BAHRAIN

1952 No. 2108

The Bahrain Order, 1952

Made - - - -	*4th December*, 1952
Laid before Parliament	*5th December*, 1952
Coming into Operation	*1st January*, 1953

At the Court at Buckingham Palace, the 4th day of December, 1952

Present,

The Queen's Most Excellent Majesty in Council

Whereas by treaty, capitulation, grant, usage, sufferance, and other lawful means Her Majesty the Queen has jurisdiction within the territories of the Ruler of Bahrain:

And Whereas provision was made for the exercise of such jurisdiction by the Bahrain Order in Council, 1949(a):

And Whereas it is expedient to repeal the said Order in Council and make further provision for the exercise of the said jurisdiction;

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, 1890 and 1913(b), or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I.—PRELIMINARY AND GENERAL

1. This Order may be cited as the Bahrain Order, 1952.

2. The limits of this Order are all the territories of the Ruler of Bahrain, including the territorial waters thereof and all other areas over which he has jurisdiction.

3. This Order is divided into parts as follows:—

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(a) S.I. 1949/592; 1949 I, p. 1767. (b) 53 & 54 Vict. c. 37 and 3 & 4 Geo. 5. c. 16.

4. In the construction of this Order and of any rules, regulations or orders made thereunder the following words and expressions have the meaning hereby assigned to them, unless there be something in the subject or context repugnant thereto, that is to say:—

" Administration " means letters of administration, including the same with will annexed, or granted for special or limited purposes, or limited in duration.

" Bahrain " includes all territories, territorial waters and other areas within the limits of the Order.

" Bahrain subject " means a subject of the Ruler of Bahrain.

" British aircraft " means an aircraft registered in any part of Her Majesty's dominions, protectorates or protected states (other than Bahrain, Kuwait, Qatar and the Trucial States), or in India or in any trust territory or mandated territory and includes in the case of unregistered aircraft any aircraft owned by a British subject.

" British ship " means a merchant ship registered in any part of Her Majesty's dominions, protectorates or protected states (other than Bahrain, Kuwait, Qatar and the Trucial States), or in India or in any trust territory or mandated territory and includes in the case of unregistered ships any ship owned by a British subject.

" British subject " means and includes—

(1) any person who has the status of a British subject under the British Nationality Act, 1948(a);

(2) any person who has the status of a British protected person under the British Nationality Act, 1948, other than persons not subject to this Order;

(3) any corporation incorporated under the law of any part of Her Majesty's dominions, protectorates or protected states or of India or of any trust territory or mandated territory, other than corporations referred to in Article 8 (1) (*a*).

" The Court ", except when the reference is to a particular Court, means any Court established under this Order.

" Majlis-et-Tujara " means a Civil Court composed of not less than four members selected by the Ruler of Bahrain in concert with the Political Agent, one or more of whom should have knowledge of the local diving and marine law.

" Mandated territory " means a territory administered by the government of any part of Her Majesty's dominions in accordance with a mandate from the League of Nations.

" Month " means calendar month.

" Oath " or " Affidavit " includes affirmation or declaration.

" Offence " means any act or omission made punishable by any law for the time being in force.

" Person " includes an individual and a corporation.

" Persons subject to this Order " means those persons to whom the powers conferred by this Order extend in accordance with Article 8 (1).

(a) 11 & 12 Geo. 6. c. 56.

" Persons not subject to this Order " means those persons referred to in Article 8 (1) (*a*) or (*b*).

" Political Agent " means Her Majesty's Political Agent at Bahrain.

" Political Agency " means the Office, Residence, Court or other appointed place of business of the Political Agent.

" Political Resident " means Her Majesty's Political Resident in the Persian Gulf.

" Qadhi " means an official Qadhi appointed by the Ruler of Bahrain and accepted by the Political Agent.

" Ruler of Bahrain " hereinafter called " the Ruler ", means the ruling Shaikh of Bahrain, or his duly accredited representative for the time being.

" Rules of Court " means Rules of Court made under the provisions of this Order.

" Secretary of State " means Her Majesty's Principal Secretary of State for Foreign Affairs.

" Ship " includes any vessel used in navigation, however propelled, with her tackle, furniture, and apparel, and any boat or other craft.

" Trust territory " means a territory administered by the government of any part of Her Majesty's dominions under the trusteeship system of the United Nations.

" Will " means will, codicil, or other testamentary instrument.

Expressions used in any enactments applied to Bahrain shall, unless a contrary intention appears, have the same meanings as in this Order.

5.—(1) In this Order words importing the plural or the singular may be construed as referring to one person or thing or to more than one person or thing, and words importing the masculine as referring to the feminine, as the case may require.

(2) Where this Order confers any power or imposes any duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(3) Where this Order refers to the holder of a particular office the reference includes any person authorised to act as the holder of that office.

(4) Where this Order confers a power to make any rules, regulations, or orders, the power shall, unless a contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, vary or amend the rules, regulations or orders.

(5) This Article shall apply to the construction of any regulations, rules, or orders made under this Order, unless a contrary intention appears.

6. Where this Order refers to any specified Act or Acts of Parliament, such reference shall, unless a contrary intention appears, be deemed to include any Act or Acts amending or substituted for the same.

7. In the event of there being at any time no person authorised and able to act as Political Agent, all and every the powers, authorities, and immunities by this Order granted to him shall, until the Secretary of State otherwise directs, be vested in the Political Resident.

8. The powers conferred by this Order shall extend to the persons and matters following:—

(1) All persons, except the following:—

(*a*) individuals who are Bahrain subjects and corporations which are incorporated under a law enacted by the Ruler;

(*b*) individuals who are subjects of the Rulers of Saudi Arabia, the Yemen, Muscat and Oman, Kuwait, Qatar or any of the Trucial States.

(2) The property and all personal or proprietary rights and liabilities within the limits of this Order of all persons subject to this Order.

(3) British ships, and ships belonging to persons subject to this Order, with their boats and property belonging to such ships, and all persons (whether subject or not to this Order) in respect of all acts committed by them on board such ships whether the ship was within the limits of this Order or not; provided that where the persons committing such acts are persons not subject to this Order all cases wherein they are concerned shall be dealt with in accordance with Part VIII of this Order.

(4) British aircraft, and aircraft belonging to persons subject to this Order, with property belonging to such aircraft, and all persons (whether subject or not to this Order) in respect of all acts committed by them on board such aircraft whether the aircraft was within the limits of this Order or not; provided that where the persons committing such acts are persons not subject to this Order all cases wherein they are concerned shall be dealt with in accordance with Part VIII of this Order.

9. Where a person subject to this Order is personally outside the limits of this Order or a British ship or aircraft or a ship or aircraft belonging to a person who is subject to this Order is outside the limits of this Order, jurisdiction over him or over such a ship or aircraft or over a person on board such ship or aircraft or over property belonging thereto shall be exercised only in the cases provided by express provisions of this Order or of the law made applicable by this Order. The service of process shall be governed by the Rules of Court.

10. All Her Majesty's jurisdiction exercisable within the limits of this Order for the hearing and determination of criminal and civil matters, or for the maintenance of order or for the control or administration of persons or property, or in relation thereto, shall be exercised under and according to the provisions of this Order, so far as this Order extends and applies.

11. Every judge and officer of the Courts established under this Order shall, as far as there is proper opportunity, promote reconciliation and encourage and facilitate the settlement in an amicable way, and without recourse to litigation, of matters in difference between persons subject to this Order, or between persons subject to this Order and persons within the limits of this Order who are not subject to this Order.

PART II.—LAW TO BE APPLIED

12.—(1) Subject to the other provisions of this Order, Her Majesty's criminal and civil jurisdiction in Bahrain shall, so far as circumstances admit, be exercised on the principles of and in conformity with:—

(*a*) the enactments of the Indian Legislature and the Bombay Legislature set out in the first schedule of this Order, subject to the exceptions, adaptations and modifications therein specified;

(*b*) the Acts of Parliament and Orders in Council of the United Kingdom set out in the second schedule of this Order subject to the exceptions, adaptations and modifications therein specified;

(*c*) the miscellaneous provisions set out in the third schedule of this Order;

(*d*) Queen's Regulations made under Article 82 of this Order;

(*e*) Rules of Court made under Articles 77 and 78 of this Order.

(2) The Court shall, where it considers it just and appropriate to do so, recognise and apply any reasonable custom existing in Bahrain, unless such custom conflicts with this Order or with the law made applicable under paragraph (1) of this Article.

(3) So far as the law, enactments, powers, practice and procedure set out in the schedules of this Order and in any Queen's Regulations or Rules of Court made under this Order are inapplicable, the jurisdiction shall be exercised in accordance with justice, equity and good conscience.

13. All orders, criminal or civil, duly made by a Court under the Kuwait, Qatar, Muscat and Trucial States Orders may, on application to the Court, be rendered enforceable within the limits of this Order as if they were orders of the Court.

PART III.—COURTS

14.—(1) For the purposes of the exercise of jurisdiction under this Order there shall be constituted and maintained:—

(i) Her Britannic Majesty's Court for Bahrain (hereinafter referred to as the Court for Bahrain).

(ii) Her Britannic Majesty's Chief Court for the Persian Gulf (hereinafter referred to as the Chief Court).

