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**Legislative Decree No. (8) of 1978**

**Amending Certain Provisions of the Civil and Commercial Procedures Law**

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

Having reviewed the Constitution,

Emiri Order No. (4) of 1975,

Emiri Order No. (2) of 1978,

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

And the Law Regulating the Registration of Births and Deaths Law promulgated by Legislative Decree No. (6) of 1970, amended by Legislative Decree No. (15) of 1973,

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

And after the approval of the Cabinet,

Hereby Decree the following Law:

Article One

The text of Article (8) of the Civil and Commercial Procedures Law of 1971 shall be amended as follows:

a- The texts of Clauses (1) and (6) of the aforementioned Article (8) shall be replaced with the following texts:

(1) Civil and commercial lawsuits not exceeding one thousand dinars.

(6) Eviction lawsuits unless the eviction lawsuit is accompanied by legal requests exceeding one thousand dinars.

b- New clauses No. (7) and (8) shall be added to the aforementioned Article (8) to read as follows:

(7) Lawsuits for the cessation or removal of harm between property owners and occupants or between neighbours.

(8) Lawsuits for the registration of births and deaths in the official registers prepared for that purpose or for amending the data recorded in these registers.

Article Two

The text of Article (13) of the Civil and Commercial Procedures Law of 1971 shall be replaced with the following text:

"The Lower Courts shall not have jurisdiction to rule on incidental requests if their value exceeds one thousand dinars. If a request of this nature is presented to them, they may rule on the original lawsuit alone if this does not result in harm to the course of justice; otherwise, if they rule that they lack jurisdiction, they shall, ex officio, refer the original lawsuit and the incidental requests in their current state to the High Court. If a request or lawsuit of this nature is presented to the Major Court, the High Court shall rule on it along with the original lawsuit, even if the value of the request or lawsuit is less than one thousand dinars."

Article Three

The High Court shall, ex officio, refer any lawsuits before it that fall under the jurisdiction of the Lower Court under the provisions of this Law, in their current state. In the absence of a party, the referral order shall be communicated to them along with a summons to appear before the Lower Court to which the lawsuit has been referred. The previous paragraph does not apply to the lawsuits ruled on in absentia or those postponed for judgment, which shall remain governed by the old provisions.

Article Four

The texts of Articles numbered 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, and 322, set out below under the title "Part Nine – Procedures for Payment and Deposit", shall be added to the Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971.

Part Nine

Procedures for Tender of Payment and Deposit

Article – 311 –

A debtor who seeks to discharge their obligation from what he owes, whether in cash or otherwise, may tender payment to their creditor.

Article – 312 –

The tender of payment shall be made by a registered letter with acknowledgment of receipt, without an envelope, specifying the exact amount of money or the item tendered, the reason for the debtor's obligation, the time and place of payment, and the conditions of the tender.

Article – 313 –

The creditor shall reject the tender of payment within three days of receiving the registered letter. The rejection must also be made by registered letter with acknowledgment of receipt, without an envelope.

A refusal of the tender of payment is deemed to occur if the creditor declines to accept the aforementioned registered letter or fails to send a letter of rejection within ten days of its receipt.

Article – 314 –

If the creditor rejects the tender of payment and the debt is monetary, the debtor may deposit the amount in the Treasury of the Ministry of Justice and Islamic Affairs on behalf of the creditor. This requires a request submitted to the Registrar General, specifying the debt’s amount and reason, accompanied by a copy of the tender letter. The Registrar General shall send a registered letter with acknowledgment of receipt to the creditor, including a copy of the deposit request and the debtor’s payment receipt number.

Article – 315 –

If the item tendered for payment is not monetary and the creditor refuses the tender, the debtor may request an order from the Lower Court Judge to appoint a custodian to safeguard the item on behalf of the creditor at a specified location or its current place if it is suited to remain there. The relevant official must verify that the items to be preserved conform to what is stated in the tender of payment. They must send a copy of the minutes of the proceedings to the creditor on the day following the appointment of the custodian, using the methods prescribed for serving judicial papers.

