**Disclaimer: The official version of the law and any amendments thereto is published in Arabic in the Official Gazette. This version of the law, including amendments thereto, is provided for guidance and easy reference purposes. The Legislation & Legal Opinion Commission does not accept any liability for any discrepancy between this version and the official version as published in the Official Gazette and / or any inaccuracy or errors in the translation.**

**For any corrections, remarks, or suggestions, kindly contact us on translate@lloc.gov.bh**

**Published on the website on May 2024**

**Legislative Decree No. (28) of 2021 amending certain provisions of the Evidence in Civil and Commercial Matters Law promulgated by Legislative Decree No. (14) of 1996**

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

Having reviewed the Constitution, in particular Article (38) thereof,

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

Upon the submission of the Prime Minister,

And after the approval of the Council of Ministers,

**Hereby Decree the following Law:**

**Article One**

The provisions of Articles (33), (42), (130) and the second paragraph of Article (131) of the Evidence in Civil and Commercial Matters Law promulgated by Legislative Decree No. (14) of 1996, as well as Part Nine (Expertise) of the same Law, shall be replaced by the following provisions:

**Article (33):**

The pronouncement of the ruling includes the following:

1- Assigning one of the court’s judges to initiate the investigation.

2- Appointing one or three experts from the roll experts issued by a decision of the Minister of Justice after the approval of the Supreme Judicial Council.

3- Determining the day and time of the investigation.

4- Ordering the depositing of the final document at the clerks' department after indicating its status in the manner indicated in the previous Article.

5- Determining the expert's fees and expenses and depositing them in the treasury of the court before he proceeds with his work by the party in whose favour the procedure is ordered.

**Article (42):**

The rules specified in Articles (132) second and third paragraphs, (133), (134) first, second, and fourth paragraphs, (137), (138) first paragraph, (140), (141) and (142) of this Law, all shall be taken into accountin the expert appointed in accordance with Article (33) of this Law.

**Article (130):**

The court or whomever it delegates from among its judges in case of transfer, may hear any witnesses it deems fit to hear. Such witnesses shall be invited to attend at a request, even orally, from the clerk of the trial.

**Article (131) second paragraph:**

In this case, or at the request of the litigants, the judge may order the litigants who shall be assigned to submit an expertise report to prove the status of the incident which features are feared to be lost, and this order enables those who have not been assigned among the litigants, to submit expertise reports to prove the status of the same incident.

**Part Nine**

**Expertise**

**Article (132):**

The litigants have the right to resort to expertise on their own initiative, and they may do so before filing the lawsuit, and any one of them may appoint an independent expert from the other or agree to appoint a joint expert.

The expert means any natural or legal person who has sufficient knowledge and expertise in the technical or practical matter before him, andis able to prepare an expertise report on it.

Expertise is the technical opinion needed to substantiate a matter that requires specialized technical or practical knowledge.

**Article (133):**

The expert shall exercise his job within the limits of the technical matter before him. The Minister of Justice may, after the approval of the Supreme Judicial Council, issue a decision concerning the conditions and criteria that the expert should meet in certain matters, and the guidelines for the requirements of preparing the technical report.

**Article (134):**

The expert shall possess impartiality and integrity in doing his job towards the parties of the lawsuit, and before starting his job, he should disclose in the approved form any direct or indirect personal interest, any conditions or circumstances likely to raise doubts about his impartiality or integrity and which goes against the requirements of his job. If any of these circumstances arise during his job, he should disclose them immediately without delay to the court and to all parties of the lawsuit, in writing.

The Minister of Justice shall, after the approval of the Supreme Judicial Council, issue the form stipulated in the first paragraph of this Article, which includes a questionnaire ensuring the impartiality and integrity, and the expert shall fill it out and submit it to the court in accordance with the provisions of this Article.

The party contracting with the expert or both – as the case may be – shall bear the full costs of his fees set out in the contract.

The expert's fees and the cost allowance incurred for the necessary expert work and crucial for the preparation of the report, are considered among the expenses of the lawsuit, and shall be decided by the court, on its own initiative, when adjudicating on them.

**Article (135):**

Taking into account the procedural system applied in the lawsuit, the litigants may, when necessary, submit an expertise report starting when the regulation is registered or during the course of its procedures.

