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**Decision No. (10) of 2016 promulgating the Implementation  
Regulations of the Real Estate Registration Law promulgated by  
Law No. (13) of 2013**

Prime Minister:

Having reviewed the Civil Law promulgated by Legislative Decree No. (19) of 2001;

And the Real Estate Registration Law promulgated by Law No. (13) of 2013;

And upon the submission of the the Survey and Land Registration Bureau's President,

**Hereby Decides:**

### **Article One**

The Implementation Regulations of the Real Estate Registration Law promulgated by Law No. (13) of 2013 attached to this Decision shall be implemented.

### **Article Two**

The Implementation Regulations of Legislative Decree No. (15) of 1979 promulgated by Ministerial Decision of the Minister of Justice and Islamic Affairs No. (6) of 1980 shall be repealed, as shall the Implementation Regulations of the same Legislative Decree promulgated by the Survey and Land Registration Bureau's President No. (36) of 2012 regarding the Matters Relating to the Survey Aspects of the Land Registration Procedures. Any text that contradicts the provisions of these Implementation Regulations shall also be repealed.

### **Article Three**

The Survey and Land Registration Bureau's President shall implement the provisions of this Decision. The Decision and its accompanying Regulations shall be published in the Official Gazette and shall come into effect from the day following the date of their publication.

**Prime Minister**

## **Khalifa bin Salman Al Khalifa**

Issued on: 1 Jumada al-Akhir 1437 A.H.

Corresponding to: 10 March 2016

## **Implementation Regulations of the Real Estate Registration Law promulgated by Law No. (13) of 2013**

### **Introductory Part**

#### **Definitions**

##### **Article (1)**

For the purposes of the application of these Implementation Regulations, words and expressions contained in these Implementation Regulations shall have the same meanings mentioned in the Real Estate Registration Law. The following words and expressions shall have the meanings assigned to each of them unless the context requires otherwise:

##### **Kingdom:**

The Kingdom of Bahrain.

##### **Law:**

Real Estate Registration Law promulgated by Law No. (13) of 2013.

##### **Bureau:**

Survey and Land Registration Bureau.

##### **Real Estate:**

Every independent, axed thing that cannot be moved from its place without causing damage thereto or change to the form thereof.

##### **Real Estate Unit (Unit Subject of the Transaction):**

Any divided part of a Real Estate or a group of buildings that is subject to a transaction, whether such part is a Stratum, Apartment, shop, or office, and the share of each of them in the common parts.

**Stratum:**

Each independent horizontal unit of a Real Estate that has the descriptions and characteristics of the Real Estate and is divided into one Apartment or several Apartments.

**Apartment:**

Any part of a Stratum, two strata, or an entire Stratum that constitutes an independent residential unit.

**Group of Buildings:**

More than one Real Estate, each of them consists of a Stratum, strata, or Apartment, which all comprise one group, and each of the Real Estates is independent of the others.

**Notarization Office:**

An office tasked with the notarization of real estate transaction contracts such as sale, mortgage, or exchange transactions and the like that relate to a Real Estate and for which the Law requires them to be notarized, as well as the notarization of Real Estate owners' union agreements.

**Guidelines for Standards Manual**

Guideline issued by the Director General of Survey that determine the technical and administrative standards and procedures that shall be followed in the completion of the Cadastral Transaction.

**Cadastral Transaction (Transaction):**

A file that includes a paper or electronic application filed by an owner or his representative who is duly authorised by an official power of attorney to survey the Real Estate. The application shall be recorded in the

concerned Register under a serial number and shall mention the necessary information, the date of the application, and what procedures have been followed until the completion of the job.

**Surveyor:**

A person who carries out the survey work in accordance with the provisions of this Regulation.

**Private Cadastral Offices:**

Engineering offices that are licensed by the Regulating the Practices of Engineering Professions Committee to carry out land survey works in accordance with the provisions of Law No. (51) of 2014 regarding Regulating the Practices of Engineering Professions and which are approved by the Director General of Survey.

**Cadastral Plan:**

A map prepared by Private Cadastral Offices and approved by the Cadastral Survey Directorate that shall have the same characteristics as a survey certificate and relate to a group of Real Estates for any subdivision or in the implementation of detailed plans.

