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**Ministry of Justice, Islamic Affairs and Waqf**

**Decision No. (30) of 2020 promulgating the Procedures Regulation concerning Commercial Proceedings**

Minister of Justice, Islamic Affairs and Waqf:

Having reviewed the Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971, as amended, in particular Articles (7) bis, (62) bis thereof;

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

Legislative Decree No. (22) of 2019 regarding the Mediation for the Resolution of Disputes;

Procedures Regulation of Lawsuit Management before the Civil and Commercial Lawsuit Management Office, promulgated by Decision No. (62) of 2018,

Decision No. (89) of 2018 regarding the Regulation for notification by Electronic Means, as amended by Decision No. (122) of 2019;

Decision No. (4) of 2019 Establishing Commercial Chambers in the Courts and Defining their Jurisdictions,

Implementing Regulation of Legislative Decree No. (22) of 2019 regarding the Mediation for the Resolution of Disputes, promulgated by Decision No. (126) of 2019,

Decision No. (127) of 2019 regarding the Acceptance and Scope of Electronic Transactions;

And after the approval of the Supreme Judicial Council,

And upon the submission of the Undersecretary for Justice and Islamic Affairs.

**Hereby Decides:**

**Article One**

The provisions of the Procedures Regulation concerning Commercial Proceedings attached to this decision shall apply, and the provisions of the Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971, shall apply to matters not provided for in this Regulation, in a manner that does not conflict with the nature of the Civil and Commercial Lawsuit Management Office.

**Article Two**

The Undersecretary for Justice and Islamic Affairs shall implement the provisions of this Decision, and it shall come into force from the day following the date of its publication in the Official Gazette.

**Minister of Justice, Islamic Affairs and Waqf**

**Khalid Bin Ali Bin Abdullah Al Khalifa**

Issued on: 13 Rajab 1441 A.H.

Corresponding to: 08 March 2020

**Procedures Regulation for Commercial Proceedings**

**Chapter One:**

**Definitions And Scope of application**

**Article (1)**

**Definitions**

In applying the provisions of this Regulation, the following words and expressions shall have the meanings assigned to them below, unless the context requires otherwise:

Minister: Minister concerned with Justice affairs.

Law: Civil and Commercial Procedures Law promulgated by Legislative Decree No. (12) of 1971.

Office: The Civil and Commercial Lawsuit Management Office created by virtue of Article (7) bis of the law.

Head of the Office: The judge who supervises the work of the office in accordance with the provisions of this Regulation, and the said judge shall be appointed by a decision issued by the Supreme Judicial Council.

Lawsuit Manager: Any member of the office, including judges, jurists or technicians responsible for lawsuits management.

Competent Commercial Court: The competent commercial circuit responsible for hearing commercial proceedings in the Higher or Lower Civil Court.

Commercial Proceedings: Proceedings that fall under the jurisdiction of the Commercial Courts

schedule: The schedule in which litigation deadlines are listed for submitting all matters related to commercial proceedings and proving them, the dates of the meetings if decided, and the date of the session set for consideration of the lawsuit before the competent Commercial Court in accordance with the provisions of Article (10) of this regulation.

**Article (2)**

**Scope of application of the Regulation**

The provisions of the present Regulation shall apply to commercial proceedings that are managed by the Office, or by the judge of the commercial Lower Court.

**Chapter Two**

**Filing Commercial Proceedings, Orders for Performance, and Notification**

**Article (3)**

**Filing Commercial Proceedings**

a) The commercial proceedings are filed using approved means of filing a lawsuit, including electronic means, at the request of the claimant, in accordance with a regulation that includes the following:

1-The claimant’s name, surname, profession or job, place of residence or chosen domicile, landline telephone number and mobile phone number, personal number or commercial registration number, fax number and E-mail, the name of his representative, surname, profession or job, capacity, place of residence or chosen domicile, landline telephone number and mobile phone number, personal number, fax number and E-mail.

2- The defendant’s name, surname, profession or job, place of residence or chosen domicile, landline telephone number and mobile phone number, fax number and E-mail, If applicable. If he does not have a known place of residence at the time the lawsuit is filed, then his last place of residence.

3) The facts of the lawsuit and the claimant’s requests.

