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**Legislative Decree No. (37) of 2002 amending some provisions of the Public Security Forces Regulation promulgated by Legislative Decree No. (3) of 1982**

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

Having reviewed the Constitution;

And the Public Security Forces Regulation promulgated by Legislative Decree No. (3) of 1982, as amended by Legislative Decree No. (14) of 1987;

Upon the submission of the Minister of Interior;

And after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Article One**

The provisions of Articles (3), (4), (7), (8), (11), (15) first Paragraph, (16), (17) second Paragraph, (19), (21), (22), (24), (25) first Paragraph, (38) second Paragraph, (43) final Paragraph, (44), (45) first Paragraph, (47), (53) first Paragraph, (65), (67) second Paragraph, (72), (80), (81), (82), (83), (85), (87), (88), (89), (92) Clause (7) and (96) final Clause of the Public Security Forces Regulation promulgated by Legislative Decree No. (3) of 1982, shall be replaced with the following texts:

**Article (3):**

The Minister of Interior shall be assisted by one or more Undersecretaries and a number of Directors General appointed by decree, and a number of Deputies of Directors General and Directors of Directorates appointed by a decision of the Prime Minister, based on the proposal of the Minister of Interior. The heads of departments and centres shall be appointed by a decision by the Minister of Interior based on the submission of the competent Undersecretary of the Ministry.

**Article (4):**

A committee called the "Public Committee for Public Security Affairs" shall be established at the Ministry of Interior under the chairmanship of the Minister and the membership of the Undersecretaries and Directors General. The Minister shall have the right to include in the committee a number not exceeding five members. This committee shall have the following competences:

a- Assisting the Minister in formulating the general policy of the Ministry, developing its plans and developing its agencies and method of functioning thereof.

b- Considering the affairs of members of the Public Security Forces, such as appointment, promotion, transfer, training, missions and others.

c- Considering matters that the Minister considers to be submitted to it.

The recommendations of the committee shall be in force from the date of their ratification by the Minister, and a decision shall be issued by the Minister regarding the work system of the committee.

**Article (7):**

The military ranks of the Public Security Forces shall be:

Lieutenant

First Lieutenant

Captain

Major

Lieutenant Colonel

Colonel

Brigadier

Major General

Lieutenant General

General

**Article (8):**

The military ranks of the members and non-commissioned officers of the Public Security Forces shall be:

Police Officer

Senior Policeman

Non-commissioned Officers

Lance Corporal

Corporal

Chief Sergeant

Warrant Lieutenant

Deputy Lieutenant

**Article (11):**

The competences of the Undersecretaries of the Ministry, Directors General and their Deputies, Directors of Directorates and heads of departments shall be determined by a decision of the Minister of Interior.

**Article (15) first Paragraph:**

Officers shall be appointed by a Royal Decree based on the nomination by the Minister of Interior, and the military cadet shall be appointed by a decision of the Minister.

**Article (16):**

Whoever is appointed as a military cadet shall be required the following:

1- Shall be of a Bahraini nationality.

2- Shall have attained the age of 18 years.

3- Shall be medically fit for regular service. The conditions of medical fitness shall be determined by a decision of the Minister of Interior.

4- Shall be of good conduct and behaviour, and shall have not been previously convicted of a felony or of a crime involving honour or integrity.

5- Shall not be affiliated with any political party, group or association.

6- Shall not have been dismissed from military service in the Bahrain Defence Force, the National Guard or the Public Security Forces or discharged from them in accordance with Clause (4) of Article (95) of this law.

7- Shall have obtained a Secondary Education Certificate or its equivalent.

8- Shall be at least 165 centimetres in height.

The Minister of the Interior, in accordance with the requirements of the public interest, may exempt any applicant from one or more of the conditions provided for in Clauses (2), (3) and (8) of this Article.

The selection of military cadets shall be carried out by a committee formed for this purpose by virtue of a decision of the Minister of Interior, whose decisions shall be adopted by him.

**Article (17) second Paragraph:**

It shall be permissible to appoint a Deputy Lieutenant in the rank of Lieutenant in accordance with the regulation issued by a decision of the Minister of Interior.

