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**Legislative Decree No. (31) of 2020 amending some provisions of Legislative Decree No. (3) of 2005 regarding Higher Education**

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

Having reviewed the Constitution, especially Article (38) thereof;

And Law No. (3) of 2005 regarding Higher Education;

And upon the submission of the First Deputy of the Council of Ministers,

And after the approval of the Council of Ministers,

**Hereby Decree the following Law:**

**Article One**

The definitions of “Minister” and “General Secretariat of the Higher Education Council” contained in Article 1 of Law No. (3) of 2005 regarding higher education shall be replaced with the following definitions:

**Minister:** The Minister of Education or any other Minister designated by a decree.‎

**General Secretariat**: A specialised body concerned with higher education in the Kingdom of Bahrain and follows the Board of Trustees.

**Article Two**

The texts of Articles (Three), (Four), (Eight), (Eleven), (Twelve) and (Fifteen) of Law No. (3) of 2005 regarding Higher Education shall be replaced with the following texts:

**"Article Three:**

A- A council named (The Higher Education Council) shall be established. It shall have a legal personality, enjoy financial and administrative independence, and shall be subject to the supervision of the Minister.

B-The Chairman of the Board of Trustees shall represent the Council before the judiciary and in its relations with third parties.

C- All assets, funds and resources allocated to the General Secretariat of the Council of Higher Education at the Ministry of Education, as well as their rights and obligations, shall be transferred to the Higher Education Council.

D- Employees of the General Secretariat of the Council of Higher Education at the Ministry of Education shall be transferred to the Council of Higher Education with the same grades, salaries, allowances and any financial benefits prescribed for them.

**Article Four:**

The Council shall have a Board of Trustees to be formed, by virtue of a decree, with a chairman and a number of not less than nine members with experience and scientific standing. The term of membership in the Council shall be four years, subject to renewal.

**Article Eight:**

The Council shall have a general secretariat that undertakes the preparation of issues and studies presented to the Board of Trustees and the tasks assigned by the Board of Trustees to carry out its duties and specialisations, as well as the follow-up and implementation of its decisions. A decree shall be promulgated to organise the General Secretariat.

The General Secretariat shall have an administrative body consisting of a sufficient number of employees with expertise, specialisation and professional competence in all areas related to the work of the Council.

The provisions of Law No. (13) of 1975 regarding the organisation of pensions and retirement benefits for government employees are applicable to employees of the administrative body of the General Secretariat.

**Article Eleven**

A-The Minister shall issue - after the approval of the Board of Trustees - a decision regulating the investigation of violations committed by licensees of the licensing provisions, which shall include investigation procedures, dates, cases, the entity that carries it out, and the guarantees that guarantee permission for licensees to present their opinions and present their arguments and defence.

B- The Board of Trustees, after reviewing the results of the investigation, shall issue a reasoned decision in any of the following:

1-The investigation was closed because the violation for which the investigation was conducted was not proven.

2- Referring the matter to the competent authority that conducted the investigation to conduct further investigation and research and to complete the investigation.

3- In the event that the violation is proven, the Board of Trustees shall issue a sufficiently reasoned decision by taking one or more of the following measures:

A) Granting the violator a certain period to remove the causes of the violation, provided that it does not exceed six months.

 B) Imposing a total fine not exceeding one hundred thousand Bahraini dinars.

 C) Impose appropriate restrictions on the violator's license.

 D) Imposing a threatening fine calculated on a daily basis to make the violator stop the violation and remove the reasons or effects thereof, which shall not exceed one thousand Bahraini dinars daily when the violator commits the violation for the first time and two thousand Bahraini dinars in case the violator commits any other violation within three years from the date of issuing a decision against him for the previous violation;

 E) Modify the violator's license.

 F) Suspension of the license of the violator, either partially or completely.

 G) Withdraw the license of the violator, either partially or completely.

4- If the investigation revealed a criminal offence in the violation, the papers are referred to the Public Prosecution.

5- A person against whom a decision was promulgated in accordance with Clause (3) of this Article may appeal it before the competent court within a period not exceeding sixty days from the date of notification of the decision.

**Article Twelve:**

If the Board of Trustees issues a decision to suspend or withdraw the license of a private higher education institution in accordance with Article Eleven of this law, the Board of Trustees shall issue the appropriate decisions to address the conditions of students continuing their studies and preserve their right to recover the fees they have paid and their other acquired rights in accordance with the rules it sets in that matter.

**Article Fifteen:**

The Minister shall issue - after the approval of the Board of Trustees - the implementing regulations and decisions of this law.

**Article three**

New articles with numbers three (bis), five (bis), and fourteen (bis) shall be added to Law No. (3) of 2005 regarding higher education, the following texts:

**Article three (bis):**

A- The Board of Trustees shall present to the Minister periodic reports on its activities, work progress, what has been accomplished, and identify obstacles to performance and the solutions adopted to avoid them. The Minister may request the Board of Trustees to provide it with any data, information, decisions, minutes, records or reports in order to enable it to supervise the work of the Council.

B- Without prejudice to the independence enjoyed by the Council in carrying out its duties and powers in accordance with the provisions of this law, the Minister is responsible for following up the extent to which the Council adheres to the provisions of this law and the policy of the state in the field of work of the Council, and the extent to which it performs its tasks efficiently and effectively within the limits of the financial funds available to it.

C- If it appears to the Minister that there is something in the Council’s work that contradicts the provisions of the law or state policy in the field of the Council’s work, or that it does not carry out its tasks efficiently and effectively in a way that achieves its objectives, he has the right to object to that and notify the Board of Trustees of what he sees in this regard, and if the Board of Trustees insists on its opinion Within thirty days from the date on which he is notified of the objection, the matter is referred to the Council of Ministers to resolve the dispute by virtue of a decision to be promulgated within thirty days at most from the date the matter is referred to it.

D- In directing his oversight of the work of the Council, the Minister is accountable to the Council of Representatives.

**Article Five (bis):**

A- The Council shall have an independent budget, and the Council's fiscal year shall begin with the beginning of the State's fiscal year and end with the end thereof.

B-The Council's revenues consist of the following:

1- The appropriations allocated to him in the state's general budget.

2-  The proceeds of fees and revenues for any services performed by the Council.

3- Grants, subsidies, donations, grants, bequests and endowments, in a manner that does not contradict the general policy of the state and the objectives of higher education.

**Article Fourteen ( bis):**

The Minister shall issue - after the approval of the Council of Ministers - a decision regarding the categories of fees that are due for some of the services provided by the Council.

**Article Four**

The phrase (Board of Trustees) shall be replaced with the word (Council) contained in Articles Six, Seven, Nine and Ten, and the phrase (For the Board of Trustees) with the word (for the Council) contained in Articles Six and Seven of Law No. (3) of 2005 regarding Higher Education.

**Article Five**

The definition of “Ministry” contained in Article 1 of Law No. (3) of 2005 regarding higher education is repealed.

**Article Six**

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

**King of the kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

**First Deputy of the Prime Minister**

**Salman bin Hamad Al Khalifa**

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