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**Law No. (40) of 2005 regarding the Amendment of some provisions of the Procedures Before Sharia Courts Law promulgated by Legislative Decree No. (26) of 1986**

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

Having reviewed the Constitution;

Procedures Before Sharia Courts Law promulgated by Legislative Decree No. (26) of 1986;

And Judicial Authority Law promulgated by Legislative Decree No. (42) of 2002;

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

**Article One**

Two new Articles numbered (25) bis and (59) bis shall be added to the Procedures Before Sharia Courts Law promulgated by Legislative Decree No. (26) of 1986, with the following texts:

**Article (25) bis:**

A judge delegated by the Supreme Judicial Council from among the judges of the Sharia Minor Court shall be competent to hear lawsuits related to the determination of temporary alimony, obligatory alimony, custody fees, suckling, housing, the right to custody, or delivery of a child.

The aforementioned lawsuits shall be initiated by means of a bill submitted to the Lawsuits Department. This department shall record the lawsuit on the day of submission of the statement in the relevant court record, and set a hearing for it in a deadline not less than twenty-four hours. In case of extreme necessity, this period may be shortened by order of the judge and made From hour to hour. The claimant shall be notified of the summons when submitting the bill, by means of a notice on the original bill, and the rest of the litigants shall also be notified of the bill and jointly summoned.

Except for what has been mentioned above, the provisions governing the filing and notification of the lawsuit shall apply to those lawsuits, and it is not permissible to appeal in objections or petition for rehearing judgments rendered therein.

This shall not preclude the competence of the trial court to decide on those matters that are raised pursuant to the original request.

**Article (59) bis:**

The period for appealing judgments issued in the lawsuits referred to in Article (25) bis is ten days from the date of their issuance, or from the date of notification of the convicted person in accordance with the provisions of Article (59) of the Procedures Before Sharia Courts Law promulgated by Legislative Decree No. (26) of 1986.

**Article Two**

Texts of Articles (9), (10), (35), (36), and (59) of the Procedures Before Sharia Courts Law promulgated by Legislative Decree No. (26) of 1986 shall be replaced with the following texts:

**Article (9):**

The court clerk shall set a maximum period of ten days for hearing the lawsuit, the period may be shortened in case of necessity by order of the court president.

**Article (10):**

The defendant shall be notified to appear when the bill is submitted, by means of a notice on the original bill, and the rest of the litigants shall also be notified of the bill and jointly summoned, provided that the period for appearance shall not be less than three days before the Lower Court, and five days before the Court of Appeal or the High Court, other than the day of delivery of the notification copy and the day of attendance. The period may be shortened in case of necessity by order of the president of the court, and the court shall hear the lawsuits on a matter of urgency.

**Article (35):**

If the claimant attends: The defendant had been notified of the bill and to appear in person, but was absent in the first session, the court shall rule on the lawsuit. If he was not notified in person, the court shall, in lawsuits other than those provided for in Article (25) bis, postpone hearing of the lawsuit to a next session of which the defendant shall be notified, and the ruling on the lawsuit in both cases shall be issued in presence.

**Article (36):**

If there are several defendants whom some have been notified in person and others have not been notified in person, and those who have not been notified were absent, the court shall, in lawsuits other than those provided for in Article (25) bis, postpone hearing of the lawsuit to a next session of which those who have not been notified in person of the absentees shall be notified, and the ruling on the lawsuit shall be issued in the presence of all the defendants.

**Article (59):**

The period for appeal is thirty days from the date of issuance of the ruling in presence, and it shall start from the date of the ruling notification considered in presence to the convicted person. The ruling shall be notified to the convicted person, at his place of residence, or at his chosen place. The party who made the notification is obliged to comply with the time period set.

Failure to comply with the appeal deadline shall result in the forfeiture of the right to appeal, and the court shall rule on it on its own.

**Article Three**

Articles (54), (55), (56), and (57) of the Procedures Before Sharia Courts Law promulgated by Legislative Decree No. (26) of 1986 shall be repealed.

**Article Four**

The Minister of Justice shall implement this Law, and it shall come into force from the first day of the month following the lapse of three months from the date of its publication in the Official Gazette.

**King of Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

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