**Article (19):**

A military cadet who has completed his studies in a Police Academy or a Military Institution, as well as those who have a university or higher qualification after studying for more than three academic years, shall be added to their seniority in the rank of Lieutenant for a period exceeding three years, and shall be granted a bonus for each year.

A doctor shall be appointed to the rank of First Lieutenant. If he holds a specialization diploma in which the period of study is not less than a year after obtaining the Bachelor of Medicine, he shall be granted a bonus in the rank of First Lieutenant, one year in seniority, However, if he holds a higher specialization degree, he may be appointed to the rank of Captain directly.

Higher specialization certificates shall be determined by a decision of the Minister of Health.

**Article (21):**

Officer shall be appointed to the rank’s first scale, unless otherwise provided by the law. The appointment order shall include granting the officer one or more of the rank bonuses to which he is appointed.

**Article (22):**

The seniority of officers in their ranks shall be determined from the date of appointment or promotion and in accordance with the order stated in the Royal Decree issued for the appointment or promotion.

**Article (24):**

Officers and Personnel of the Public Security Forces and wardens shall be appointed by a decision of the Undersecretary of the Ministry of Interior based on the recommendation of a committee formed for this purpose under the chairmanship of the Director General of the General Directorate of Training and Guards and the membership of the Director of the Directorate of Officers and Personnel Affairs, and an officer whose rank is not less than a Lieutenant Colonel.

Whoever is appointed for these positions shall be required the following:

1- Shall be of a Bahraini nationality.

2- Shall have attained the age of 18 years.

3- Shall be medically fit for regular service. The conditions of medical fitness shall be determined by a decision of the Minister of Interior.

4- Shall be of good conduct and behaviour, and shall have not been previously convicted of a felony or of a crime involving honour or integrity.

5- Shall not be affiliated with any political party, group or association.

6- Shall not have been dismissed from military service in the Bahrain Defence Force, the National Guard or the Public Security Forces or discharged from them in accordance with Clause (4) of Article (95) of this law.

7- Shall have obtained an Intermediate Education Certificate, and this condition shall exclude “wardens”.

8- Shall be at least 162 centimetres in height.

The Undersecretary of the Ministry of Interior, after taking the opinion of the committee referred to in the first Paragraph of this Article and with the approval of the Minister of Interior, in accordance with the requirements of the public interest, may exempt any of the applicants from one or more of the conditions provided for in clauses (2), (3) and (8) referred to.

**Article (25) first Paragraph:**

The appointment shall be for the first time in the rank of Policeman with the starting salary scale, and in the rank of warden with the starting salary scale. However, a graduate of military schools or public security schools or who holds a Secondary Education Certificate may be appointed to the rank of Senior Policeman directly with the starting salary scale.

**Article (38) second Paragraph:**

An officer's adequacy rating shall be rated as excellent, very good, good, average or poor.

**Article (43) final Paragraph:**

The promotion to the immediate rank shall be directly by its starting salary scale, or by adding two annual bonuses from the rank bonuses to which he is promoted, whichever is better. If the salary falls between two bonuses, the highest shall be granted.

**Article (44):**

An officer shall be considered for promotion when he reaches the minimum level in the rank, and then he shall be considered for promotion again when he reaches the maximum level in the rank if he has not been previously promoted. The officer's attainment of the maximum rank shall not result in the termination of his service. The minimum and maximum limits shall be:

**Rank**

**Minimum limit**

**Maximum limit**

Lieutenant to First Lieutenant

3 years

5 years

First Lieutenant to Captain

4 years

5 years

Captain to Major

4 years

5 years

Major to Lieutenant Colonel

4 years

6 years

The promotion of an officer from the rank of Lieutenant to the rank of Major shall require that he successfully passes a promotion course whose duration, conditions and cases of exemption shall be determined by a decision of the Minister of Interior.

Officer may be promoted to a higher rank without limitation if he obtains a university or higher qualification during service after studying for a period of at least four years after high school.

**Article (45):**

Taking into account the provisions of Articles (39), (43) and (44) of this law, a Royal Decree shall be issued for promotion, seniority shall be up to the rank of Lieutenant Colonel and selection for higher ranks.

