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**Legislative Decree No. (11) of 1995 regarding Protection of the Antiquities**

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

Having reviewed the Constitution,

Emiri Order No. (4) of 1975,

The Bahrain Antiquities Law of 1970, amended by Legislative Decree No. (17) of 1985;

Legislative Decree No. (1) of 1995 Regulating Ownership of Real Estate and Land of the Citizens of the Gulf Co-operation Council of Arabian Gulf Countries;

And the Emiri Decree No. (9) of 1995 reorganising the Ministry of Information;

And upon the submission of the Minister of Information,

And after consulting the Shura Council,

And after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Chapter One**

**General Provisions**

**Article- 1-**

The Ministry of Information is the concerned authority in charge of supervising all matters related to Antiquities, particularly conserving and protecting them at museums, warehouses, sites and archaeological and historical areas. It shall explore overground Antiquities, and excavate what is found underground and in the territorial sea. The Ministry alone shall be responsible for deciding the archaeological and historical nature of things, sites and buildings, and determine the importance of every monument, and decide what antiquities should be registered in accordance with the provisions of this Law.

**Article- 2-**

Anything descending from civilisations or left over by previous generations, explored or discovered whether it be a building or a movable object relating to the arts, sciences or literature or ethics or beliefs or daily life or public events or anything that is at least 50 years of age and has an artistic or historical value is considered a monument.

Historical documents and manuscripts and related covers are considered antiquities.

Remains of human and animal pedigrees and other contemporary creatures that date back to 600 calendar years are considered antiquities.

It is possible, by a decision issued by the Prime Minister according to a proposal submitted by the Minister of Information, for artistic and historical reasons to consider an edifice or a movable object a monument if the State has a national interest in conserving and maintaining it without complying with the time limit stated in this Article.

**Article -3-**

antiquities are of two types:

**(a) Immovable Aantiquities:**

These are Antiquities attached to the ground such as archaeological mounds, remains of settlements and burial grounds, fortresses and bastions, historical houses and buildings, pools and qanats, religious buildings such as temples, mosques and others whether on ground or underground or in territorial sea.

**(b) Movable Aantiquities:**

These are movable objects manufactured to be naturally isolated form the ground or static antiquities, and are possible to change their places without damaging them.

The concerned authority may consider movable antiquities immovable ones if they were part of a static monument or attached therewith and complementary thereof, or part of decorations such as inscriptions, scripts, architectural elements and grave stones.

**Article -4-**

All antiquities, movable or immovable, are considered public property that cannot be appropriated or possessed or disposed of except in cases provided for in this law, and its executive decisions.

**Article- 5-**

Ownership of land does not allow the proprietor to own antiquities on its ground or underground or the right to alienation thereof, it does not permit him the right to excavate and explore antiquities, except in cases provided for in this law.

**Article -6-**

Destruction of movable or immovable antiquities, alterations or damaging, or deforming them by inscription or decorating them or changing their features are prohibited. Bill posting, or placing sign boards in archaeological areas and on registered historical buildings is also prohibited.

**Article -7-**

When considering urban or rural planning projects, expanding, or beautifying them or distributing land plots for building purposes, archaeological areas and features should be maintained according to what the authority concerned with archaeology decides. Planning or land distribution projects where antiquities are found within its ambit should not be approved before obtaining the approval of the authority concerned with archaeology.

The authority concerned with archaeology shall determine places with archaeological features and publish a list thereof in the Official Gazette and notify the authority concerned with planning and distribution.

**Article- 8-**

Building and renovation permits in places close to archaeological sites and historic buildings should not be issued before obtaining the approval of the authority concerned with archaeology to guarantee the construction of modern buildings with the appropriate style of the archaeological character.

In the case of renovation and maintenance of mosques, this should be done with the approval of the Ministry of Justice and Islamic Affairs.

**Article -9-**

The Minister of Information may ask the Minister of Housing to appropriate any immovable monument in the lands of the State of Bahrain and whatever buildings required for passage and amelioration in accordance with the Land Appropriation Law for Public Interest issued by Decree No. (8) of 1970 and amended by Decree Law No. (24) of 1975,

He also has the right to appropriate any movable monument in the State of Bahrain in return for compensation to be determined by the Committee provided for in Article (51) of this Law.

**Chapter Two**

**Exploration and Excavation of Archaeological Antiquities**

**Article -10-**

Excavation of Antiquities is meant to be works of digging, examining and investigation that aim at discovering movable and immovable antiquities underground or on land or in water streams, pools, qanats or territorial sea.