4- ) A portfolio of documents relied upon in the lawsuit, including a list of the items in that portfolio. If any of the documents or parts thereof are in a foreign language, their translation into Arabic shall be provided.

b) The claimant shall clearly and plainly present the facts and subject matter of the lawsuit, reasons, requests, and supporting evidence in the bill, and he shall submit its copies and all its attachments according to the number of defendants.

c) The claimant may combine multiple requests in one lawsuit, based on one legal reason or multiple legal grounds or facts.

d)- All information shall be completed and all other documents issued to be specified in circulars shall be submitted.

e) The claimant shall be responsible for completeness and validity of the data and documents necessary to file the lawsuit.

**Article (4)**

**Enrolment of the Commercial Bill**

Commercial Bill is registered after completing all necessary information and the required documents and payment of the full prescribed fee. The electronic statute will determine the competent civil court based on the information provided.

**Article (5)**

**Orders for Performance**

 It is permissible for the right holder to obtain an order for performance in accordance with Chapter Ten of the law by submitting a request directly to the competent commercial court judge, if the following conditions are met:

1- The right should be a specific amount of money owed or a movable property which is definite in itself or in its type and amount.

2- That the right be established in writing.

-3) It shall be in the state of performance.

And if the right holder is a creditor with a commercial paper, and his recourse is limited to the drawer, the executor, the acceptor, or the standby guarantor for one of them.

The right holder shall submit a request to the judge of the competent commercial court, along with the following:

1) A copy of the deed of debt.

2) A declaration that the copy is identical to the original, with an undertaking to provide it to the court for review at any time.

3- A statement confirming debtor assignment to fulfil his obligation within at least seven days.

Upon completing all the required procedures by the right holder, the judge may issue the order within three days and notify the debtor immediately.

If the competent judge refuses to issue the order, the lawsuit will be referred to the office to be managed according to the provisions of this Regulation.

If the order for performance falls under the jurisdiction of the Lower Commercial Court, the competent judge shall immediately manage the lawsuit according to the provisions of this Regulation.

**Article (6)**

**Notification and its Information**

Upon filing the lawsuit, the claimant shall be notified of the schedule, and the defendant shall be notified of both the bill and the schedule during the lawsuit management stage, taking into account the provisions of Article (49) of the law.

The rules and procedures stipulated in the law shall apply to the notification. The notification by electronic means is deemed to be effective from the date it is sent to the notified party.

**Chapter Three**

**Management of Commercial Proceedings Before the Office**

**Article (7)**

**Unfitness of the Head of the Office or the Lawsuit Manager**

The Head of the Office or the Lawsuit Manager shall be unfit to carry out the tasks assigned to him with regards to Commercial Lawsuit Management, if he is a party opposing the lawsuit, or if he has a kinship or affinity relationship up to the fourth degree with any of the opposing parties, their representative, or their defender; or has a personal interest in the commercial proceedings, or has expressed an opinion on the dispute or represented one of the litigants or written about the commercial proceedings.

If the President of the Office is unfit, he shall notify the Supreme Judicial Council to authorize him to get recused, and he will be replaced immediately by a back-up Head of the Office. If the Lawsuit Manager is unfit to initiate the proceedings in any commercial lawsuit, he shall inform the Head of the Office and seek permission to get recused and request the appointment of a replacement.  In both cases, this shall be recorded in special minutes to be kept on the lawsuit file.

**Article (8)**

**The Effect of the Presence of Litigants**

The presence of the litigants or their representatives, the submission of a memorandum, document, or request before the Office results in the litigation being considered as attended in their favour, even if they fail to appear before the Office or the competent Commercial Court thereafter.

**Article (9)**

**Effect of not Paying the Full Expense**

If it is revealed to the Lawsuit Manager that the prescribed fee has not been paid or payment has not been completed, the claimant or his/her representative will be required to pay or complete it within a deadline specified by the court, without violating the deadlines specified in the schedule. If the claimant or his representative fails to comply with this request within the specified time-period, the Lawsuit Manager shall refer the lawsuit file, as it is, to the competent Commercial Court to order the dismissal of the lawsuit.  The claimant can then reinstate the lawsuit by following the proper procedures. The Lawsuit Management Office shall prepare a new schedule to complete the remaining procedures of the Office.

