**Legislative Decree No. (14) of 1971 with respect to Notarization[[1]](#footnote-1)**

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

Having reviewed Decree No. (1) of 1970 regarding the Establishment of the State Council,

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

And after the approval of the State Council,

**Hereby Decree the Following Law:**

**Article - 1 -**

An office shall be established in the Ministry concerned with justice affairs[[2]](#footnote-2) to undertake notarization of any documents required by law or by any contract parties requesting notarization, ratify signatures, affirm dates in customary documents, set executive formats on copies of executable documents, retain original copies of notarized documents, prepare indexes for notarized documents, provide needed copies of notarized documents, provide certificates that signatures were notarized, or affirm dates in customary documents. This office is headed by a notary public assisted by a number of notaries appointed by a decree by the minister concerned with justice affairs[[3]](#footnote-3).

**Article - 1 bis -[[4]](#footnote-4)**

The minister concerned with justice affairs may grant a license to carry out all or some of the notary public’s notarization work upon a request of those who fulfill the conditions of a private notary, as follows:

1. To be fully eligible.
2. To be of good conduct and reputation.
3. To not have been previously convicted of a felony or a crime involving moral turpitude or dishonesty, even if they had been rehabilitated or pardoned.
4. To be a retired judge, or retired member of the Public Prosecution, or a retired member of the Legislation and Legal Opinion Commission, or a licensed lawyer or legist in accordance with the terms and conditions determined by a decision of the minister concerned with justice affairs.

The minister concerned with justice affairs shall issue a decision stipulating the notary acts that a private notary is licensed to perform, the conditions and procedures necessary for issuing the license, its duration, renewal and grounds for its termination, other conditions that shall be met by the license applicant, the licensee’s work mechanism, the duties the licensee is obligated to perform, the books and records that the latter shall keep, the penalties imposed on the licensee in case of violations, the licensing fees that the licensee is obligated to pay to the Ministry, and the fees for the notarization services that the licensee performs after the approval of the Council of Ministers.

The private notary is obligated to collect the notarization services' fees and remit them to the account of the Ministry concerned with justice affairs in accordance with the terms and periods specified by the Minister.

The private notary may charge a fee for the notarization services from the recipient of the service.

The notarization office shall supervise and control the practice of the licensed private notary in accordance with the provisions of this Law, its implementing regulations, and the decisions issued for its implementation. For this purpose, the notarization office may inspect the licensed private notary’s work administratively and technically, has the right to enter the private notary’s office at any time, view the prepared and notarized transactions and all books, records, receipts, and documents, and take a copy of them if necessary.

The minister concerned with justice affairs, when it is proven that the private notary has violated the provisions of the law, its implementing regulations, or the decisions issued for its implementation, by a justified decision, may administratively close the office of the private notary or undertake any other disciplinary measures to be determined by a decision of the minister.

The licensed private notary and his employees are considered public employees with regards to the application of the Penal Code's provisions. In addition, all transactions prepared or notarized by the private notary and all books, records, receipts, and documents shall be owned by the ministry concerned with justice affairs.

The document prepared by the private notary shall have the same authority with regards to evidence as the official documents.

**Article - 2 -**

The notary public, assistant notary, and the licensed private notary, before assuming their duties, shall take an oath before the minister concerned with justice affairs to perform their duties with integrity and honesty[[5]](#footnote-5).

**Article - 3 -**

It is not permissible for a notary public or any other notary to undertake the notarization of a document that belongs to him personally or a document that belongs to his relatives by kinship or affinity up to the fourth degree.

**Article - 4 -**

A notary shall not notarize any document until the fees are paid.

**Article - 5 -[[6]](#footnote-6)**

The documents shall be notarized in the Arabic language. If one of the parties to the contract is not familiar with the Arabic language or is not fluent in it, then the notary shall use a translator provided and trusted by the contracting parties. The translator shall sign the document with the contracting parties and the notary.

The documents may be notarized in the English language if the law permits notarizing them in that language, in addition to other documents specified by a decision by the minister concerned with justice affairs.

Documents in the English language shall be notarized by the notaries named by a decision by the minister concerned with justice affairs, or by a l notary whose license stipulates notarizing documents in the English language.