**Article (47):**

Taking into account the provisions of Article (3) of this law, the rank of officers of different centres or positions and their transfer from one general directorate or directorate to another shall be by a decision of the Minister of Interior based on the proposal of the Undersecretary of the Ministry. The Minister may only establish general rules in this regard, provided that the implementing decision shall be issued by the Undersecretary of the Ministry.

The transfer shall be within the scope of the Directorate or department by a decision by the Director General, provided that he shall notify the Undersecretary of the Ministry of the same.

**Article (53) first Paragraph:**

If the mission or study leave of the delegate shall be terminated in accordance with the provisions of the preceding Article, all expenses incurred on him due to the mission or study leave shall be recovered from him. He may be exempted from them or from some of them by a decision of the Minister of Interior, with the exception of the two cases provided for in Clauses (1) and (2) of the preceding Article.

**Article (65):**

Casual (special) leaves for members of the Public Security Forces shall be as follows:

a- In the event that a member of the Public Security Forces exhausts his annual leave, he , with the approval of the Minister of Interior, may be granted a casual leave with bonuses and allowances for a period or periods not exceeding fifteen days in one year.

b- A member of the Public Security Forces who accompanies a patient from his relatives up to the second degree outside Bahrain, as well as a member who accompanies his son in a Bahraini hospital shall be granted a paid patient company leave with bonuses and allowances for a period not exceeding sixty days. With the recommendation from the medical committee referred to in Article (62) of this law. If it exceeds that, the period of the increase shall be deducted from the annual leave balance, otherwise it shall be considered unpaid leave at the request of the member.

c- Women members of the Public Security Forces shall be granted breastfeeding leave for one hour per day for a period of four months starting from the date of the end of the maternity leave, and half an hour shall be added to it for each twin, up to a maximum of another hour, including the period of commuting from the place of work and returning to it.

d- A member of the Public Security Forces may be granted an unpaid leave after exhausting his annual leave balance, for reasons determined by the Minister of Interior regarding officers, and the Undersecretary of the Ministry regarding others, and he shall not be entitled to an annual leave.

**Article (67) second Paragraph:**

He shall also be granted a paid leave with bonuses and allowances for a period of three days and shall not be counted from the annual leave in the event of the death of one of his relatives up to the fourth degree.

**Article (72):**

Taking into account the provisions of Articles (92) Paragraph (7), and (98) of this law, every member of the Public Security Forces who is absent from work or does not return to it, even after an authorized leave, shall be deprived of his salary for the duration of his absence, without prejudice to any disciplinary action or military trial that may be taken against him.

The Undersecretary of the Ministry shall have the right to calculate the period of absence from the annual leave balance due to the absent member if, after his return to work, he provides an acceptable excuse for absence.

**Article (80):**

Any member of the Public Security Forces who committing a crime provided for in the Penal Code, the Military Penal Code or other penal laws shall be tried before the military or ordinary courts, as the case may be.

Any member of the Public Security Forces who violates the duties provided for in this law, the decisions issued by the Minister of Interior or the instructions issued by the Undersecretary of the Ministry, commits an act prohibited to him, violates the duty in the work of his position, behaves dishonourably or appears in a manner that violates the dignity of the position, shall be subject to a disciplinary penalties or tried before the military courts, as the case may be.

**Article (81):**

The following crimes shall be considered military crimes in applying the provisions of this law if they are committed by a member of the Public Security Forces:

**First:**Crimes specified in the Military Penal Code.

**Second:**Crimes specified in the Penal Code and other penal laws if they occur in the following cases:

1- During, because of, on the occasion of the performance of his duty or while wearing his uniform.

2- While in the headquarters, units or barracks of the Public Security Forces, Defence Forces or National Guard.

The military courts provided for in Article (82) of this law shall have jurisdiction over military crimes and related crimes, and shall abide by the penalties provided for in the Penal Code, the Military Penal Code and other penal laws for these crimes. However, if the contributor to the commission of the crimes provided for in Clause “Second” as a perpetrator or accomplice, is a person who is not subject to the provisions of this law or the Military Penal Code, the ordinary courts shall have jurisdiction for hearing for all the contributors.

**Article (82):**

Military courts shall be the following:

**1- The Supreme Military Court of Appeal**It shall be composed of three judges presided over by the most senior of them, provided that his rank shall not be less than Colonel.