If the lawsuit remains dismissed for a period of sixty days and none of the litigants requests to proceed with it, it shall be considered as though it has never been filed.

**Article (10)**

**schedule**

a- The schedule includes the following:

1- Commercial proceedings number and the names of the litigants involved.

2- Deadlines for the litigants to submit all matters related to the lawsuit and to provide evidence through memoranda, documents, and requests.

3- The specific dates of meetings, if decided.

4- The date of the hearing scheduled for the lawsuit before the competent Commercial Court in case the defendant responds to the bill, and another hearing date in case of no response.

b- The litigants shall respect the deadlines specified in the schedule. If any of them fails to submit a memorandum, document or request within any of the deadlines specified in the schedule, the Lawsuit Manager may refer the lawsuit as it is to the competent Commercial Court, after verifying the validity of notification to those who defaulted.

c- If the defendant fails to submit a memorandum, document, or request within the deadlines specified in the schedule and within the first month from the period of managing the commercial proceedings stated in Article (20) of this regulation, the Lawsuit Manager may after verifying the validity of the defendant's notification, adopt the session date specified in the schedule in case of failure to respond to the lawsuit with the referral of its file to the competent Commercial Court:

d- If the lawsuit management requires holding meetings between the litigants or if one of them requests it, the Lawsuit Manager may determine the dates of their convening, include them in the schedule, and notify the litigants of them. If any of the litigants fail to attend any scheduled meeting, the Lawsuit Manager may, after verifying the validity of the notification to the party that failed to appear, proceed with the procedures for administering the lawsuit in the presence of the remaining litigants.

e- If the last day of the deadline specified in the schedule or the date of the scheduled meeting falls on an official holiday, the litigants shall submit what is necessary to be submitted or attend on the first working day thereafter, as appropriate, without the need to re-notify any of them.

f- The Lawsuit Manager may modify the deadlines in the schedule after obtaining approval from the Head of the Office and notifying the litigants. The lawsuit Manager may also modify the dates for scheduled meetings in the presence of the litigants. If any of them are amended in the absence of any of them, the absent litigant shall be notified. Lawsuit Manager shall take into account the specified period for lawsuit management in accordance with the provisions of Article (20) of this Regulation.

g- In preparing the schedule, consideration should be given to equality between the litigants, in a way that gives each litigant an adequate opportunity to present his defence and documents and present his evidence.

h- It is necessary to prove the date of submission by any litigant of any memoranda, documents, or requests. And if the litigant submitted any of that after the specified deadline, he shall indicate in writing the reasons and circumstances for that, and the memorandums, documents and requests are kept in the lawsuit file, and the necessary procedures are taken in accordance with the provisions of this regulation, including the notification to litigants.

i- Lawsuit Manager shall draft the minutes of the Commercial Lawsuit Management meetings. Once signed by the Lawsuit Manager, the minutes are kept in the commercial proceedings file.  The Head of the Office may also appoint a secretary to draft the minutes of the meetings and keep them in the lawsuit file after they have been signed by the Lawsuit Manager.

**Article (11)**

**Submission of Memorandums, Documents and Requests**

The litigant shall submit all that is necessary to settle the lawsuit, including memorandums, documents and requests related to evidentiary procedures, within the deadlines specified in the schedule, and in particular he may submit the following:

1- Memorandums of defence and pleas.

2- Portfolios of documents containing evidence relied upon in his defence, along with a list of the contents of these portfolios

3- Incidental requests and counter lawsuits.

4- Requests for third party litigation, entry and intervention.

5-technical reports that the litigants wish to submit, including the performance of expert witness testimony.

6- Expert reports.

7- A request for the testimony of witnesses and a statement of the facts he wishes to prove it with evidence

8- A request to appoint an expert, statement of the issues to be proven with expertise, and names of the experts whose technical opinion is sought.

9- A request to deny or allege forgery.

10- A request to oblige the other party to produce documents in their possession.

11- A request to oblige the administrative authorities to provide any information or documents they may have.

12- A request to oblige a third party to display what he possesses or keeps

13- Request to interrogate the litigants.