Accidental discovery or finding of antiquities are not considered excavation.

**Article- 11-**

The authority concerned with archaeology has the right to conduct excavation works of archaeology, and may license bodies, scientific societies and specialised archaeological missions to excavate for antiquities by a special non-transferable licence; this licence is only granted by provisions stipulated in this Law, even if exploration and excavation is conducted in a land owned by the party applying for licence.

**Article -12-**

The concerned authority may conduct exploration and excavation of Antiquities in any place in the State of Bahrain, it should return the land and private buildings excavated to their owners unless appropriated in accordance with the Law.

**Article -13-**

The concerned authority publishes a schedule in the Official Gazette indicating the lands and real estates required for exploration and excavation to ascertain the availability of antiquities and whether to appropriate them or return them to their proprietor. This schedule is supported by relevant maps whenever that was necessary.

Exploration in lands and real estates indicated in the schedule should commence within one year from the date of publishing in the Official Gazette, and should be declared within one year from the date of exploration whether the lands contains antiquities or not.

In the latter case the land should be removed from the schedule stated in the above paragraph.

**Chapter Three**

**Licences of Antiquities Exploration**

**Article -14-**

Exploration licences shall only be granted to bodies, scientific societies and specialised archaeological missions after authenticating their abilities and efficiencies scientifically and financially.

The concerned authority may stipulate the presence of technical elements from the authority who conduct Antiquities exploration, and may nominate a representative on the site of exploration and excavation.

**Article -15-**

The licence application form shall be submitted to the concerned authority containing the following data:

a- Name and nature of the body, scientific society or mission, past experience, number of individuals, their nationalities, academic qualifications and practical experience.

b- The archaeological site required for excavation accompanied by maps indicating the demarcation of the area of excavation.

c- Operation Schedule, duration of excavation and its objective.

d- Any other conditions that the concerned authority may deem relevant in the application form.

The licence to be issued by a decision by the Minister of Information.

**Article -16-**

Bodies, societies or missions having excavation permits are committed:

a- to photograph and sketch the archaeological site and all excavated antiquities by common standards, and prepare a collection of photographs of the general excavation works and the excavated antiquities whether movable or immovable.

b- to record all antiquities and provide the concerned authority with all original copies one by one in a special record to be presented to the licensing authority at the end of the season. This record is to include all scientific data of these antiquities.

c- not to remove any part of the archaeological buildings discovered or apply any modification without the approval of the concerned authority.

d- to maintain discovered antiquities and the excavated site in accordance with common standards in this respect particularly restoring, maintaining and repairing them.

e- to provide the concerned authority with information on excavation operations every fifteen days. This authority has the right to release this information. The licensed mission, society or body shall not announce any information on excavation works before informing the concerned authority and obtaining its written consent.

f- to submit a brief report at the end of each season accompanied by excavation plans. The licensee is to provide data, drawings and photographs of all discovered antiquities and any additional information required by the concerned authority.

g- to submit a scientific detailed report for publication on the results of excavations in a period not exceeding one year from the end of each season.

h- to accept a representative of the concerned authority and enable him to view and supervise excavation works, findings and inspect records of antiquities.

i- to deliver all discovered moveable antiquities at the end of each season to the concerned authority and bear its packing expenses and transport them to a location specified by this authority; and not to remove them form the site of excavation before obtaining the consent of the concerned authority.

**Article -17-**

The bodies, scientific societies and missions having excavation permits shall allow the visit of representatives of the concerned authority whenever they desire so. They shall allow visits of archaeologists provided they maintain scientific copy rights of the bodies with excavation permits.

**Article -18-**

If the body or society or mission with excavation permit breach any condition provided for in Article -15-. of this Law, the concerned authority may suspend excavation works immediately till the breaching is ceased, and if this authority deems this breach serious, it may annul this licence by a decision of the Minister of Information.

**Article- 19-**

If the body, or the society, or the mission ceases excavation during two seasons in two consecutive years without an excuse acceptable to the concerned authority, the Minister of Information may annul the licence. He may also grant a licence of excavation in the same area to any other body or society or mission.

**Article -20-**

The body or society or mission having excavation permits shall publish the scientific findings within five years from the date of ending its operations, or the concerned authority may do so by itself or may allow individuals or bodies to do so with no objection on the part of the permit holder.