(iii) Her Britannic Majesty's Full Court for the Persian Gulf (hereinafter referred to as the Full Court).

(iv) The Joint Court and the Joint Court of Appeal referred to in Part VIII of this Order.

(2) (i) The Political Agent shall be the Judge of the Court for Bahrain. The Assistant Political Agent shall be an Assistant Judge and also such other persons as may from time to time be appointed by the Secretary of State for this purpose during the period of their appointment. Each Judge of the said Court may exercise all the powers and jurisdiction of the Court.

(ii) Subject to the provisions of Part VIII of this Order, all Her Majesty's jurisdiction in Bahrain, civil and criminal, not under this Order vested exclusively in the Chief Court shall be vested in the Court for Bahrain.

(3) (i) The Judge of the Chief Court shall be the Political Resident. One or more Assistant Judges shall be appointed by order of the Secretary of State and shall be persons who have held judicial office under the Crown or Members of the Bar of England, Scotland or Northern Ireland of not less than nine years' standing. Each Judge of the Chief Court may exercise all the powers and jurisdiction of the Court.

(ii) The Secretary of State may appoint either a person qualified as provided in sub-section (3) (i) or a person who holds the office of Political Agent in Bahrain, Qatar, Kuwait or the Trucial States or Her Majesty's Consul-General in Muscat and Oman as an additional Assistant Judge for such periods as he may consider advisable, and any person so appointed shall, during the continuance of his appointment, have all the powers and authority of an Assistant Judge.

(iii) The Chief Court shall have, in all matters civil and criminal, an original jurisdiction, concurrent with the jurisdiction of the Court for Bahrain, to be exercised subject and according to the provisions of this Order, and shall have the appellate jurisdiction set forth in Articles 31, 32, 39, 55, 56 and 57 of this Order.

(iv) Any jurisdiction exercisable by the Chief Court in criminal or civil matters under this Order may be exercised by that Court either within the limits of this Order or elsewhere within the limits of the Kuwait, Qatar, Muscat and Trucial States Orders.

(4) The Secretary of State may at any time terminate the appointments made by him under paragraphs (2) (i) and (3) (i) and (ii) of this Article.

(5) (i) The Full Court shall have the appellate jurisdiction set forth in Articles 31 (2), 33, 34, 56, 58 and 59 of this Order.

(ii) The Full Court shall sit either within the limits of this Order or elsewhere within the limits of the Kuwait, Qatar, Muscat and Trucial States Orders in accordance with arrangements from time to time made by the Political Resident, and shall be composed of not more than three and not less than two members nominated by the Political Resident from among the following:—

The Political Resident
The Assistant Judges of the Chief Court
The Judges of the High Court of Kenya
The Judges of the High Court of Cyprus
Members of the Bar of England, Scotland or Northern Ireland of not less than 9 years' standing.

(iii) No person shall be precluded from hearing any case as a member of the Full Court composed of three members by reason of the fact that he has already heard the case in the Court for Bahrain or in the Chief Court.

(iv) Unless the Political Resident is sitting as a member of the Full Court, the senior member of the Court shall preside. In case of a difference of opinion in the Full Court of three members, the decision shall be in accordance with the decision of the majority. In case of a difference of opinion in the Full Court of two members in a civil case, the decision under appeal shall stand and in a criminal case the view most favourable to the accused shall prevail.

(6) The Chief Court and the Court for Bahrain shall have a seal bearing the style of the Court and such device as the Secretary of State approves. The Full Court shall use the seal of the Chief Court. Where the seal prescribed in this paragraph is not provided the seal of the Political Resident or of the Political Agent, as the case may require, may be used.

15.—(1) There may be attached to the Chief Court a Registrar, a Marshal and such other officers under such designation as the Political Resident, with the approval of the Secretary of State, thinks fit, and every officer thus attached shall discharge such duties in connection with the Chief Court and with the Full Court as the Judge of the Chief Court may direct, subject to any directions of the Secretary of State.

(2) The Registrar of the Chief Court shall be appointed by the Secretary of State and the other officers by the Political Resident.

(3) There may be attached to the Court for Bahrain a Registrar, a Marshal and such other officers under such designation as the Political Resident, with the approval of the Secretary of State, thinks fit.

(4) The Registrar of the Court for Bahrain shall be appointed by the Political Resident and the other officers shall be appointed by the Political Agent with the approval of the Political Resident.

16. An up-to-date list of the names of all judges and officers of the Court for Bahrain and the Chief Court, together with the dates of their appointments, shall be kept displayed in the offices of the Court.

17.—(1) The Registrar of the Court for Bahrain shall, subject to any directions of the Judge of the Chief Court—

(*a*) hold preliminary examinations (committal proceedings) in criminal matters;

(*b*) hear and determine such criminal cases as may be assigned to him by the Judge of the Court for Bahrain, provided that any case which is punishable by imprisonment for more than three years shall not be so assigned and the Registrar shall not inflict a sentence exceeding imprisonment for six months or a fine of 1,000 rupees or both.

(2) The Registrar of the Court for Bahrain shall also have authority to hear and determine such civil actions as may be assigned to him by the Judge of that Court. The Judge of the Chief Court may issue to the Judge of the Court for Bahrain general directions as to the classes of civil actions which may be so assigned.

18.—(1) The Political Resident may appoint a Crown Prosecutor. Subject to the Rules of Court, the Crown Prosecutor shall discharge, in connection with the Full Court, the Chief Court and the Court for Bahrain, duties of the kind ordinarily performed by the Attorney-General of a Colony.

(2) In the absence of the Crown Prosecutor or in any particular case in which he cannot conveniently act, the Court may appoint a suitable person to act as prosecutor.

19.—(1) Where any case, civil or criminal, appears to the Court for Bahrain to be one which ought to be tried in the Chief Court, the Court for Bahrain shall report the case to the Chief Court for directions.

(2) The Chief Court may of its own motion, or upon the report of the Court for Bahrain, or on the application of any party concerned, require any case, civil or criminal, pending in the Court for Bahrain, or any issue of fact or question of law arising in such case, to be transferred to, or tried in, the Chief Court, or may direct in what Court or in what mode, subject to the provisions of this Order, any such case, issue or question shall be tried.

PART IV.—CRIMINAL MATTERS

20.—(1) Where a person subject to this Order is accused of the commission of an offence cognisable by the Court for Bahrain, the Chief Court may, where it appears so expedient, by warrant under the hand and seal of a Judge, cause the accused to be sent for trial by the Court established by Order in Council in Qatar, Kuwait, Muscat and Oman or the Trucial States.

(2) The warrant shall be sufficient authority to any person to whom it is directed to receive and retain the person therein named and to carry him to and deliver him up in Qatar, Kuwait, Muscat and Oman or the Trucial States according to the warrant.

(3) Where any person is to be sent for trial to Qatar, Kuwait, Muscat and Oman or the Trucial States, the Court for Bahrain shall take the preliminary examination, and shall bind over such of the witnesses as are persons subject to this Order in their own recognisances to appear and give evidence at the trial.

(4) Where a person subject to the Kuwait, Qatar, Muscat or the Trucial States Orders is accused of an offence committed within the limits of the aforesaid Orders and has by warrant under seal of the Judge of the Chief Court been sent for trial in Bahrain, the Court shall have power to try the case as if the alleged offence had been committed within the limits of this Order by a person subject to this Order.

21.—(1) Except in cases of treason or murder the Court shall admit the accused to bail unless the Court, having regard to the circumstances, sees good reason to the contrary, which reason shall be recorded in the Minutes.

(2) The Chief Court may admit a person to bail although the Court for Bahrain has not thought fit to do so.

(3) The accused who is to be admitted to bail, either on remand, or on or after trial ordered, shall produce such surety or sureties as, in the opinion of the Court, will be sufficient to ensure his appearance as and when required, and shall with him or them enter into a recognisance accordingly.

22.—(1) A sentence of death shall not be carried into execution unless it has been confirmed by the Secretary of State.

(2) A report (including the record of the proceedings) of every trial in which a sentence of death is passed shall be sent to the Secretary of State upon the expiration of the time allowed for an appeal, or for applying for leave to appeal, or, if there is an appeal, upon the determination of the appeal upholding the sentence.

23.—(1) The Chief Court may from time to time, subject to the directions of the Secretary of State, by general order under the seal of the Court, prescribe the manner in which, and the places within the limits of this Order or the Kuwait, Qatar, Muscat or Trucial States Orders at which, sentences passed by the Court are, subject to the other provisions of this Order, to be carried into execution, and may appoint any building or place specified in the order to be a prison for the purposes of this Order, and such persons as the Court thinks fit to be gaolers, keepers or officers of any such prison.

(2) If at the place at which any Court is held there is no place or building appointed as a prison in accordance with the preceding paragraph of this Article, or if the accommodation in the place or building so appointed is inadequate or unsuitable in any particular case, it shall be lawful for any Court, by order or warrant under the seal of the Court, temporarily and for the purposes of any particular case or cases to appoint any place or building specified in the order to be a prison for the purposes of this Order, and such persons as the Court thinks fit to be keepers in such prison.