14- Requesting a conclusive oath, stating the facts on which he wants his litigant to take an oath, and mentioning the wording of the oath.

15- Request for inspection.

**Article (12)**

**Filing Commercial Proceedings**

A- During the lawsuit management stage and within the specified time frame in the schedule, the defendant may argue lack of jurisdiction of the court to hear the case, the inadmissibility of the lawsuit for the case for claim preclusion, the statute of limitations, the lawsuit being filed after the legal deadline, the claimant 's lack of legal capacity or eligibility, the lack or absence of the interest in the lawsuit, the filing of the case through an unauthorized procedure, or for any other reason

B- If the defendant limits his response to any of the pleas listed in the previous paragraph without submitting any other substantive plea, the Lawsuit Manager shall transfer the file to the Head of the Office to refer the commercial proceedings as it is to the competent Commercial Court to rule on the pleas. In all cases, and once the lawsuit has been referred to the Commercial Court, the latter may not refer it back to the Office.

**Article (13)**

**Incidental Requests and Counter Claims**

It is permissible for any of the litigants to submit incidental requests, counter-lawsuits, third-party lawsuits, entry, and intervention in the stage of lawsuit management during the specified period in the schedule according to the regulations of the Commercial Lawsuit Management.

**Article (14)**

**Requests for third party litigation, entry and intervention**

The litigants to the lawsuit are permitted to submit requests for third-party intervention, joinder, and intervention during the time frame specified in the schedule for lawsuit management, in accordance with the regulations for Commercial Lawsuit Management.

**Article (15)**

**Requests for Evidentiary Procedure**

Litigants shall as the case may be submit a request for evidentiary procedures, at the lawsuits management phase within the deadline specified in the schedule.

In this stage the Commercial Court considers the requests to appoint an expert, alleging forgery and inspection.  The Head of the Office shall be competent to consider the requests for obliging administrative authorities to produce information or documents that may be in their possession

**Article (16)**

**Urgent Requests, Interim or Provisional Orders**

The claimant is allowed to submit urgent requests that are related to the original request, as well as provisional, and custodial requests during the lawsuit management stage. In this stage, the judge of the competent Commercial Court shall be competent to consider these requests.

**Article (17)**

**Litigants’ Request to Refer the Lawsuit to the Competent Commercial Court**

If the litigants in the civil lawsuit are satisfied with the memorandums, documents, and requests that have been submitted, the Lawsuit Manager shall submit the lawsuit file to the Head of the Office to be referred to the competent Commercial Court to adopt either of the two dates specified in the schedule for hearing the lawsuit before the Competent Commercial Court or another hearing date, provided that the litigants are notified thereof.

**Article (18)**

**Settlement of the Dispute Through Conciliation or Mediation**

a) It is permissible for the litigants to provide evidence of a settlement agreement during the lawsuit management stage through conciliation. If they agree to the terms, the agreement is documented in a record that has the power of deed of execution after being signed by the litigants or their representatives, as well as by the Lawsuit Manager, and appending the executory formula thereupon.  If the parties involved in the dispute agree to use mediation during the hearing of the lawsuit, half of the prescribed fee is collected or any excess amount is refunded, depending on the circumstances.

b) It is permissible for the litigants during the lawsuit management stage to settle their dispute through mediation. If they reach a complete or partial settlement, settlement agreement carries the force of an enforceable instrument after being documented or authenticated by the Head of the Office. The claimant is totally exempted from the judicial fees related to any settled dispute if the settlement agreement is kept within one month from the registration of the lawsuit and will be exempted from half of the fee related to any settled dispute if this agreement is kept during four months from the date of registration of the lawsuit. The Head of the Office shall decide regarding the exemption of fees, whether fully or partially, or to oblige the claimant to pay the full or remaining amount of the fees or if such fees should be refunded to the claimant, as the case may be.

**Article (19)**

**Procedural Incidents**

A)- If the litigants so agree, the Head of the Office may stay the commercial proceedings for a maximum period of six months from the date of establishing this agreement. If the lawsuit is not expedited within eight days after the end of the deadline, the claimant shall be considered as abandoning their lawsuit. The stay period shall not be counted as part of the Commercial Lawsuit Management duration provided for in Article (20) of the present regulation.