The litigants may, upon a request submitted to the court, obtain permission to enable the expert whenever there is an obstacle that prevents him from carrying out his job.

The enabling request shall include an accurate description of the technical issue that requires examination or assessment by the expert, andidentify the nature of the obstacle that prevents him from carrying out his job.

**Article (136):**

If the court considers that the matter subjected to expertise is relevant in the lawsuit and necessary for adjudication, and the request submitted requires enabling the expert to proceed his work, the court shall issue an order enabling him to do so.

In issuing the order to enable the expert, the court shall specify the precise limits of the work entrusted to him, the scope of examination of the technical issues related to the dispute, the urgent measures which he is authorized to take, and the time limit to submit the report.

**Article (137):**

It is not permissible for any ministry, government authority, public organization, public institution, any cooperative society, company, individual establishment or any natural or legal person to refrain without legal justification from informing the expert of what is necessary to be accessed in execution of the order issued to enable the expert.

**Article (138):**

The expertise report shall be submitted to the court and includes the expert's technical opinion, the outcome of his work, the aspects on which the report was based, a full statement of his curriculum vitae and practical experiences, and a declaration of performing the job with impartiality and integrity.

A copy of the approved contract signed with the expert should also be attached to the report submitted to the court.

The Minister of Justice shall issue, after the approval of the Supreme Judicial Council, a decision approving the model contract for providingexpertise and declaration for performing the job.

**Article (139):**

The court shall ask questions in writing to the expert to clarify the ambiguities in his report submitted in the lawsuit, ask him to correct the errors found in the report or to complete the research he conducted, whenever the report is part of the dispute before it. The court shall allow the litigants the opportunity to submit questions in writing to be asked to the expert, and in all cases he shall respond to those questions in writing within the time limit specified by the court.

The court may, when necessary, or upon the request of the litigants, summon the experts to discuss the reports and questions raised.

In case where the court deems that the reports submitted require giving a joint opinion about them by the experts who prepared them, and the litigants agree, it shall order the submission of a joint supplementary report.

If it is not possible for the litigants to agree on the submission of a supplementary expertise report, or if the court deems that there is a technical issue that requires a technical opinion to rule on it, the court then may order any litigants it deems necessary to be assigned to submit an expertise report in this matter.

This order shall enable those litigants who have not been assigned, to submit their expertise reports on the same matter ordered by the court, if they deem it appropriate.

The provisions of the second paragraph of Article (136) of this Law shall apply to the order issued by the court to submit the expertise report.

**Article (140):**

The expertise report should be submitted within the time limit specified by the court, within a period not exceeding sixty days from the date of the order issuance by the court, taking into account that the deadlines specified in the procedural system applied in the lawsuit are not violated.

**Article (141):**

Experts are the judicial aides when they carry out their jobs under this Law and in accordance with the following principles:

1- The expert shall be considered as assigned by the court upon starting his work.

2- The information that the expert has access to before submitting his report to the court by the contracting party or parties – as the case may be – shall be subject to confidentiality until the report is submitted to the court.

3- The framework of confidentiality in the information and data that the expert has access to shall be without prejudice to his duty to report or prevent the occurrence of a crime, as well as his duty to inform the concerned court of all the information and data available to him in the framework of his job.

4- The contractual liability of the expert towards the party or parties contracting with him is limited to the intentional breach of the contract or a serious professional mistake in relation to him carrying out his job.

**Article (142):**

The expert’s opinion is not binding to the court.

**Article (143):**

Without prejudice to the provision of Article (36) of the Reorganization and Bankruptcy Law promulgated by Law No. (22) of 2018, the provisions of Legislative Decree No. (3) of 1995 regarding experts roll, shall not apply to the expertise work before the courts or any dispute resolution authority.

**Article Two**

The title of Part Eight (Inspection) of the Evidence in Civil and Commercial Matters Law promulgated by Legislative Decree No. (14) of 1996, shallbereplaced by the followingtitle:

“Inspection and Proof of Status".

**Article Three**

The Minister of Justice shall implement the provisions of this Law, and it shall come into force from the day following its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**HamadbinIsa Al Khalifa**

**Prime Minister**

**Salman binHamad Al Khalifa**

IssuedatRiffaPalace:

On: 23 Safar 1443 AH

Correspondingto: 30 September 2021