(3) Without prejudice to the provisions of Article 24 of this Order, the Chief Court, or the Court for Bahrain acting under the authority of the Chief Court, may, by warrant under the hand and seal of a Judge, order any person convicted by the Court and sentenced to imprisonment to be sent to and detained at any prison within the limits of this Order or the Kuwait, Qatar,

Muscat or Trucial States Orders specified therein. Such prison may be a place appointed in accordance with the provisions of paragraph (1) of this Article or a place appointed temporarily and for the purpose of the particular case under paragraph (2) of this Article.

(4) The warrant prescribed by paragraph (2) or (3) of this Article shall be sufficient authority to any person to whom it is directed to carry and deliver up the person therein named and to receive and detain him at the prison named according to the warrant.

(5) A warrant under the seal of any other Court acting under the Kuwait, Qatar, Muscat or Trucial States Orders shall be sufficient authority within the limits of this Order to the person or persons to whom it is directed to deliver and detain the person named therein according to the warrant at any prison appointed in accordance with the preceding paragraphs of this Article.

(6) In any case where a person sentenced to imprisonment for a term exceeding one month is detained in a prison temporarily appointed in accordance with the provisions of paragraph (2) of this Article, the Court by which the sentence was awarded shall report the case and the circumstances thereof to the Chief Court for directions.

(7) Without prejudice to the provisions of Article 24, the Chief Court upon the receipt of such report may make an order under paragraph (3) of this Article, or may direct that the sentence shall continue to be served at the place where the prisoner is at present detained.

24.—(1) Where an offender convicted before any Court under this Order is sentenced to suffer death or to imprisonment, and the Chief Court proceeding under section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given, considers it expedient that the sentence should be carried into effect elsewhere than within the limits of this Order or of the Kuwait, Qatar, Muscat or Trucial States Orders, and the offender is accordingly sent for the execution of the sentence of death or for imprisonment to a country or territory outside the limits of these Orders, the country or territory shall be some part of Her Majesty's dominions, protectorates, protected states or India, the Government whereof consents that the offender may be sent thither.

(2) A warrant under the hand and seal of a Judge of the Chief Court shall be sufficient authority to any person to whom it is directed to receive and detain the person therein named and to carry him to and deliver him up at the place named according to the warrant.

(3) The Chief Court shall forthwith report to the Secretary of State every order made under this Article and the grounds thereof.

25.—(1) In cases of murder or culpable homicide, if either the death or the criminal act, which wholly or partly caused the death, happened in Bahrain, a Court acting under this Order shall have the like jurisdiction over any person to whom this Order applies, charged either as a principal offender or as an abettor, as if both such criminal act and the death had happened in Bahrain.

(2) In the case of any offence committed on the high seas or within the Admiralty jurisdiction by any person (whether a person subject to this Order or not) who, at the time of committing such offence, was on board a British ship, or committed by any British subject on board any other ship to which he did not belong, the Court shall subject to the provisions of this Order, have jurisdiction over such person as if the offence had been committed within its

jurisdiction ; provided that all cases wherein persons not subject to this Order are concerned shall be dealt with in accordance with Part VIII of this Order.

(3) In the case of any offence whatever committed by any person (whether subject to this Order or not), who at the time of committing such offence was on a British aircraft or by any British subject on any other aircraft to which he did not belong, the Court shall have jurisdiction over such person as if the offence had been committed within its jurisdiction ; provided that all cases wherein persons not subject to this Order are concerned shall be dealt with in accordance with Part VIII of this Order.

(4) Any person (whether subject to this Order or not) may, when within the limits of this Order, be proceeded against, tried and punished under this Order for piracy wherever committed ; provided that all cases wherein persons not subject to this Order are concerned shall be dealt with in accordance with Part VIII of this Order.

(5) When an offence is committed by a person subject to this Order partly within and partly without Bahrain, such person may be tried and punished under this Order as if such act had been committed wholly in Bahrain.

26. Where a person is convicted of an offence the Court before which he is convicted may, if it thinks fit at any time before he is discharged, require him to give security to the satisfaction of the Court for his future good behaviour, and for that purpose may, if it thinks fit, cause him to come or be brought before the Court.

27.—(1) Where it is shown by evidence on oath, to the satisfaction of the Court, that any person subject to this Order has committed, or is about to commit, an offence against this Order, or is otherwise conducting himself so as to be dangerous to peace and good order, or is endeavouring to excite enmity between the people of Bahrain and Her Majesty or the Ruler, or is intriguing within the limits of this Order against Her Majesty or the Ruler, the Court may, if it thinks fit, by order under its seal, prohibit that person from being within the limits of this Order during any time therein specified, not exceeding two years, or alternatively may require him to give security for his future good behaviour.

(2) The Court, by order in writing under its seal, may vary any order of prohibition (not extending the duration thereof), and may revoke any order of prohibition.

(3) The Court for Bahrain shall forthwith report any order made by it under this Article and the grounds thereof to the Chief Court. The Chief Court shall forthwith report to the Secretary of State every order made under the preceding paragraphs of this Article, and the grounds thereof, and the proceedings thereunder.

28.—(1) If any person subject to this Order fails to give security for good behaviour when lawfully required to do so under Article 26, or fails during the continuance of the security to be of good behaviour, or fails to comply with an order of prohibition made under this Order, the Court may, if it thinks fit, order that he be deported from any place within its jurisdiction.

(2) If the order of deportation is made by the Court for Bahrain, it shall forthwith report to the Chief Court the order and the grounds thereof.

(3) The Chief Court, on consideration of the report, may confirm, vary or revoke the order of deportation. The person ordered to be deported shall as soon as practicable after an order of deportation has been made by or

confirmed by the Chief Court, and, in the case of a person convicted, either after execution of the sentence or while it is in course of execution, be removed in custody under warrant to the place named therein.

(4) The Chief Court shall forthwith report to the Secretary of State every order of deportation made under this Order, and the grounds thereof, and the proceedings thereunder.

(5) The place named in the warrant shall be—

(i) a place in that part of Her Majesty's dominions or in that protectorate, protected state, mandated territory or trust territory to which the person belongs or in that State of which the person is a national ; or

(ii) a place in another territory or State the Government of which consents to the reception of persons deported under this Order.

(6) The Court, on making an order of deportation, may, if it thinks fit, order the person to be deported to pay all or any part of the expenses of his deportation, to be fixed by the Court in the order. Subject thereto, the expenses of deportation shall be defrayed as the Secretary of State, with the concurrence of the Treasury, may direct.

(7) If a person deported under this Order returns to Bahrain without permission in writing of the Political Resident or the Secretary of State he shall be punished with imprisonment for a term not exceeding two months, or with a fine not exceeding 1,000 rupees, or with both.

(8) He shall also be liable to be deported again forthwith under the original or a new order, and a fresh warrant.

29. An appeal shall not lie against an order of prohibition under Article 27 or of deportation under Article 28 or against an order under Article 24 for the removal of a convicted person for execution of his sentence elsewhere than within the limits of this Order or of the Kuwait, Qatar, Muscat or Trucial States Orders, but the Chief Court or the Secretary of State may review, vary or revoke any order made under Articles 27 and 28.

30.—(1) Where under this Order a person is to be sent for trial or removed for execution of his sentence or deported from any place within the limits of this Order he shall, by warrant of the Court sealed with its seal, be detained, if necessary in custody or in prison, until a fit opportunity for his removal or deportation occurs, and then be put on board a vessel or aircraft belonging to, or in the service of, Her Majesty, or, if no such vessel or aircraft is available, then on board some other British or other fit vessel or aircraft.

(2) The warrant shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the Commanding Officer or master of the vessel, or to the commander of the aircraft, to receive and detain the person therein named, in the manner therein prescribed, and to send or remove and carry him to the place therein named, according to the warrant.

(3) In case of sending or removal for any purpose other than deportation, the warrant shall be issued in duplicate, and the person executing it shall, as soon as practicable after his arrival at the place therein named, deliver according to the warrant, with one of the duplicates of the warrant, to a constable, or proper officer of police, or keeper of a prison, or other proper authority or person there, the person named in the warrant, to be produced on the order of the proper Court or authority there, or to be otherwise dealt with according to law.

Appeals in Criminal Cases

31.—(1) Any person who is convicted of an offence on a trial by the Registrar under Article 17 (1) (*b*) may appeal to the Court for Bahrain against conviction or sentence or both and likewise any complainant or prosecutor may appeal against the Registrar's failure to convict. If, however, in any case, the Court for Bahrain considers that the appeal should be heard by the Chief Court, it may refer it to the Chief Court and thereupon the Chief Court may order the appeal to be transferred to itself for hearing and determination.

(2) Except by leave of the Chief Court there shall be no appeal from a decision of the Court for Bahrain or of the Chief Court on appeal under this Article.

32. Any person who is convicted of an offence on a trial by the Court for Bahrain may appeal to the Chief Court against conviction or sentence or both and likewise any complainant or prosecutor may appeal against the failure of the Court for Bahrain to convict.

33. Any person dissatisfied with the decision of the Chief Court on an appeal under Article 32 may appeal to the Full Court with the leave of the Chief Court or of the Full Court.

34.—(1) Any person who is convicted of an offence on a trial by the Chief Court may appeal to the Full Court—

(i) against his conviction—

(*a*) on any ground of appeal which involves a question of law alone ; or

(*b*) with the leave of the Full Court or upon the certificate of the Chief Court that it is a fit case for appeal on any ground of appeal which involves a question of fact alone or of mixed law and fact ;

(ii) against his sentence with the leave of the Full Court unless the sentence is one fixed by law.

