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**Published on the website on May 2024**

**Law No. (24) of 2013 amending certain Provisions of the Law of Evidence in Civil and Commercial Matters promulgated by Legislative Decree No. (14) of 1996**

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

Having reviewed the Constitution;

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

Commerce Law, promulgated by Legislative Decree No. (7) of 1987, as amended;

Legislative Decree No. (3) of 1995 with respect to Roll Experts;

Law of Evidence in Civil and Commercial Matters promulgated by Legislative Decree No. (14) of 1996, as amended;

And the Civil Law promulgated by Legislative Decree No. (19) of 2001;

The Shura Council and the Council of Representatives have approved the following law, which we have ratified and enacted:

**Article One**

Texts of Articles (132), (135), (137), (139), (141), (142), (144) and (149) of the Law of Evidence in Civil and Commercial Matters promulgated by Legislative Decree No. (14) of 1996, shall be replaced by the following texts:

**Article (132)**

The court may, when necessary, decide to deputize one or three experts, and it shall mention in its judgment:

A) An accurate statement of the expert's work and the urgent measures he is authorized to take.

B) The security deposit that shall be deposited in the court’s treasury to account the expert’s expenses and fees, the amount that the expert may withdraw for his expenses, the litigant who is charged with depositing the security deposit, and the term in which the deposit should be made, provided that it does not exceed seven days from the date of issuance of the judgment appointing the expert.

C) The deadline specified for the expert to announce the acceptance or rejection of his assignment, provided that this deadline does not exceed ten days from the date of the expert’s receipt of a copy of the judgment.

D) The deadline for submitting the expert's report, provided that it does not exceed a period of sixty days from the date of beginning of his work in accordance with the provisions of the first paragraph of Article (142). In urgent lawsuits, the court may decide to reduce this period.

E) The date of the hearing to which the case is adjourned for pleading in the event that the security is deposited, and another hearing closer to it for consideration of the case if it is not deposited. In the event of payment of the security deposit, the lawsuit shall not be dismissed before the litigants are notified of the expert's submission of his report in accordance with the procedures set forth in Article (144).

**Article (135)**

In two days following the deposit of the security, the Clerks' Department shall invite the expert - by registered letter - to receive the security deposit and to review the papers kept in the lawsuit file without receiving them unless the court or the litigants authorize him to do so. A copy of the judgment issued for his appointment shall be delivered to him within a period not exceeding fifteen days from the date of issuance of the judgment appointing the expert.

**Article (137)**

The expert may, within the ten days following the date of his receipt of copies of the judgment, request that he be exempted from performing his task, and the court that appointed him may exempt him from it if it deems that the reasons, he provided for that are admissible.

If the expert does not perform his task and has not been exempted from performance thereof, the court shall rule on him for the expenses that he has caused to be spent in vain and for compensation, if applicable, without prejudice to the disciplinary penalties.

In addition, the court may sentence him to a fine of not less than fifty dinars and not more than two hundred dinars.

The preceding paragraph shall also apply to the expert whom the court has decided to replace with another pursuant to the third paragraph of Article (149).

**Article (139)**

The recusal request is made by assigning the expert to appear before the court, within three days from the date of the judgment appointing him, if this judgment has been issued in the presence of the litigant requesting the recusal. If the judgment has been issued in absentia, the recusal request shall be submitted within the three days following his notification of the operative part of the judgment.

**Article (141)**

The court shall expeditiously decide on the recusal request in the first session after its submission, and the judgment issued in the request shall not be subject to appeal in any way.

**Article (142)**

The expert shall set a date for starting his work, not exceeding seven days following his receipt of a copy of the judgment appointing him, and he shall call the litigants by registered letters or (telefax) sent at least three days prior to that date informing them of the venue, date and time of the first meeting.

In cases of urgency, it may be stipulated in the judgment that the task shall be commenced within three days following the date of appointment of the expert at most, and then the litigants shall be summoned by a telegram or (telefax) signal sent at least twenty-four hours before the first meeting. In cases of extreme urgency, it may be stipulated in the judgment that the task shall immediately be undertaken, and the litigants shall be summoned by means of a telegram or (telefax). Failure to invite the litigants shall invalidate the expert's work.

**Article (144)**

The expert shall hear the statements and observations of the litigants. If one of them fails to appear before him, submit his documents, or implement any of the expert procedures within the specified dates, which makes it difficult for the expert to carry out his work or leads to delay in carrying out his work, he shall notify the court of the same.  The court may sentence the litigant to a fine of not less than fifty dinars and not more than one hundred dinars.  This shall be by a decision recorded in the record of the hearing, and it shall not be appealed in any way. The court may exempt the convicted person from all or part of the fine if he expresses an acceptable excuse.

The court, rather than condemning the claimant to the fine provided for in the previous paragraph, may decide to stay the lawsuit for a period not exceeding three months.

If the period of suspension expires and the claimant does not implement what the court has ordered, it is permissible to judge the lawsuit as if it did not exist, after hearing the defendant’s statements.

The expert shall also hear - without taking an oath - the statements of those brought by the litigants, or whoever he deems appropriate if the judgment has authorized him to do so.

If, without an acceptable excuse, one of those mentioned in the preceding paragraph fails to appear despite being assigned to do so, the court may, upon a request from the expert, sentence the defaulter to a fine of not less than twenty dinars and not more than one hundred dinars, this shall be by virtue of a decision recorded in the record of the hearing and shall not be appealed in any way. The court may exempt the convicted person from the fine if he appears and presents an acceptable excuse.

Execution of the fines stipulated in this Article shall take place after notifying the convicted person by registered letter from the Court Clerks’ Department.

**Article (149)**

If the expert does not submit his report within the time limit specified in the judgment issued for his appointment, he shall submit a memorandum to the Clerks’ Department at least three days before the expiration of that period, in which he indicates the work he has done and the reasons that prevented the completion of his task.

In the session set for examining the lawsuit, if the court finds in the expert’s memorandum justification for his delay, it shall grant him another period not exceeding fifteen days to complete his task and submit his report.

If there is no justification for his delay, the court shall sentence him to a fine of not less than fifty dinars and not more than one hundred dinars, and grant him another deadline not exceeding fifteen days to complete his task and submit his report, or replace him with another and oblige him to return what he has received in terms of the security deposit to the Clerks Department and to pay compensation, if applicable, without prejudice to the disciplinary penalties.

An appeal against the judgment replacing the expert and obliging him to return what he has received in terms of the security deposit is not accepted.

If the delay results from the litigant's mistake, a fine of not less than fifty dinars and not more than two hundred dinars may be imposed on him. It is also permissible to rule forfeiting his right to adhere to the judgment issued for appointing the expert.

**Article Two**

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.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa,**

Issued at Riffa Palace:

On: 26 Shawwal 1434 A.H.

Corresponding to: 2 September 2013