**2- The High Military Court**It shall be composed of three judges presided over by the most senior of them, provided that his rank shall not be less than Lieutenant Colonel.

**3- The Lower Military Court**It shall be composed of a single judge whose rank shall not be less than Captain.

It shall be required that at least one of the judges in these courts holds a degree in law and shall be permissible for him to be a civilian affiliated with the Ministry of Interior. It shall always be taken into account that the President of the court is senior in rank than the accused, and if not possible, he shall be of the same rank.

The formation of these courts shall be issued by a decision of the Minister of Interior, and the court shall convene at the time and place designated by its President.

**Article (83):**

The jurisdiction of military courts shall be as follows:

**1-** The Supreme Military Court of Appeal shall have jurisdiction to adjudicate on:

a) Appeal against the judgements issued by the High Military Court.

b) Disputes over jurisdiction between military courts.

2- The High Military Court shall have jurisdiction to adjudicate on:

a) All cases in which an officer is accused, regardless of its type, as well as disciplinary lawsuits against them.

b) Felony lawsuits and related crimes, in which one of the non-commissioned officers, personnel or wardens is accused.

c) Appeals against judgements issued by the Lower Military Court.

d) Deciding on reinstatement requests.

3- The Lower Military Court shall be competent to adjudicate in cases of misdemeanours and violations in which a non-commissioned officer, personnel or wardens are accused, and disciplinary lawsuits against them.

**Article (85):**

The provisions provided for in the Law of Criminal Procedures regarding investigation procedures and military trial of members of the Public Security Forces shall apply to matters not covered by this law.

In the scope of Application of this law, the Minister of Interior shall be the competent Minister when applying the provisions of the Law of Criminal Procedures.

**Article (87):**

In the event that they receive reports of a member of the Public Security Forces committing a military crime, the Judicial Investigation Officers shall immediately inform the Legal Affairs Directorate and the military courts of the incident to take action.

**Article (88):**

The Minister of Interior or the administrative directors specified by a decision issued by him shall be entitled to refer a member of the Public Security Forces in the event that he commits a disciplinary violation to the administrative investigation by an officer, or to refer him to the Legal Affairs Directorate and the military courts for investigation. The result of the investigation shall be presented by a memorandum of opinion to the Minister or whoever he authorizes if the perpetrator of the violation is an officer, and to the Undersecretary of the Ministry or whoever he authorizes if he is a non-commissioned officer, personnel, or warden. It shall be permissible to order the preservation of the investigation, to settle for disciplinary penalty or to issue a decision to refer the violator to military trial.

In all cases, the investigator shall be senior in rank to the accused, and if not possible, he shall be of the same rank.

**Article (89):**

The disciplinary penalties imposed on the members of the Public Security Forces shall be:

1- Reprimand and blame.

2- Warning.

3- Deprivation of the annul bonus for one year.

4- Postponement of promotion for a period not exceeding one year.

5- Salary deduction not exceeding the two months' salary per year.

6- Deprivation of the annual bonus not exceeding three year.

7- Postponing promotion for a period not exceeding three years.

8- Salary deduction not exceeding the six months' salary per year.

9- Rank demotion not exceeding one rank.

10- Imprisonment for a period not exceeding three months for non officers.

11- Dismissal, which is the termination of service.

12- Expulsion, which is the termination of service with the demotion of the rank of the Force member from officer to Lieutenant and from others to Policeman or warden, as the case may be, with the consequent effects, even for the pension or reward due for service.

In implementation of the penalty set out in Clauses (5) and (8), the deduction shall not exceed one quarter of the basic monthly salary. The competent court shall determine, upon ruling to demote the rank in accordance with Clause (9), the seniority of the member of the Force in the rank to which he has been demoted, and he shall not be promoted prior to the lapse of one year from the demotion of his rank. The penalties provided for in Clauses (6) to (12) may be imposed only by the military court. As for other penalties, the may also be imposed by the Minister or the administrative directors who shall be determined by a decision of the Minister for officers and by the Undersecretary of the Ministry or his authorized representative for others.

More than one penalty may not be imposed for each violation.

**Article (92) Clause (7):**

Absence without permission for more than thirty days.