(2) There shall be no appeal to the Full Court from the Chief Court by a complainant or prosecutor except on a point of law and with the leave of the Full Court.

35. The powers of the Full Court to grant leave to appeal may be exercised by a Judge of the Chief Court other than the Judge who heard the appeal in the Chief Court or who tried the case.

36. There shall in no case be any appeal except as to sentence where a person has been convicted on a plea of guilty.

37. The Court against whose judgment or order the appeal is preferred or the Court in which an appeal has been duly lodged may postpone the execution of the sentence pending the appeal, and in that case shall either detain the convicted person in prison for safe custody, or release him on bail, taking if it thinks fit security, by recognisance, deposit of money, or otherwise, for his reappearance and his payment of any fine.

38.—(1) Subject to the provisions of this Order and any Rules of Court made thereunder, the Courts, when hearing appeals, may do any of the following things :—

(i) On an appeal from an order of acquittal—

(*a*) dismiss the appeal ; or

(*b*) reverse such order and direct that the accused be retried or find him guilty and pass sentence on him according to law.

(ii) On an appeal against sentence—

(*a*) maintain the sentence ; or

(*b*) reduce the sentence ; or

(*c*) increase the sentence provided that no punishment shall be imposed greater than that which could lawfully have been imposed by the trial Court ; or

(*d*) substitute some other punishment which might have been imposed by the trial Court.

(iii) On an appeal from a conviction—

(*a*) dismiss the appeal or vary the finding, maintaining or reducing the sentence ; or

(*b*) reverse the finding and sentence.

(2) Provided that the Court shall not annul a conviction or sentence or vary a sentence on the ground of any objection, error or informality which, in the opinion of the Court, did not affect the substance of the case or subject the convicted person to any undue prejudice such as—

(*a*) any objection which, if stated during the trial, might, in the opinion of the Court, have been properly met by amendment at the trial ; or

(*b*) any error in the summoning of or the qualification of the assessors ; or

(*c*) any objection to any person as an assessor which might have been raised before or at the trial ; or

(*d*) any informality in the swearing of any witness.

39.—(1) In any case where there has been a conviction and no appeal lies to the Chief Court, or where the right to appeal has not been exercised, the Chief Court may either of its own motion or at the instance of the trial Court call for and examine the record of any proceedings before a lower Court for the purposes of satisfying itself as to the correctness, legality, or propriety of the conviction or the sentence, and may, if it thinks fit, reverse the conviction or reduce the sentence.

(2) When the record of proceedings is called for by the Chief Court, the lower Court may submit with the record a statement setting forth the reasons for the decision.

PART V.—INQUESTS

40.—(1) Where any person subject to this Order dies within the limits of this Order and either

(i) his death was a sudden one of which the cause is unknown ; or

(ii) there is reasonable cause to suspect that such person has died a violent or unnatural death ; or

(iii) such person has died in prison,

any person subject to this Order having a knowledge of the facts shall forthwith report them to the Political Agent. If any such person having a knowledge of the facts fails to report to the Political Agent, he shall be liable to a fine not exceeding 1,000 rupees.

(2) When a death has been reported under paragraph (1) of this Article the Political Agent shall make such enquiries into the death as he considers necessary and if, as a result, he is of the opinion that there is sufficient ground for suspicion that death may have occurred as the result of murder, manslaughter or suicide, or that the circumstances of the death are such as to render the holding of an inquest desirable, he shall request the Court for Bahrain to hold an inquest.

(3) The Political Agent may, if he considers it necessary in any particular case, direct a qualified medical practitioner to make a *post mortem* examination and to file a report on the result in writing.

(4) The Court, on receiving a request from the Political Agent, shall, subject to Article 44 (1), hold an inquest.

41. At or before the first sitting of an inquest the Court shall view the body unless the body has been destroyed by fire or otherwise or the Court is satisfied that there are compelling reasons why it should not be recovered or exhumed ; provided that, where a previous inquest has been begun but not completed, it shall not be obligatory on the Court holding a subsequent inquest to view the body.

42. The Court shall, at the sittings of the inquest, examine on oath touching the death all who tender their evidence respecting the facts and all persons having knowledge of the facts whom the Court thinks it expedient to examine. The Court shall put into writing the statements made by such persons and such depositions shall be signed by the witness and also by the Court.

43. After hearing the evidence the Court shall give its verdict and certify it in writing setting out, so far as such particulars have been proved, who the deceased was, and how, when and where the deceased came by his death, and, if he came by his death by murder or manslaughter, the persons, if any, whom the Court has reasonable grounds for suspecting to be guilty of such murder or manslaughter, or of being accessories before the fact to such murder.

44.—(1) Where any person subject to this Order is charged with causing the death the Court may, without holding an inquest, proceed forthwith with the preliminary examination.

(2) If, during or after an inquest, a person subject to this Order is so charged, the depositions shall be read over in the presence of the witnesses and of the accused, who shall be entitled to cross-examine each witness, and the procedure shall be as in other cases of preliminary examinations.

45. The Registrar may, subject to any general or special directions of the Court, exercise the powers of the Court under Articles 40 to 44 inclusive.

Part VI.—Civil Matters

46.—(1) The Court for Bahrain may in the course of a suit refer to the Majlis-et-Tujara—

(*a*) a question of local custom for consideration and report,

(*b*) a dispute over accounts arising out of some employment or transaction which is governed by local custom for scrutiny, adjustment and report.

(2) The Court for Bahrain may refer any matter in the course of a suit which involves a point of Muhammadan law to a Qadhi for consideration and report or may send any party or witness, being a Muhammadan, to a Qadhi for the administration of an oath.

(3) The Court shall, in deciding the suit, take into consideration and give due weight to reports received from the Majlis-et-Tujara or the Qadhi under the preceding paragraphs and may, if it thinks fit, request further reports therefrom.

47.—(1) The Court for Bahrain shall endeavour to obtain, as soon as possible, notice of the deaths of all persons subject to this Order leaving property in any place within the limits of this Order, and all such information as may serve to guide the Court with respect to the securing and administration of their property.

(2) On receiving notice of the death of such a person the Court shall put up a notice thereof at the Court-house, and shall keep the same there until probate or administration is granted, or, where it appears to the Court that probate or administration will not be applied for or cannot be granted, for such time as it thinks fit.

(3) Where the circumstances of the case appear so to require, the Court shall, as soon as possible, take possession of the property left by the deceased in any place within the limits of this Order, or put it under its seal (in either case, if the nature of the property or other circumstances so require, making an inventory) and so keep it until it can be dealt with according to law, perishable articles being disposed of as the Court may consider best in the interests of the estate.

(4) All expenses incurred on behalf of the Court in so doing shall be the first charge on the property of the deceased, and the Court shall, by sale of part of that property, or otherwise, provide for the discharge of these expenses.

(5) When a person subject to this Order dies in Bahrain or elsewhere intestate, then, until administration is granted, his property in Bahrain shall be vested in the Judge of the Court for Bahrain.

48. If a person subject to this Order, who is named executor in a will of a deceased person subject to this Order, and to the establishment of whose title as such it is necessary to obtain probate of that will, takes possession of and administers, or otherwise deals with, any part of the property of the deceased, and does not obtain probate within one month after the death, or after the termination of any proceeding respecting probate or administration, he shall be liable to pay double the amount of any fees chargeable on obtaining probate, and he shall also be liable to a fine not exceeding 1,000 rupees.

49. If any person subject to this Order (other than the person named executor, or the administrator, or a person entitled to represent the deceased without obtaining probate or letters of administration, or an Officer of the Court) takes possession of and administers or otherwise deals with any part of the property of a deceased person subject to this Order, he shall, as soon as practicable, notify the fact and the circumstances to the Court for Bahrain, and shall furnish to the Court all such information as the Court requires, and shall conform to any direction of the Court in relation to the custody, disposal, or transmission of the property or the proceeds thereof, and, in case of any contravention of this Article, he shall be liable to a fine not exceeding 1,000 rupees.

50. Where a person subject to this Order is named executor in a will of a deceased person subject to this Order and survives the testator, but either dies without having obtained probate or, having been called on by the Court to apply for probate, does not appear, his right in respect of the executorship wholly ceases ; and, without further renunciation, the representation of the testator and the administration of his property shall go and may be committed as if that person had not been appointed executor.

51. Where it appears to the Court that the value of the property or estate of a deceased person subject to this Order does not exceed 1,500 rupees the Court may, without any probate, letters of administration or other formal proceeding, pay thereout any debts or charges and pay, remit or deliver any surplus to such persons and in such manner as the Court thinks proper, and no member or Officer of the Court shall be liable to any action, suit, or proceedings in respect of anything done under this Article.

52.—(1) When the circumstances relating to the estate of a deceased person subject to this Order appear to the Court for Bahrain so to require, for reasons recorded in its proceedings, the Court may, if it thinks fit, of its own motion or otherwise, grant letters of administration to an Officer of the Court.

(2) The Officer so appointed shall act under the direction of the Court, and shall be indemnified thereby.

(3) He shall publish such notices, if any, as the Court thinks fit, in Bahrain, the United Kingdom, and elsewhere.