**Article -21-**

All discovered antiquities found by the body or society or mission having excavation permits shall be the State property and should not be relinquished, particularly those that form integrated collections representing the civilisations of the country and its history, arts and crafts. Nevertheless, the Minister of Information may grant the body or society or mission having excavation permits specimens of bones, pottery fragments and organic materials for the sake of study and laboratory analysis or teaching in order to encourage researchers of archaeology to facilitate their mission. This grant is only possible after the submission of the scientific detailed report referred to in Clause (g) of Article (16).

**Article -22-**

The concerned authority shall co-operate with scientific bodies and excavation missions in conducting some archaeological excavations. Terms and conditions of this co-operation and its scientific, technical and financial aspects shall be defined in the excavation permits or in special licences.

**Article -23-**

Anyone who discovers or finds an archaeological antique without holding an excavation permit should report it to the concerned authority or the nearest Public Security Station within 72 hours from the date of discovery or finding of this antique, otherwise he shall be considered in possession of an antique without a licence.

The concerned authority is to grant a suitable reward for whom who discovers the antique or finds it or reports it in the light of the importance of this antique.

**Article -24-**

The concerned authority and national excavation missions shall be exempted from paying custom duties on instruments, equipment and apparatus imported for archaeological excavation works, restoration, equipping museums and their archaeological centres and artistic and archaeological exhibits.

A temporary release on instruments and equipment that foreign archaeological excavation and restoration missions bring into the country shall be effected. These missions shall finally be exempted from paying custom duties if they relinquish these equipment in favour of the concerned authority or national archaeological missions. They shall pay custom duties if at the end of their operations they decide to dispose of these equipment to other parties.

**Article -25-**

By a decision of the Minister of Information - after the approval of the Cabinet- entry fees may be imposed for visiting museums or archaeological sites. The value of the fee for each museum and archaeological site may be fixed separately.

**Chapter Four**

**Registration of Antiquities, their Maintenance and Disposal**

**Article -26-**

The concerned authority shall list immovable and movable antiquities that are presented to it in accordance with provisions of this Law to register what it considers registrable and compile relevant data in records especially prepared for this purpose. Registration shall be done in accordance with terms and conditions of a decision issued by the Minister of Information.

By the time of enacting this Law, Antiquities considered registered are those listed in the intended records until they are re-registered in accordance with the provisions of this Law.

**Article- 27-**

In compliance with provisions of Article (25) of this Law, anyone owning or in possession of a movable antiquity before this Law shall submit it to the concerned authority for registration within six months from the date of enacting this Law and shall notify the concerned authority within seven days from the beginning of possession, and the concerned authority in both cases shall return the antiquity to its owner or possessor after registering it and giving him a certificate of alienation,if it does not deem the necessity of registering it or keeping it after paying a compensation in accordance with provisions of Article (51) of this Law.

**Article -28-**

Individuals or private bodies are not permitted to dispose of movable Antiquities registered in their names before obtaining a permission of the concerned authority; the State shall have the priority of purchasing those Antiquities. Owners are to inform the concerned authority of the name of the person interested in buying if available, his address and the price offered.

The State may purchase movable Antiquities with the knowledge of the concerned authority, and with the price defined by the Committee provided for in Article (51) of this Law.

**Article -29-**

Owners of movable registered Antiquities are not permitted to repair and restore them except with the approval of the concerned authority and under its supervision. They may carry out repair and restoration at the technical laboratory of the concerned authority for a reasonable fee.

**Article -30-**

Owners of movable Antiquities are to deliver them to the concerned authority whenever the latter require them for study or photographing them, or draw them, or making moulds for them or write about them, or have them exhibited temporarily in an exhibition, or museum, provided they are returned to their owners in the same condition they were delivered in.

**Article -31-**

The concerned authority conveys the decision of the registration of immovable Antiquities owned by others than the State to the Directorate of Land Registration at the Ministry of Justice and Islamic Affairs to have it entered in the Land Registry, and to inform the owners of those Antiquities.  The decision of registration shall be published in the Official Gazette.

**Article -32-**

If the registration of an antiquated realty results in damages for its owner, he may ask for compensation for this damage, provided he files this claim within two years at most from the date of being informed of the decision of registration or from the date of its being published in the Official Gazette whichever is sooner.

The compensation shall be estimated in accordance with the Law of Appropriation of Land for Public Interest issued by Decree Law No. (8) of 1970, as amended.