B)- The litigation process shall be interrupted by the death of any of the litigants, the loss of their legal capacity, or the cessation of the status of their representative in the dispute, unless the commercial proceedings has reached the final stage and all parties have been notified, making the case ready for disposition. In all cases the Head of the Office refers the lawsuit to the competent Commercial Court.

C)- Except as otherwise provided for in paragraphs (a) and (b) of the present article, the competent Commercial Court shall rule on any suspension, dismissal, expiration, or abandonment of the dispute that arises during its consideration

**Article (20)**

**Duration and Expiration of Lawsuit Management**

The period for the lawsuit management shall be of (30) days from the date of filing the lawsuit in the event that the defendant fails to respond to the bill. If the defendant responds, an additional 30 days shall be added.

This period may be extended by no more than (60) days by a decision of the Head of the office based on the agreement of the litigants or on a justified request submitted by the Lawsuit Manager accompanied by a new schedule with new deadlines, as the case maybe.

The lawsuit management procedures end with the expiration of its period, in accordance with the previous two paragraphs of this article, without prejudice to the provisions of paragraph (b) of Article (10) and Articles (17) and (18) of this regulation.

**Article (21)**

**Referral of the Lawsuit to the Commercial Court**

The lawsuit Manager shall, upon the end of the lawsuit management stage, draft a report that includes the facts of the lawsuit, the litigants’ arguments, requests, defences, grounds of defence, evidence, and any requests related to the evidence procedures. The Commercial Proceedings Manager shall present the lawsuit file to the Head of the Office to decide its referral to the competent Commercial Court within three working days from the lawsuit management termination, along with the aforementioned report

**Chapter Four**

**Proceeding of the Lawsuit Before the Commercial Court**

**Article (22)**

**Determining the duration of the Commercial Proceedings**

The pleading takes place in the first session. The hearing of commercial proceedings may be postponed from one session to another in exceptional cases that require postponement for consideration, response or proof thereof, in accordance with the Articles (23) and (24) of this regulation.

**Article (23)**

**Regulating the Postponement of the Hearing of the Commercial Proceedings**

The maximum number of postponements for commercial proceedings is (10) sessions, provided that the duration of the trial does not exceed (180) days from the date of its filing.

**Article (24)**

**The Exceptional Cases and Circumstances for Postponement of the Hearing of the Commercial Proceedings**

Postponement of the hearing ~~of~~commercial proceedings is not permitted for the purpose of submitting a new request, plea, defence, or evidence for the first time before the competent court, and what has been submitted in the lawsuit management stage beyond the specified deadlines in the schedule are not admissible, except in the following cases and circumstances, which include:

1- If the court finds that the litigant has not been properly notified during the commercial proceedings management stage.

2- If any other law allows the submission of such a request, plea, defence, or evidence in any case that the commercial proceedings concerns.

3- If the submission of the request, plea, defence or new evidence is to meet circumstances that arose or became apparent after the deadline specified for that in the schedule.

4- If the new request, plea or defence presented by the litigant is related to public order.

5- If the court finds that reasons beyond the control of the litigants have prevented submission of evidence or requesting evidence at commercial lawsuit management stage within the period specified for that in the timetable.

6- If the completion of the evidentiary procedure requires more than one session or more than one day.

**Article (25)**

**Electronic Judgements and Pronouncing Thereof**

The judgements are issued without the need to keep their drafts and save them in the commercial lawsuit file.

The judgement shall be pronounced immediately after the conclusion of the trial, if possible, otherwise in another session set up for this purpose.

The judgement shall be pronounced by reading its text in a public session or by publishing it electronically in the court hall and the electronic system.

**Chapter Five**

**Commercial Lawsuit Management Before the Commercial Minor Court.**

**Article (26)**

The Lawsuit Management regarding the commercial proceedings that falls under the jurisdiction of Commercial Minor Court, shall be carried out by the judge of the same court before scheduling the lawsuit for consideration according to the provisions of the present regulation, and in a manner that does not contradict the nature of the lawsuit management.

Immediately after the completion of the Commercial Lawsuit Management, the judge shall schedule a session to consider the lawsuit in accordance with the provisions of this Regulation.