(4) The Court shall require and compel him to file in the proper Office of the Court his accounts of his administration at intervals not exceeding three months, and shall forthwith examine them and report thereon to the Chief Court.

(5) The accounts shall be audited under the direction of the Court for Bahrain.

(6) All expenses incurred on behalf of the Court in execution of this Article shall be the first charge on the estate of the deceased as dealt with in accordance with the provisions of this Order; and the Court shall, by the sale of that estate or otherwise, provide for the discharge of those expenses.

53. In cases where parties are Muhammadans, the Court for Bahrain may refer any question concerning probate of wills or administration of property of deceased persons subject to this Order to a Qadhi for settlement under the general supervision of the Court.

54. –(1) If an Officer of the Court, employed to execute a decree or order, loses, by neglect or omission, the opportunity of executing it, then, on complaint of the person aggrieved and proof of the fact alleged, the Court may, if it thinks fit, order the Officer to pay the damages sustained by the person complaining, or part thereof.

(2) The order may be enforced as an order directing payment of money.

Appeals in Civil Cases

55.—(1) Any party aggrieved by the decision of the Registrar in a matter coming before him under Article 17 (2) may appeal to the Court for Bahrain.

(2) If, however, in any case the Court for Bahrain considers that the appeal should be heard by the Chief Court, it may refer it to the Chief Court and thereupon the Chief Court may order the appeal to be transferred to itself for hearing and determination.

56. Except by leave of the Chief Court, there shall be no appeal from a decision of the Court for Bahrain or of the Chief Court on appeal under Article 55.

57. Any party to an action in the Court for Bahrain who is aggrieved by the decision of the Court may appeal to the Chief Court.

58. Any party to an appeal to the Chief Court who is aggrieved by the decision of the Court under Article 57 may appeal to the Full Court with the leave of the Chief Court or the Full Court.

59. Any party to an action in which the Chief Court has exercised an original jurisdiction who is aggrieved by the decision of the Court may appeal to the Full Court.

60. The powers of the Full Court to grant leave to appeal may be exercised by a Judge of the Chief Court other than the Judge who heard the appeal in the Chief Court.

61.—(1) Any appeal shall be by way of a re-hearing. The appellate Court may take additional evidence or require such evidence to be taken.

(2) The appellate Court may—

(*a*) confirm, vary or reverse any decree or order appealed against and generally make such decree or order which, in the opinion of the appellate Court, the Court of original jurisdiction should have made; provided that no decree shall be reversed or substantially varied on account of any error, defect or irregularity in any proceedings in the suit not affecting the merits of the case or the jurisdiction of the Court; or

(*b*) direct that the case be retried.

62. No appeal shall lie in any of the following cases:—

(*a*) against an order allowing extension of time for appeal;

(*b*) against an order which embodies an undertaking not to appeal;

(*c*) against an order made with the consent of the parties;

(*d*) unless by leave, against an order as to costs only.

Part VII.—Appeals to Her Majesty in Council

63. There shall be no appeal to Her Majesty in Council from a decision of the Full Court except by leave of Her Majesty in Council.

64. An appellant who has obtained leave to appeal shall prepare his Record and prosecute his appeal in accordance with the Rules for the time being regulating the general practice and procedure in appeals to Her Majesty in Council.

65. Where the Judicial Committee directs a party to bear the costs of an appeal, incurred in Bahrain, such costs shall be taxed by the proper officer of the Chief Court in accordance with the Rules for the time being regulating taxation in the Chief Court.

66. The Chief Court shall execute any order which Her Majesty in Council may think fit to make on an appeal from a judgment of the Full Court in like manner as any original judgment of the Chief Court should or might have been executed.

Part VIII.—Mixed Cases: Persons not subject to this Order and Persons subject to this Order

67.—(1) For the purposes of the exercise of jurisdiction in cases civil and criminal in which both persons not subject to this Order and persons subject to this Order are parties, herein described as Mixed Cases, or in which any person not subject to this Order whom the Political Agent at his discretion registers as being in the regular service of a person subject to this Order is a party there shall be constituted a Joint Court.

(2) However, with the concurrence of the Political Resident and notwithstanding any other provision of this Part of the Order, any mixed case or class of mixed case may be tried by the Courts within the general jurisdiction of which the accused or defendant is.

(3) The Joint Court shall be composed of either a Judge or the Registrar of the Court for Bahrain and the Ruler or any official appointed by him.

(a) *Criminal*

68.—(1) When a person not subject to this Order is alleged to have committed an offence in relation to a person subject to this Order, or a person subject to this Order is alleged to have committed an offence in relation to a person not subject to this Order, the Court for Bahrain shall entertain the same and send it to the Joint Court unless the case falls within Article 67 (2).

(2) Nothing in this Article shall prevent the Political Resident from exercising the revisory powers possessed by him under Article 4 of the Convention with the Ruler, dated the thirty-first day of May, eighteen hundred and sixty-one(a).

(b) *Civil*

69.—(1) When a person not subject to this Order desires to bring a suit against a person subject to this Order, or a person subject to this Order desires to bring a suit against a person not subject to this Order, the Court for Bahrain shall admit the suit and send it to the Joint Court unless the case falls within Article 67 (2).

(2) Nothing in this Article shall prevent the Joint Court from referring any matter in the progress of a suit which involves a point of Muhammadan law to a Qadhi for opinion and report, or from sending any party or witness, being a Muhammadan, to a Qadhi for the administration of an oath.

(c) *Appeal and Review*

70.—(1) For the purpose of hearing appeals from decisions of the Joint Court there shall be constituted a Joint Court of Appeal.

(2) The Joint Court of Appeal shall be composed of—

(i) any Judge of the Court for Bahrain who did not sit on the Joint Court which gave the decision appealed against, or any Judge of the Chief Court ; and

(ii) the Ruler or any official appointed by him.

(3) An appeal from the decision of the Joint Court shall be heard by the Joint Court of Appeal and, subject, in the case of a person subject to this Order who is convicted of a criminal offence, to the right of that person to apply to Her Majesty in Council, the decisions of that Court shall be final.

(4) In any criminal case where the right of appeal has not been exercised, the Joint Court of Appeal may either of its own motion or at the instance of the Joint Court call for and examine the record of any proceeding before the Joint Court for the purpose of satisfying itself as to the correctness, legality, or propriety of the conviction or sentence, and may, if it thinks fit, reverse the decision or reduce the sentence.

(5) When the record of proceedings is called for by the Joint Court of Appeal, the Joint Court may submit with the record a statement setting forth the reasons for the decision.

(6) In any case where a person subject to this Order has been sentenced to death by the Joint Court Article 22 of this Order shall apply.

(a) State Papers, Vol. 56, p. 1402.

71. Where a mixed case is dealt with by the Court for Bahrain under Article 67 (2) the provisions of Parts IV and VI of this Order with regard to appeals shall apply.

(d) *General*

72.—(1) Where a person not subject to this Order obtains, in a Court established under this Order, a decree or order against a defendant, being a person subject to this Order, and in another suit that defendant is plaintiff and the person not subject to this Order is defendant, the Court may, if it thinks fit, on the application of the person subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit.

(2) Where a plaintiff, being a person not subject to this Order, obtains a decree or order, in a Court established under this Order, against two or more defendants being persons subject to this Order jointly, and in another suit one of them is a plaintiff and the person not subject to this Order is defendant, the Court may, if it thinks fit, on the application of the persons subject to this Order, stay the enforcement of the decree or order pending that other suit, and may set off any amount decreed or ordered to be paid by one party in one suit against any amount decreed or ordered to be paid by the other party in the other suit, without prejudice to the right of the person subject to this Order to obtain contribution from his co-defendants under the joint liability.

(3) Where in a suit a person not subject to this Order is co-plaintiff with a person subject to this Order, who is in Bahrain, it shall not be necessary for the person not subject to this Order to give security under this Article as regards fees and costs, unless the Court so directs, but the co-plaintiff person subject to this Order shall be responsible for all fees and costs.

(4) The decision of the Joint Court or of the Joint Court of Appeal against a person subject to this Order shall, for the purposes of execution, be considered as if it were that of the Court for Bahrain.

73.—(1) Every agreement for reference to arbitration between a person subject to this Order on the one hand, and a person not subject to this Order on the other hand, may, on the application of any party, be filed for execution in the Office of the Court for Bahrain.

(2) The Court shall thereupon have authority to enforce the agreement and the award made thereunder and to control and regulate the proceedings before and after the award in such manner and on such terms as the Court may think fit, in concert with the Ruler or his representative.

74.—(1) Where it is proved that the attendance of a person subject to this Order to give evidence, or for any other purpose connected with the administration of justice, is required before the Joint Court, or the Joint Court of Appeal, or a Bahrain tribunal, the Court for Bahrain may, if it thinks fit, in a case and in circumstances in which the Court would require the attendance of that person before it, order that he do attend as required. The order may be made subject to such conditions as the Court for Bahrain thinks fit.

(2) If the person so ordered to attend, having reasonable notice of the time and place at which he is required to attend, fails to attend accordingly, and does not excuse his failure to the satisfaction of the Court for Bahrain, he shall, independently of any other liability, be liable to be punished with imprisonment for a term not exceeding two months, or with a fine not exceeding 1,000 rupees, or with both.