**Article- 33-**

Registration of an antiquated realty and informing its owner in accordance with the Clauses of Article (32) shall result in the following provisions:

a- Not to demolish the whole realty or part thereof except with a written approval from the concerned authority.

b- Not to appropriate the land or realty, but adjoining lands may be appropriated after the approval of the Minister of Information as a result of a proposal from the authority concerned with Antiquities.

c- Not to allow any right of easement of the realty to others.

d- Not to allow renovation of the realty or changing its features in any way except by permission from the authority concerned with Antiquities; works permitted shall be conducted under direct permission of this concerned authority.

e- Not to dispose of the realty to a Non-Bahraini national except with a written approval from the Ministry of Information

f- The owner is obliged to obtain a written approval from the concerned authority in respect to any disposal incurred on the realty, with stating the name of the purchaser and place of residency, and at time of disposal to inform the purchaser that the realty is registered with the authority concerned with Antiquities; and that authority is to express its opinion within thirty days from the date of informing it of its application for approval of disposal. Elapse of this period without a reply is considered a disapproval.

g- The concerned authority shall conduct at any time and at its own expenses what it considers necessary maintenance and restoration works to all immovable Antiquities.

**Article -34-**

The concerned authority shall prepare immovable Antiquities and historical buildings to receive visitors, it shall also display their artistic qualities and historical characteristics. It may convert any of them into museums and permanent or temporary exhibitions and provide them with the necessary conveniences through agreements with concerned Government authorities.

**Chapter Five**

**Trading Into Antiquities and Exportation thereof**

**Article -35-**

Trading into immovable and movable Antiquities related to the civilisation and history of Bahrain is prohibited. Current traders are granted a period of grace of one year to rearrange their positions and dispose of Antiquities in their possessions after registering them. After this period what remains in their possessions of Antiquities are considered collected items and the provisions relating to the possessions of Antiquities stated in Chapter Four of this Law apply.

**Article -36-**

Without breach to Article (39) of this Law trading in Antiquities is permitted in accordance with the terms provided for in the said article after providing a list of the Antiquities in the possession of the applicant to the authority concerned with Antiquities. This authority shall issue a licence of trading expiring in one year renewable for an annual fee to be determined by a decision issued by the Minister of Information after the approval of the Cabinet.

**Article -37-**

Subject to the provision of the two preceding articles, it is permissible to trade in movable Antiquities registered with the authority or those antiquities deemed unnecessary by this authority for registration.

**Article -38-**

Licence of trade in Antiquities should contain the name of the trader and his family name, his place of residence and the location of his business.

**Article -39-**

Every trader licensed to trade in Antiquities is to comply with the following conditions:

a- To keep official records prepared by the concerned authorities for this purpose indicating the contents of his warehouse of Antiquities in details and selling and buying dealings that he conducts daily and to present these records at every time requested by the employees of the concerned authority.

b- To present to the antiquities officials at the time of inspection every antiquity he may have and to provide them with the necessary facilities.

c- To provide the concerned authority with photographs of the Antiquities in his possession if required.

d- To provide an annual list of every item of Antiquities that he buys or sells to the concerned authority at the time of renewal of the licence with details of the item and name of the seller and new buyer.

e- To display on the forefront of his store a signboard indicating that he is licensed to trade in Antiquities and to display in a prominent place in his store a notice in Arabic and English indicating that the export of Antiquities is subject to licence issued by the concerned authority.

**Article -40-**

The concerned authority is to cancel or not to renew the licence issued to a trader in Antiquities if he violates the provisions of this Law.

If the concerned authority cancells the licence of trading in Antiquities or decids not to renew it, the trader shall cease buying Antiquities and then shall be allowed to sell what is in his possession during a renewable period of one year for the fee stated in Article (36), if Antiquities remains in his possession after the licensed period it shall be treated as the registered Antiquities in the possession of individuals in accordance with Article (27).

In the previous cases a new licence shall not be granted to the trader before the elapse of one year at least from the liquidation of his trading in Antiquities.

**Article -41-**

The export of antiquities abroad is prohibited. However, a special licence from the competent authority may authorize the export of movable antiquities if it is established that their export does not result in a lack of the State's archaeological or artistic heritage, that there is something similar in museums and that can be dispensed with.

**Article -42-**

Anyone wishing to export Antiquities in his possession shall apply to the concerned authority enclosing the following data:

a- The name of the applicant for export, his family name, his profession, his place of residency and his nationality.

b- The place of export of Antiquities and the name of the addressee.

c- The means by which the exporter obtained the Antiquities intended for export.

d- Description of the Antiquities and a list of its number, kind, dimensions and its estimated price.

The applicant for export shall display the Antiquities to the concerned authority before the export of these Antiquities.