**Article (96) final Paragraph:**

"Dismissal shall result in the termination of the service of a member of the Public Security Forces, with the demotion of his rank if he is an officer to a Lieutenant, and from other ranks to a Policeman or a warden -as the case may be- with implications even for the pension or reward due for service.

**Article Two**

Articles (84), (86) and (90) of the Public Security Forces Regulation, promulgated by Legislative Decree No. (3) of 1982 shall become numbered (90), (90) bis, (90) bis (2), respectively.

**Article Three:**

New Articles shall be added to the Public Security Forces Law, promulgated by Legislative Decree No. (3) of 1982 and shall be numbered as (75) bis, (84), (86), (90) bis (1) and (104) second Paragraph, as follows:

**Article (75) bis:**

Members of the Public Security Forces shall be prohibited from nominating for membership of the Council of Representatives or Municipal Councils.

As for exercising the right to vote for the Council of Representatives or Municipal Councils, it shall be subject to the regulations and instructions issued by the Minister of Interior in this regard.

**Article (84):**

The sentence of death shall be deemed contested by force of law before the Supreme Military Court of Appeal, and the Minister of Interior shall have the right to request a review before it of the final judgements issuing the penalty in the cases provided for in the Cassation Court Law. Judgements issued by military courts by way of Cassation shall not be appealed.

Sentences of death shall not be implemented until they have been ratified by the King.

**Article (86):**

The members of the Legal Affairs Directorate and military courts in the Ministry of Interior shall file lawsuits within the jurisdiction of the military courts, initiate them before them, appeal the judgements issued by them, implement the final judgements, supervise the places of seizure, pre-trial detention and execution of the penalty. They shall have the same powers granted to the deputed judge to initiate the investigation and they shall conduct it, question witnesses, depute experts after taking the oath, interrogate the accused and other investigation procedures, submit the minutes of investigation to the competent court, which shall be permitted to assess its judgement on what is stated in them, provided that the arrest, search and pre-trial detention orders issued during the preliminary investigation shall be approved, and the lawsuits disposed of after the end of the investigation by the Minister or whoever he authorizes by a decision of him if the action is against an officer, and from the Undersecretary of the Ministry or whoever he authorizes if it is against others. The pre-trial detention order shall be for a period or periods not exceeding sixty days. If they are considered to be extended, the papers shall be referred to the High Military Court to issue its order to extend the detention, for successive periods not exceeding forty-five days. Those who are appointed as a Director or member of this Directorate shall be required to have a degree in law, and they and the judges of the military courts who are authorized by law shall be considered counterparts of the civilian judges.

**Article (90) bis (1):**

Grievance may be filed on the decisions issued for disciplinary penalties within fifteen days from the date of their notification to a member of the Public Security Forces. The grievance shall be forwarded by the officers to the Minister and by others to the Undersecretary of the Ministry.

The Minister or the Undersecretary of the Ministry shall have the right to confirm the penalty, substitute it with a lighter one or order its cancellation and the preservation of the papers.

**Article (104) second Paragraph:**

A fund called the "Public Security Forces Assistance Fund" shall also be established in the Ministry of Interior. Among its revenues shall be the monthly contributions contributed by members of the Public Security Forces, and other resources determined by the decision of the Minister of Interior to organize this fund, the aspects of its disbursement, its management and matters related to its activity.

**Article Four**

**First-** The phrase “its Majesty the Emir” provided for in Article (73) of the Public Security Forces Law, promulgated by Legislative Decree No. (3) of 1982 with the phrase " its Majesty the King", and the title of Part Four shall be replaced by the following title "Military Trial and Disciplinary Penalties”.

**Second-**The phrase "Public Security Forces Regulation" shall be replaced with the phrase "Public Security Forces Law" wherever it appears in the texts of this law and other laws, and the phrase "Director of Public Security" shall be replaced with the phrase " Undersecretary of the Ministry of Interior", and the word "Disciplinary" shall be replaced with the word "Military" wherever it appears in the texts of this law.

**Article Five**

The Minister of Interior 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**

**Prime Minister**

**Khalifa bin Salman Al Khalifa**

**Minister of Interior**

**Mohammed bin Khalifa Al Khalifa**

**Issued at Riffa Palace:**

**on: 3 Shaaban 1423 A.H. Corresponding to: 9 October 2002**