, and (186) bis (a), shall be added to The Civil and Commercial Procedures Law issued by Legislative Decree No. (12) of 1971. The texts of the Articles are as follows:

**Article (12) bis:**

“The Court of Cassation shall have jurisdiction over the provisions of its Law."

**Article (186) bis:**

“In all cases, the ruling draft containing the reasons for it, shall be deposited and signed by the chairman and the judges at the time of the pronouncement of the ruling, otherwise the ruling shall be null and void."

**Article (186) bis (A):**

“Subject to the provisions of Article (265) of this Law, the draft ruling containing its pronouncement and reasons shall be preserved in the file and no copies shall be provided from it. However, the litigants are allowed to access it until the original ruling is finalized."

**Article Three**

In addition to the Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971, a new Part, Part Ten, entitled "In writs of Performance", which includes the following Articles:

**Article (323):**

Except for the general rules regarding filing lawsuits, the provisions of the following Articles shall apply if the right of the creditor is established in writing and was matured, and if all that is claimed is a specific amount of money or a specific movable object, whether in its entirety or in kind and quantity.

These provisions shall be followed if the owner of the property is a creditor of a commercial document and his recourse is limited to the drawer, the issuer, the acceptor or the standby guarantor of one of them.

However, if he wants to recourse against others, he must follow the general rules in filing lawsuits.

**Article (324):**

The creditor shall first assign the debtor to payment within at least seven days, and then obtain the writ of debt from one of the judges of the Higher Court, or one of the Lower Court judges, according to the specific jurisdiction of each of the two courts. The order for payment shall be by registered letter with an acknowledgement slip, and the protest of non-payment is acceptable in lieu of this assignment.

The order shall be issued based on a request submitted by the creditor or his representative to the lawsuit registration department, accompanied by the deed of debt and proof of the assignment of its payment.

The request shall be in two copies and must include the facts of the request, its supporting materials, the full name of the debtor, his place of residence and the creditor's place of residence or elected domicile, and the supporting documents shall be attached thereto.

The order shall be issued on one of the two copies of the request within three days at most from the day of its submission and shall indicate the amount to be paid of the principal sum, interests, or what has been ordered to be paid of the movables, as the case may be, as well as the expenses.

After the issuance of the writ of performance, the deed of debt remains in the lawsuit registration department until the grievance deadline in the order expires.

**Article (325):**

If the judge deems that the applicant does not respond to all his requests, he shall refrain from issuing the order and shall set a hearing of the lawsuit before the court, and the court clerks' department shall notify the parties.

The refusal to subject the order to execution shall not be considered as a refusal of certain requests under the preceding paragraph.

**Article (326):**

The debtor is notified personally or at his place of residence of the request and by the writ of debt issued against him.

The request and the writ of debt issued against him shall be deemed as if it has not been made, if they were not notified within one month from the date of issuance of the order.

**Article (327):**

The debtor may file a grievance against the order within ten days from the date of its notification to him.

The grievance shall be made before the Higher or the Lower Court, as the case may be, and shall be taken into account the procedures prescribed for filing the lawsuit.

The grievance must be reasoned or else it is null and void.

**Article (328):**

The grievant shall be considered a claimant, and when considering the grievance, the rules and procedures prescribed for the consideration of the lawsuit shall be taken into account.

If the grievant fails to attend the first hearing of the grievance, the court shall decide on its own initiative, considering the grievance as if it was never filed.

**Article (329):**

The time limit for the appeal against the order shall start from the date of the lapse of the grievance deadline or from the date on which the grievance is considered as if it was never filed. The right to appeal against the order shall be forfeited if it is directly appealed.

**Article (330):**

Requests for writs of debts, grievances, or appeals shall be subject to the relative fees imposed in lawsuits of known value, in accordance with the provisions of Legislative Decree No. (3) of 1972 regarding the Judicial Fees.

The creditor’s request for the order shall not be accepted unless his request is accompanied by evidence of full payment of the fee or his exemption from it.

**Article (331):**

The creditor may, when submitting the request for payment, request that the precautionary measures stipulated in Articles (176) and (178) be taken.

A judge's refusal to take such measures shall not be deemed a refusal of certain requests under the provisions of the first paragraph of Article (325).

The creditor may, in the cases stipulated in Article (323) and as an exception to the provisions of Article (308), request the competent judge who issues the writ of debt to sign the provisional detainment on the movables of his debtor, and he must within fifteen days, following the signing of the detainment, submit the request for the writ of debt along with the detainment procedures validity to the said judge, otherwise the detainment shall be considered as if it was never requested.

The debtor subject to the detainment, before the issuance of writ of debt and the detainment procedure’s validity, may file a grievance against the detainment order before the judge who ordered it. If the grievance is related to the principal of the right, the judge shall refrain from issuing the writ of debt and shall set a hearing for the lawsuit in accordance with Article (325).

**Article (332):**

The writ of debt and the ruling issued in the grievance against it, shall be both subject to the provisions concerned with the expeditious execution as stipulated by the Law.

**Article Four**

Articles (47), (48), (50), (194), (201), (202), (203), (204), (205), (206), (207), (219), and (221) of the Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971 are hereby repealed.

**Article Five**

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

**Emir of the State of Bahrain**

**Isa bin Salman Al Khalifa.**

**Issued at Riffa Palace:**

**On 8 Rajab 1410 AH**

**Corresponding to 4 February 1990**