75. When a person subject to this Order invokes or submits to the jurisdiction of a Bahrain tribunal, the Court for Bahrain may, on such evidence as it thinks fit to require, enforce payment of such fees and expenses in the same manner as if they were fees payable in a proceeding before itself, and shall pay over and account for the same, when levied, to the proper Bahrain authority, as it may direct. The Court for Bahrain may also enforce compliance with any judgment or order given by such tribunal against such person in the same manner as it may enforce compliance with a judgment or order given by itself.

76. If a person subject to this Order wilfully gives false evidence in a proceeding before a Bahrain tribunal or before the Joint Court or the Joint Court of Appeal, or in an arbitration between a person subject to this Order, on the one hand, and a person not subject to this Order, on the other hand, he shall be guilty of the same offence and shall be liable to the same punishment as if he had committed it in a proceeding before the Court for Bahrain.

PART IX.—MISCELLANEOUS PROVISIONS

77. The Judge of the Chief Court may, from time to time, make rules of procedure and other rules, consistent with this Order, for the better execution of the provisions herein contained in respect of any matter arising in the course of any civil or criminal case, including insolvency and bankruptcy proceedings. These rules shall be approved by the Secretary of State before they enter into force.

78.—(1) The Judge of the Chief Court may, from time to time, make rules imposing fees leviable in respect of any proceedings in, or processes issued out of, any Court established under this Order. These rules shall be approved by the Secretary of State, with the concurrence of the Treasury, before they enter into force.

(2) But a Court before which any matter is pending may, in any case, if it thinks fit, on account of the poverty of a party, or for any other reason, dispense in whole or in part with the payment of any fees chargeable in respect of such matter.

79.—(1) All fees, charges, expenses, costs, fines, damages, and other money payable under this Order or under any law made applicable by this Order may be enforced under order of the Court by seizure and sale of goods, and in default of sufficient goods, by imprisonment as a civil prisoner for a term not exceeding one month, but such imprisonment shall not operate as a satisfaction or extinguishment of the liability.

(2) Any bill of sale or mortgage or transfer of property made with a view of avoiding such seizure or sale shall not be effectual to defeat the provisions of this Order.

(3) All fees, penalties, fines and forfeitures that may be levied under the provisions of this Order shall be applied in such manner as the Secretary of State, with the consent of the Treasury, may direct. However the Court for Bahrain and the Chief Court may, in any criminal matter where a fine has been ordered and paid, direct that a reasonable sum may be paid by way of compensation to a complainant in the proceedings who has suffered damage or incurred costs.

80. Whenever any person has commenced the hearing of any cause or matter, civil or criminal, having jurisdiction so to do by reason of an office or appointment which he then held and whenever by reason of his ceasing to hold such office or appointment he would otherwise cease to have jurisdiction, he may continue and complete the hearing and the determination thereof, if so requested by the Political Resident.

81. The Judges of the Chief Court or of the Court for Bahrain may exercise any power conferred on any Justices of the Peace within Her Majesty's dominions by any Act of Parliament, for the time being in force, regulating merchant seamen or the mercantile marine.

82.—(1) The Political Resident shall have power to make Regulations (to be called Queen's Regulations) for the peace, order and good government of persons subject to this Order.

(2) No Regulation under this Article shall conflict with any provision of this Order, except that the Schedules attached to this Order may be amended, modified or repealed.

(3) Without prejudice to the generality of paragraph (1) of this Article, the Political Resident may make Regulations for the following purposes (that is to say):—

(*a*) For securing the observance of any treaty or arrangement for the time being in force, relating to any place within the limits of this Order, or of any local law or custom, whether relating to trade, commerce, revenue, or any other matter.

(*b*) For applying, amending, modifying or repealing with respect to Bahrain any Acts or enactments which apply, or are made applicable, or have been brought into operation in Bahrain, by or under any of the provisions of Article 12 of this Order, and where necessary and expedient substituting Regulations in their place.

(*c*) For regulating or preventing the importation or exportation of arms or munitions of war, or any parts or ingredients thereof, and for giving effect to any treaty relating to the importation or exportation of the same.

(*d*) For requiring returns to be made of the nature, quantity and value of articles exported from or imported into Bahrain, by or on account of any person subject to this Order, or in any British ship or aircraft, and for prescribing the times and manner at or in which, and the persons by whom, such returns are to be made.

(*e*) For the governance, visitation, care, and superintendence of prisons.

(*f*) For the recovery of lighting and other dues from shipping.

(*g*) For the registration and protection of patents, designs and trade marks.

(*h*) For regulating aviation and shipping.

(*i*) For the levy and payment of fees for services of the kind normally performed by consular officers or notaries public.

(*j*) For the defence or safety of Bahrain or of any other territories under the sovereignty or protection of Her Majesty.

83.—(1) Any person subject to this Order committing a breach of any such Regulations shall, on conviction, be liable to any punishment, forfeiture or civil remedy therein prescribed.

(2) If no such punishment or civil remedy is prescribed, he shall, in addition to any forfeiture therein prescribed, be liable to imprisonment for a period not exceeding two years or to a fine not exceeding 1,500 rupees or to both.

84.—(1) Queen's Regulations shall not take effect until they are allowed by the Secretary of State; provided that in case of urgency declared in any such Regulations the same shall take effect before such allowance, and shall continue to have effect unless and until they are disallowed by the Secretary of State, and until notification of such disallowance is received and published by the Political Resident, and such disallowance shall be without prejudice to anything done or suffered under such Regulations in the meantime.

(2) All Queen's Regulations shall be published by the Political Resident in such manner and at such places as he may think proper.

(3) In this Order "breach of the Regulations" includes the breach of any local law or custom, the observance of which is required by any Queen's Regulation.

85. Judicial notice shall be taken of this Order and of the commencement thereof and of the appointment of the Political Resident, the Political Agent, the Assistant Political Agent, the Assistant Judges of the Chief Court, any additional Assistant Judge appointed under Article 14 (3), of the Judge and Assistant Judges of the Court for Bahrain, and of the Registrars and other officers of the Courts established under this Order, and of the seals and signatures of the Courts established under this Order, and of any Rules and Regulations made or in force under this Order, and of the appointment of the Judges and of the seals and signatures of the Courts established under the Kuwait, Qatar, Muscat and Trucial States Orders, and no proof shall be required of any such matter.

86. Not later than the thirty-first day of March in each year, or such other day as the Secretary of State directs from time to time, the Judge of the Chief Court shall send to the Secretary of State a report on the operation of this Order up to the thirty-first day of December in the previous year, or such other date as the Secretary of State directs from time to time, showing for the preceding twelve months the number and nature of the proceedings, criminal and civil, taken under this Order, and the result thereof, and the number and amount of fees received, and such other information, and being in such form as the Secretary of State from time to time directs.

87.—(1) As from the commencement of this Order the Bahrain Order in Council, 1949, and, in so far as they have not already been repealed, all previous Bahrain Orders in Council shall be repealed; but this repeal shall not—

(*a*) affect the past operation of those Orders or any appointment made, or any right, title, obligation, or liability accrued, or the validity or invalidity of anything done or suffered under those Orders, before the making of this Order;

(*b*) interfere with the institution or prosecution of any proceeding or action, criminal or civil, in respect of any offence committed against or forfeiture incurred or liability accrued under or in consequence of any provision of those Orders or any regulation confirmed by any such Orders or made thereunder;

(*c*) take away or abridge any protection or benefit given or to be enjoyed in relation thereto.

(2) Notwithstanding the repeal of the Orders aforesaid, all rules and regulations approved or confirmed by or under such Orders so repealed shall continue and be as if this Order had not been made; but so that the same may be revoked, altered, or otherwise dealt with under this Order, as if they had been made under this Order.

(3) Criminal or civil proceedings begun under the Orders repealed by this Order, and pending at the time when this Order comes into operation, shall, from and after that time, be regulated by the provisions of this Order, as far as the nature and circumstances of each case admit.

88.—(1) A printed copy of this Order, and of all Rules and Regulations for the time being in force under this Order, shall be kept open to inspection free of charge in the Office of the Political Agent and of each Court established under this Order.

(2) Printed copies thereof shall be sold in Bahrain at such reasonable price as the Political Resident from time to time directs.

89. This Order shall come into force on the first day of January, nineteen hundred and fifty-three.

The Right Honourable Anthony Eden, Her Majesty's Principal Secretary of State for Foreign Affairs, is to give the necessary directions herein.

F. J. Fernau.

FIRST SCHEDULE

INDIAN ACTS APPLIED

The Indian Penal Code, 1860 (Act XLV of 1860).

The Indian Divorce Act, 1869 (Act IV of 1869), except so much as relates to divorce and nullity of marriage.

The Bombay Civil Courts Act, 1869 (Act XIV of 1869), except sections 6. 15, 23, 32, 33, 34, 38 to 43 inclusive, the last clause of section 19, and the last two clauses of section 22.

The Indian Court Fees Act, 1870 (Act VII of 1870).
The Indian Evidence Act, 1872 (Act I of 1872).
The Indian Contract Act, 1872 (Act IX of 1872).
The Indian Christian Marriage Act, 1872 (Act XV of 1872).
The Indian Oaths Act, 1873 (Act X of 1873).
The Indian Majority Act, 1875 (Act IX of 1875).
The Births, Deaths and Marriages Registration Act of 1886 (Act VI of 1886).
The Provincial Small Cause Courts Act, 1887 (Act IX of 1887).
The Prevention of Cruelty to Animals Act, 1890 (Act XI of 1890).
The Code of Criminal Procedure, 1898 (Act V of 1898), except Chapter XXXIII.