If the item tendered for payment is perishable or incurs significant maintenance or preservation costs, the debtor, upon sending the tender of payment to the creditor, may request a court order to sell it by public auction. The proceeds must then be deposited with the Treasury of the Ministry of Justice and Islamic Affairs. The court clerk is required to notify the creditor via a registered letter with acknowledgment of receipt on the day following the deposit of the proceeds, including a copy of the sale order and the receipt number for the deposited amount.

The appointment of a custodian or the deposit of proceeds with the Treasury of the Ministry of Justice and Islamic Affairs shall be considered equivalent to the deposit of the item itself, whether preserved or sold.

Article – 316 –

A tender of payment may be made during a court hearing without formal procedures if the recipient of the tender is present in person or represented by an agent authorised to accept or refuse the tender.

Upon refusal, the cash shall be handed over to the court clerk for deposit in the Treasury of the Ministry of Justice and Islamic Affairs. The clerk must prepare a deposit record, documenting the parties’ reports in the session minutes regarding the tender of payment and its rejection.

If the item tendered for payment in the session is not cash, the offeror must request the court to appoint a custodian to preserve it or to sell it at auction, as provided in the preceding article.

If the tender of payment remains valid until the judgment on the lawsuit, the judgment must include a determination on the validity or invalidity of the tender of payment and deposit.

Article – 317 –

The creditor may accept a previously refused tender of payment and receive the deposited amount. The creditor must provide the Treasurer of the Ministry of Justice and Islamic Affairs or the custodian with a receipt for what has been received, along with a copy of the debtor's request for the deposit of cash, or the minutes of placing items under custody or their sale.

The receipt by the creditor shall ensue the discharge of the debtor’s obligation with regard to the cash or items tendered for payment, from the day of deposit.

Article – 318 –

If one month has passed since the refusal of the tender without the creditor receiving the tendered item, the debtor, except in the cases outlined in Article (316), may file a lawsuit before the competent court to validate the tender of payment and deposit.

The court, upon validating the tender and deposit, shall discharge the debtor from their obligations as of the date of deposit.

The debtor may, at any time, withdraw their tender and reclaim the deposited items, provided that at least three days have passed since notifying the creditor by registered letter with acknowledgment of receipt.

The withdrawal may occur either by an order from the court before which the tender was made, or by an order from the Lower Court Judge, as applicable.

Article – 319 –

A judgment validating the tender of payment and deposit shall suspend the accrual of interest, and the creditor shall bear the risk of loss or damage to the item under custody from the date of deposit or the issuance of the order to appoint a custodian or sell it.

The creditor, upon a ruling validating the tender of payment and deposit, and having been discharged from the debtor’s obligations in relation to it, or the creditor who receives the deposited amount after rejecting it, shall be liable for the prescribed legal fees and the costs of custody or sale procedures.

Article – 320 –

The deposit shall be permissible if the debtor is unaware of the creditor's identity or residence, if the creditor is legally incapacitated or partially incapacitated and has no representative to accept payment on their behalf, if the debt is disputed among multiple parties, or if there are other valid reasons justifying this procedure.

Article – 321 –

The tender may not be withdrawn, nor may the deposit be reclaimed after the creditor accepts the tender or after the judgment validating the tender becomes final.

However, if the creditor accepts the debtor’s retraction of the tender in these two cases, the creditor shall no longer be able to assert any claims to security rights, and the liability of joint debtors and the surety shall be discharged.

Article – 322 –

The rules regarding fees stipulated in Article Nine of Legislative Decree No. (3) of 1972 regarding Judicial Fees shall apply to the procedures for payment and deposit.

Article Five

Article (311) of the Civil and Commercial Procedures Law of 1971 shall be renumbered to (323) instead of (311).

Article Six

The Minister of Justice and Islamic Affairs shall issue the necessary decisions to implement this Law.

Article Seven

The Ministers—each within their jurisdiction—shall implement the provisions of this Law, and it shall come into force from the date of its publication in the Official Gazette.

Acting Emir of the Kingdom of Bahrain

Hamad bin Isa Al Khalifa

Issued at Riffa Palace

3 Jumada al-Awwal 1398 AH

Corresponding to 10 May 1978