**Article -43-**

The concerned authority, may, after the study of the Antiquities intended for export, allow the export or refuse it or buy what it deems of these Antiquities at the estimated price in the export application, unless it found that an obvious discrepancy is found between the value stated in the export application and the value estimated on its part with the knowledge of the Committee provided for in Article (51) of this Law. In this case the latter value is upheld provided a decision of purchase is issued by the Minister of Information.

**Article -44-**

The applicant for export shall pack, at his own expense, the Antiquities licensed for export under the supervision of the concerned authority.

**Article -45-**

The exporter of Antiquities shall present the licence of export to the Officers of Customs, Post, Public Security and other officials at any request, these officials shall confiscate any antiquity that its possessor does not hold the required licence and hand it to the concerned authority.

**Chapter Six**

**Penalties**

**Article- 46-**

Without prejudice to any harsher penalty approbated by the Penal Code or any other law that penalises, the violation of the provisions of this Law and the decisions issued in its implementation shall be penalised by the penalties provided for in the following articles.

**Article- 47-**

Anyone who smuggled or took part in smuggling antiquity outside the country shall be punished by imprisonment and a fine not less than five thousand Bahraini Dinar and not exceeding twenty thousand Bahraini Dinar, and in this case a verdict shall be passed confiscating the antiquity as evidence of the crime for the benefit of the concerned authority.

**Article- 48-**

Shall be punished for a term not exceeding seven years and a fine not less than three thousand Bahraini Dinar and not exceeding ten thousand Bahraini Dinar, he who:

a- Carried out excavations of Antiquities or helped or instigated without a licence.

b- Demolished or damaged, or destroyed or deformed any antiquity including changing its features or amputating any part thereof .

c- Stole an Antiquity or part thereof, owned by the state, or hid it or participated in doing so.

**Article- 49-**

Shall be punished by imprisonment and a fine not exceeding one thousand Bahraini Dinar or by any of these penalties, he who:

a- Traded in Antiquities in violation of the conditions provided for in this Law.

b- Did not present the concerned authority a list of the Antiquities he owns or in his possession at the time of application of this Law, or did not present them to the concerned authority during the period determined in Article (27)

c- Forged or imitated or faked an antiquity with the purpose of fraud and deception or circulated or presented for circulation any of these Antiquities.

d- Made moulds or models of Antiquities and used them without licence from the concerned authority.

e- discovered or found or knew of the discovery and finding of an antiquity and did not report it in accordance with the provisions of this Law.

f- Presented false data or information or untrue documents or instruments in order to obtain any licence in accordance with the provisions of this Law.

g- Declined or failed to deliver to the concerned authorities Antiquities discovered or found, whether he was holding a licence of excavation or not.

**Article- 50-**

In addition to the penalties provided for in this Law, a verdict would be issued whereby the Antiquities in question where the contravention was committed would be confiscated for the benefit of the concerned authority, a verdict would also be issued obliging the violator by demolishing and removing any constructions or buildings or any other thing constructed or introduced or planted in violation to the provisions of this Law or the decisions issued to implement it.

If the convicted person fails to execute the judgement within the time limit set by the competent authority, the latter shall execute the judgement at his own expense and refer to him with the amount of the actual costs

**Chapter Seven**

**Final Provisions**

**Article- 51-**

A committee formed by a decision issued by the Minister of Information shall estimate compensations and define the price and cost and expenses provided for in Article (9 Paragraph (2), 27, 28, 50 )of this Law. Those involved may complain of the Committee's estimation to the Minister of Information within sixty days of the date of notification by a registered letter, otherwise the estimation would be final.  The elapse of this period without a reply is tantamount to decline.

In case of decline of the complaint, those involved may appeal to the Civil High Court within sixty days from the date of their notification by a registered letter.

**Article- 52-**

The employees commissioned by a decision issued by the Minister of Information have the power to prove any violations of the provisions of this Law and the decisions issued to implement it and refer it to the Public Prosecutor for investigation.

**Article- 53-**

The concerned authority shall co-ordinate with the bodies and authorities to guarantee the protection of Antiquities, museums, historical buildings and archaeological sites, preserve and maintain them.

**Article- 54-**

The Bahrain Antiquities Law of 1970, amended by Decree Law No. (17) of 1985 is nullified, any clause that contradicts the provisions of this Law is also nullified.

**Article- 55-**

The Minister of Information issues the necessary decisions to implement this law.

**Article- 56-**

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

**Emir of the State of Bahrain**

**Isa bin Salman Al Khalifa**

**Promulgated at Riffa Palace:**

**On 27 Muharram 1416 A.H.**

**Corresponding to: 25 June 1995**