So much of the Indian Post Office Act, 1898 (Act VI of 1898) as relates to offences against the Post Office.

The Code of Civil Procedure, 1908 (Act V of 1908).
The Indian Limitation Act, 1908 (Act IX of 1908), except as regards appeals.
The Whipping Act, 1909 (Act IV of 1909).
The Indian Lunacy Act, 1912 (Act IV of 1912).
The Indian Companies Act, 1913 (Act VII of 1913).
The Indian Succession Act, 1925 (Act XXXIX of 1925).

And the enactments relating to insolvency and bankruptcy in force in the Presidency of Bombay beyond the limits of the ordinary original jurisdiction of the High Court of Judicature of Bombay.

Adaptations and Modifications

1. The enactments contained in this Schedule shall as from the date of the commencement of the Order apply to all persons subject to the Order as they applied on the 14th August, 1947, including any enactments modifying the same in

force at that date, in the Province of Bombay, subject to the adaptations and modifications set out below:—

(i) All references in the said enactments to "British India" or "India" or any part thereof shall, except where the context otherwise requires, be construed as references to the limits of this Order and all references therein to the "Central Government" and the "Provincial Government" shall, except as otherwise provided or where the context otherwise requires, be construed as references to the Secretary of State and Political Resident respectively.

(ii) For the purpose of facilitating the application of the said enactments, the Political Resident may, by order in writing, direct by what officers any power conferred by the said enactments on authorities other than the Central Government and the Provincial Government shall be exercisable.

(iii) However, the powers of both the Central Government and the Provincial Government shall be exercised by the Secretary of State under the Code of Criminal Procedure, the Code of Civil Procedure and other Indian enactments relating to the administration of criminal and civil justice and to insolvency and bankruptcy.

2. The Court may construe any of the enactments set out in this Schedule with such alterations not affecting the substance as may be necessary or proper to adapt the same to the matter before the Court.

3. Where, under any such Act, Law, or Order, any publication is required to be made as respects any judicial proceeding in any "Gazette" or otherwise, such publication shall be made by such mode as the Court shall think fit to direct.

4. With respect to the Births, Deaths and Marriages Registration Act, 1886, the Political Agent shall be deemed to be Registrar General of births, deaths and marriages and Registrar of births and deaths.

5. With respect to "The Indian Christian Marriages Act, 1872," the Political Agent shall be deemed to be Marriage Registrar.

SECOND SCHEDULE

Acts of Parliament and Orders in Council of the United Kingdom

The Admiralty Offences (Colonial) Acts, 1849 and 1860(a).
The Foreign Tribunals Evidence Act, 1856(b).
The Evidence by Commission Acts, 1859 and 1885(c).
The British Law Ascertainment Act, 1859(d).
The Foreign Law Ascertainment Act, 1861(e).
The Fugitive Offenders Act, 1881(f).
The Colonial Prisoners Removal Act, 1884(g).
The Merchant Shipping Act, 1894, Part XIII(h).
The Foreign Jurisdiction Neutrality Order in Council, 1904(i).
The Foreign Jurisdiction (Admiralty) Order in Council, 1910(j).
The Foreign Jurisdiction (Military Forces) Order in Council, 1927(k).
The Foreign Jurisdiction (Probates) Order in Council, 1935(l).

Exceptions, Adaptations and Modifications

1. References in any of the said Acts or Orders to the Governor of a Colony or British Possession shall be construed as references to the Political Resident and references to a Superior Court or Supreme Court shall be construed as references to the Full Court or the Chief Court and references to a Magistrate or Justice of the Peace of a Colony or British Possession shall be construed as references to the Court for Bahrain.

(a) 12 & 13 Vict. c. 96 and 23 & 24 Vict. c. 122.
(b) 19 & 20 Vict. c. 113.
(c) 22 Vict. c. 20 and 48 & 49 Vict. c. 74.
(d) 22 & 23 Vict. c. 63.
(e) 24 & 25 Vict. c. 11.
(f) 44 & 45 Vict. c. 69.
(g) 47 & 48 Vict. c. 31.
(h) 57 & 58 Vict. c. 60.
(i) S.R. & O. 1904/1654; Rev. VIII, p. 777; 1904, p. 174.
(j) S.R. & O. 1910/1183; Rev. VIII, p. 760; 1910, p. 131.
(k) S.R. & O. 1927/359; Rev. VIII, p. 765; 1927, p. 478.
(l) S.R. & O. 1935/896; Rev. VIII, p. 785; 1935, p. 522.

2. With respect to the Fugitive Offenders Act, 1881:—

(*a*) The Act shall extend only to British subjects.

(*b*) So much of the 4th and 5th sections of the said Act as relates to sending a report of the issue of a warrant together with the information or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive shall be excepted. However the Court for Bahrain shall inform the fugitive that in the British Possession to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(*c*) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant shall be excepted.

(*d*) The Political Resident shall not be bound to return a fugitive offender to a British Possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that Possession.

(*e*) For the purposes of Part II of the said Act, Muscat and Oman, Bahrain, Kuwait, Qatar and the Trucial States shall be deemed to be one group of British Possessions.

3. With respect to the Colonial Prisoners Removal Act, 1884:—

The Act shall apply as if Bahrain were a British Possession, but references to the Governor of a British Possession shall be construed as references to the Political Resident.

4. With respect to the Foreign Jurisdiction (Admiralty) Order in Council, 1910:—

(*a*) The Chief Court shall have the jurisdiction conferred by Article 4 of that Order and the Court for Bahrain shall be deemed a provincial court and the Registry thereof a district Registry within the meaning of the said Order.

(*b*) Admiralty actions commenced in the said Registry shall be tried in the Court for Bahrain unless the Chief Court is at the time sitting within the limits of this Order, or unless all parties agree that the action shall be tried in the Chief Court sitting elsewhere than within the limits of this Order.

(*c*) The duties of the Registrar and of the Marshal under the said Order shall, in the Chief Court or in the Court for Bahrain, be performed by such Officers as the Chief Court shall direct.

5. The provisions of Article 25, paragraphs (1) and (2) of the Order shall be deemed to be adaptations, for the purposes of this Order and of the Foreign Jurisdiction Act, 1890, of the following enactments:—

The Admiralty Offences (Colonial) Act, 1849.

The Admiralty Offences (Colonial) Act, 1860.

The Merchant Shipping Act, 1894, Part XIII.

6. Where, under any Act, Law, or Order referred to in this Schedule any publication is required to be made as respects any judicial proceeding in any "Gazette" or otherwise, such publication shall be made by such mode as the Court shall think fit to direct.

THIRD SCHEDULE

Miscellaneous Provisions

1.—(1) If any person subject to this Order does any of the following things, namely:—

(*a*) Wilfully by act or threat obstructs any Officer of, or person executing any process of, the Court in the performance of his duty; or

(*b*) Within or close to the room or place where the Court is sitting wilfully misbehaves in a violent, threatening, or disrespectful manner to the disturbance of the Court, or to the intimidation of suitors or others resorting thereto; or

(*c*) Wilfully insults any members of the Court, or any assessor, or any person acting as a Clerk or Officer of the Court during his sitting or attendance in Court, or in his going to or returning from Court ; or

(*d*) Does any act in relation to the Court or a Judge thereof, or a matter pending therein, which, if done in relation to a High Court in British India, would have been punishable as a contempt of such Court ;

such person shall be liable to be apprehended by order of the Court with or without warrant, and, on enquiry and consideration, and after the hearing of any defence which such person may offer, without further process of trial, to be punished with a fine not exceeding 100 rupees, or with imprisonment not exceeding twenty-four hours.

A Minute shall be made and kept of every such case of punishment, recording the facts of the offence and the extent of the punishment.

Provided that, if the Court thinks fit, instead of proceeding under the preceding provisions, it may direct or cause the offender to be tried in a separate criminal prosecution or proceeding, in which the offender shall be liable to any punishment to which he would have been liable on the 14th August, 1947, if the offence had been committed in relation to the Court of a Sessions Judge in India.

Nothing herein shall interfere with the power of the Court to remove or exclude persons who interrupt or obstruct the proceedings of the Court.

(2) The provisions of section (1) of this Article shall also apply if any person subject to this Order does any of the acts enumerated in sub-sections (*b*), (*c*) or (*d*) thereof in relation to the Joint Court of Appeal to which a matter has been referred under Article 70 or in relation to the Joint Court to which a complaint has been referred under Article 68 or 69 or in relation to a complaint which has been referred to the Majlis-et-Tujara under Article 46 (1) or in relation to a Qadhi to whom a matter has been referred under Article 46 (2), 53 or 69 (2) or to an arbitrator to whom a matter has been referred under Article 73.