**Article - 6 -**

The notary public is responsible for notarizing all official documents except for those related to endowments or personal status. Without prejudice to the provisions of the Real Estate Registration Law No. (1) of 1367 H and any other effective announcement with respect to the declaration and registration of real rights over immovable property, the notarization of the endowment testament and the changes made to it shall be performed before a judge of the Higher Sharia Court. A judge of the Supreme Sharia Court shall notarize Muslim personal status documents. However, the minister concerned with justice affairs may delegate marriage officials to notarize and certify marriage contracts and divorce testimonials. As for non-Muslims, they shall notarize their personal status documents before the notary public or the notary authorities in their consulates.

**Article - 7 -**

The minister concerned with justice affairs may issue a decision authorizing government representatives abroad to carry out notarization services where they are located. The notary public shall certify the signatures of these authorized persons.

**Article - 8 -**

The notary public shall verify the identity of the concerned parties via the testimony of two sane adult witnesses known to him, or by checking their passport or any other official paper substituting it and shall record this checking procedure in the same document.

**Article - 9 -**

The notary public, before performing the notarization, shall prove - as possible - the eligibility and acceptance of the contracting parties. If it becomes clear to him that there is no eligibility or consent, or if the document appears to be invalid, he shall then refuse performing the notarization and return the document to the concerned parties, in addition to mentioning the reasons for rejection in a registered letter.

**Article - 10 -**

Whoever is rejected of notarization of his document may submit a grievance regarding the notary’s decision to the minister concerned with justice affairs within ten days of being informed of the refusal. The minister concerned with justice affairs may delegate a judge to consider the grievance. The judge’s decision shall be final, however it shall not have the authority of a final judgment on the subject matter of the document itself.

**Article - 11 -**

Copies of notarized documents shall be given to the concerned parties only. A copy of the documents may be given to others by order of the judge. A second executive copy of the document may not be given except by a court ruling.

**Article - 12 -**

Original copies of notarized document, books, or related documents may not be taken out of the notarization office. The judicial authorities may view them in the place where they are kept. It is not permissible to include a notarial book in the file of a pending case.

**Article - 13 -**

If a court issues a ruling to include an original notarized document in a case brought before it, it shall delegate one of its judges to move to the notarization office in order to issue a copy of the original official document in his presence, and a record shall be made at the bottom which shall be signed by the judge and the notary public, the original shall then be added to the case file and the copy shall be put in its place until the return of the original.

**Article - 14 -**

A decision shall be issued by the minister concerned with justice affairs, which shall include an implementing regulation mentioning the procedures for notarization, ratification of signatures, affirming the date, and organization of books, indexes, copies and certificates. It shall also determine the fees to be paid.

**Article - 15 -**

Starting from the date of enforcing the provisions of this Law, no entity or authority may engage in notarization services, except in cases where the law stipulates otherwise.

**Article - 16 -**

The minister concerned with justice affairs shall implement this Law. And it shall come into force from the date of its publication in the Official Gazette.

**Ruler of Bahrain and Dependencies**

**Isa bin Salman Al Khalifa**

Issued at the Riffa Palace

Date: 14 Jumadah Al-Thaniya 1391 H

Corresponding to: 7 August 1971

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)
2. Amended by Legislative Decree No. (37) of 2017 amending certain provisions of the Legislative Decree No. (14) of 1971 with respect to Notarization. [↑](#footnote-ref-2)
3. Amended by Legislative Decree No. (37) of 2017 amending certain provisions of the Legislative Decree No. (14) of 1971 with respect to Notarization. [↑](#footnote-ref-3)
4. Added by Legislative Decree No. (37) of 2017 amending certain provisions of the Legislative Decree No. (14) of 1971 with respect to Notarization. [↑](#footnote-ref-4)
5. Amended by Legislative Decree No. (37) of 2017 amending certain provisions of the Legislative Decree No. (14) of 1971 with respect to Notarization. [↑](#footnote-ref-5)
6. Amended by Legislative Decree No. (37) of 2017 amending certain provisions of the Legislative Decree No. (14) of 1971 with respect to Notarization. [↑](#footnote-ref-6)