2. If any person subject to this Order—

(*a*) publicly derides, mocks or insults any religion, established or observed within the limits of this Order ; or

(*b*) publicly offers insult to any religious service, feast, or ceremony established or kept in any place within those limits, or to any place of worship, tomb, or sanctuary belonging to any religion established or observed within those limits, or belonging to the ministers or professors thereof ; or

(*c*) publicly and wilfully commits any act tending to bring any religion established or observed within those limits, or its ceremonies, modes of worship, or observances into hatred, ridicule, or contempt, and thereby to provoke a breach of the public peace ;

he shall be guilty of an offence, and on conviction thereof liable to imprisonment, not exceeding two years, or to a fine not exceeding 1,500 rupees or to both.

3.—(1) If any person subject to this Order prints, publishes, or offers for sale any printed or written newspaper or other publication containing seditious matter, he shall be guilty of an offence and on conviction thereof liable to imprisonment, not exceeding two years, or to a fine not exceeding 1,500 rupees, or to both, and may, in addition to, or in lieu of, any other sentence, be ordered to give security for good behaviour, or to be deported.

(2) Where any printed or written newspaper or other publication containing seditious matter is printed, published, or offered for sale within the limits of this Order by a company other than a company incorporated under a law enacted by the Ruler, the Court may, after notice to the company, and on proof of the facts, require the company to give security to abstain from such printing, publishing, or offering for sale in future. If the company fails to give security, or if the company is shown to have again printed, published, or offered for sale such newspaper or other publication containing seditious matter after giving such security, the Court may make an order prohibiting the company from carrying on business within the limits of the Order, and may make such other orders as to the Court may seem just. The Court may also declare all the

property of the company within the limits of the Order to be forfeited to Her Majesty, and shall dispose of it, subject to any general or special directions of the Secretary of State, as it thinks fit.

(3) Matter calculated to excite tumult or disorder, or to excite enmity between persons subject to this Order and the Ruler or Bahrain subjects, or between different classes of persons subject to this Order, or between the Ruler and Bahrain subjects, shall be deemed to be seditious matter within the meaning of this Article.

4.—(1) If a Clerk or Officer of the Court acting under pretence of the process or authority of the Court is charged with extortion, or with not paying over money duly levied, or with other misconduct, the Court may, if it thinks fit, enquire into the charge in a summary way, and may for that purpose summon and enforce the attendance of all necessary persons as in a suit, and may make such order for the repayment of any money extorted, or for the payment over of any money levied, and for payment of such damages and costs as the Court thinks fit.

(2) The Court may also, if it thinks fit, on the same enquiry impose on the Clerk or Officer a fine not exceeding 500 rupees for each offence.

(3) A Clerk or Officer punished under this Article shall not, without the leave of the Court, be liable to a civil suit in respect of the same matter; and any such suit, if already or afterwards begun, may be stayed by the Court in such manner and on such terms as the Court thinks fit.

(4) Nothing in this Article shall be deemed to prevent any person from being prosecuted under any other legal provision which is applicable for any act or omission punishable under this Article, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Article: provided that no person shall be punished twice for the same offence.

5. The Court shall have jurisdiction from time to time to make an order requiring a person subject to this Order to contribute in such manner as the Court directs to the support of his wife, or to the support of his or her child, whether legitimate or not, being in the opinion of the Court under the age of 16 years. Any such order may be made in a summary way as if the neglect to provide for the support of such wife or child were an offence, and any failure to comply with any such order shall be deemed to be an offence, and shall be punishable with a fine not exceeding by more than 100 rupees the amount unpaid under the said order, and the Court may direct any penalty imposed for such offence to be applied for the support of such wife or child in such manner as the Court thinks fit.

6. Any act which, if it had been done in British India on 14th August, 1947, would have been an offence against the law then in force in British India, relating to trade-marks, merchandise marks, copyright designs or inventions, shall, if done in Bahrain by a person subject to this Order, be an offence punishable with imprisonment not exceeding two months, or with a fine not exceeding 2,000 rupees, or with both.

Registration

8. A register of persons subject to this Order (other than corporations) shall be kept in the Political Agency. Nevertheless the failure of any such person to register shall not affect the jurisdiction of the Courts established by this Order in respect of him.

9. A person subject to this Order arriving within the limits of this Order shall apply for registration at the Political Agency within one month after his arrival. Every person subject to this Order (other than a corporation) resident within the limits of this Order shall, in the month of January of each year, apply for renewal of his registration at the Political Agency. Nevertheless a person who fails to apply for or to obtain registration within the time permitted by this Article may be registered at any time.

10. Where a person is in possession of a valid passport, the Political Agent shall, on the first registration of any such person, endorse on the passport without further fee than that provided for in Article 12 of this Schedule a certificate of registration in such form as may be prescribed by the Secretary of State. Where any such person applies for the renewal of the registration and produces his passport, the renewal of the registration shall, without further fee than that provided for in the said Article 12, be endorsed thereon.

11. Every person, who has not previously been registered, applying to be registered under this Schedule shall, unless excused by the Political Agent, attend personally for that purpose at the Political Agency; but any person applying for the renewal of his registration need not attend personally unless directed by the Political Agent so to do, provided that the registration of the wife or wives of a man who is registered under this Schedule may, if she or they be living with him, be effected without their personal attendance being required, and provided also that the registration of minors, being his relatives in whatever degree, living with the head of a family who is registered under this Schedule, may be effected without their personal attendance being required.

12. Every person shall, on every registration of himself and on every renewal of registration, pay a fee of one rupee, or such other fee as the Secretary of State from time to time appoints. The amount of the fee so appointed may be uniform for all persons, or may vary according to the position and circumstances of different classes, if the Secretary of State from time to time so directs, but may not in any case exceed 3 rupees.

13. Where any person applies to be registered, he shall be entitled without a fee to the assistance of the Political Agent in the preparation of any affidavit that may be required.

14. The Political Agent may require the production of such evidence that an applicant for registration is a person subject to this Order as he may see fit, but subject to such directions as may be issued by the Secretary of State.

15. Any person subject to this Order who without reasonable excuse neglects to obtain registration within the time limits fixed by Article 9 of this Schedule shall be liable to a fine not exceeding 25 rupees for each instance of such failure.

16. A register of companies, other than those incorporated under a law enacted by the Ruler, carrying on business in Bahrain shall be kept in the Political Agency, and every such company carrying on business in Bahrain shall register there.

17. On the registration of a company at the Political Agency there shall be deposited and filed a copy of the certificate of incorporation of the company or other document corresponding thereto and a statement showing the nominal capital of the company and the amounts thereof which have been subscribed and paid up respectively.

18. The Political Agent shall, on the registration of a company at the Political Agency, issue to the person making the registration a certificate, signed and sealed, that the company has been so registered.

19.—(1) Every company registered under this Schedule shall register the name and address of the manager or other chief local representative in Bahrain, and shall from time to time, as may be necessary, register any alteration of the representative of the Company or in his address.

(2) Rules of Court made under Article 77 of this Order may provide that service of writs, notices, or other documents upon the person registered under this Article, or at his address, shall be good service of such documents upon the company.

20. Registration of a company under this Schedule shall be renewed in the month of March of each year, but it shall also be renewed at once when any change takes place in the name of the company.

21. On every registration of a company under this Schedule, and on every renewal thereof, there shall be payable a fee of 10 rupees, and on every registration under Article 19 (1) of this Schedule there shall be payable a fee of 5 rupees.

22. Any company failing to make such registration as required by Articles 16 and 19 of this Schedule or to deposit or file such documents as required by Article 17 of this Schedule and every Director, Manager, Secretary or other officer who is knowingly a party to such default shall be guilty of an offence under this Order, and on proof thereof shall be liable to a fine not exceeding 15 rupees a day for every day during which such offence continues, but not exceeding in all 500 rupees.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

1. Reference is invited to the Explanatory Note attached to the Bahrain Order in Council, 1949 (S.I. 1949/592 ; 1949 I, p. 1767).

2. The reform and development of the judicial system in Bahrain which was begun by the Order in Council of 1949 is carried a stage further by the present Order.

3. The major task now to be accomplished relates to the law and procedure to be applied by the British courts in Bahrain. These courts, like the British courts in the other British protected states in the Persian Gulf, inherited from the period of the close connection between these states and India a system under which broadly the law to be applied was (with adaptations) most of the law in force in the Province of Bombay and the procedure applied in the courts of that Province. To this already large body of law was added a number of Acts of Parliament of the United Kingdom, together with a number of Regulations, most of them rendering applicable local laws and customs, as well as a number of detailed provisions in the Order in Council itself. This body of law and procedure is too complicated and unwieldy for application by small courts largely staffed by lay judges whose work is done with no access to legal libraries and for the most part without the assistance of professional advocates.

4. The task of providing these courts with a suitably simple system of law is begun by the present Order. Thus, for instance, a number of provisions in the Order itself replace in several matters—notably in regard to the cases when appeals lie—the provisions of the Indian codes of procedure. Further, many obsolete or complicated provisions of the previous Orders either disappear or are simplified, and the Order is made more convenient for reference by the grouping in schedules of matter which was previously dispersed throughout the Order.

5. The present Order retains a feature of the previous Order under which the present complicated system can, by means of Queen's Regulations made by the Political Resident with the approval of the Secretary of State, be replaced by simpler and more suitable provisions. By this means it is intended by gradual development to bring about a position where ordinarily the courts will not have to consult, for the purposes of deciding any cases before them, more than at most four or five volumes.