**Detailed Engineering Drawings:**

Drawings prepared by Private Engineering Offices at the request of the owner and approved by the concerned municipality, and on the basis of which a licence is issued to build the Real Estate on which the Units Subject to a Transaction are situated.

**Cadastral Drawings:**

Drawings prepared by Private Cadastral Offices at the request of the owner and approved by the Cadastral Survey Directorate in respect of Units Subject to a Transaction. Drawings shall be based on field survey and the detailed engineering drawings of the said units and in

accordance with the technical requirements and instructions mentioned in the Guidelines for Standards Manual.

**Registration in the Real Estate Register:**

The initial procedure that precedes the registration of a Real Estate, in accordance with which there shall be recorded all the documents that relate to the registration of a Real Estate that are mentioned in Article (29) of the Law; if such documents were not provided within fifteen days from the date of the application, the registration shall be treated as if it did not exist.

**Unit's Title Deed Map:**

An engineering drawing prepared by the Cadastral Survey Directorate for the unit subject of a transaction and the Real Estate in which it is located therein. Such drawings shall be based on Cadastral Drawings and the situation on the ground showing the area of the unit, its boundaries, its number amongst the Real Estate Units, the Stratum in which it is located, and the parts associated therewith, all in accordance with the technical requirements and instructions mentioned in the Guidelines for Standards Manual.

**Real Estate Number:**

A number allocated to the Real Estate after the payment by a buyer of the Real Estate fees, whereby the buyer becomes the owner of the Real Estate subject of the transaction.

**Temporary Ownership Certificate:**

A certificate issued by the Bureau that serves as a Title Deed to prove ownership of a Real Estate. It is valid for a period of four months from the date of issuance and may be renewed for a similar period.

**Real Estate Purchase Financing Contracts:**

Financing contracts for the purchase of Real Estates by way of which banks or banking institutions that operate in accordance with an Islamic commercial banking licenses issued by the Central Bank of Bahrain acquire a Real Estate. Such contracts shall be exempt from the real estates registration fees if the purpose of the purchase is to resell the Real Estate to the bank's customer whose name appears in the Purchase Financing Contract.

## **Section One: Real Estate Survey**

### **Part one: Real Estate Survey Procedures**

#### **Article (2)**

The Cadastral Survey Directorate shall, upon the request of the owner or his representative holding an official power of attorney, carry out the initial survey, establish the boundary markers, and issue the survey certificates.

#### **Article (3)**

If an owner or his representative who is authorized by an official power of attorney intends to resurvey and determine the boundaries of a Real Estate that has previously been surveyed and the boundary markers put in place with the knowledge of and receipt by the owner, the Directorate shall, at the expense of the owner, carry out such works by itself or through a Private Cadastral Office and sign the related form, provided that the survey certificate shall be issued after the approval thereof by the Cadastral Survey Directorate.

The provisions of the preceding paragraph shall apply to cases of the subdivision of the real estate in accordance with Article (11) of this Regulation, as well as to the surveys of ownership of strata and Apartments.

#### **Article (4)**



The Cadastral Survey Directorate shall, after payment of the prescribed fee, record the applications for Cadastral Transactions in a register prepared for this purpose to be called the Registration Application Book and shall also record them in the computer control logs in the order of the date of submission thereof with serial numbers, and the applicant shall be given a card bearing his transaction number. This record shall show the necessary data related to the applicant, data related to the Real Estate, the date of the application, the documentary cycle thereof, and the procedures it goes through in the Directorate until full completion thereof.

#### **Article (5)**

The survey request shall only be accepted by the concerned person himself or his agent under a notarized power of attorney. After completing the procedures for recording the application, the applicant shall be notified of the date of the survey or asked to complete any information that the Cadastral Survey Directorate deems necessary for the survey.

If the survey is delayed beyond the scheduled date, the Cadastral Survey Directorate shall notify the applicant of the reasons for the delay.

If the applicant fails to attend the survey on the date previously specified, the Cadastral Transaction shall be suspended and he shall be notified. If he attends within one month from the date of suspension of the Transaction, another date shall be set for him, and if he does not attend, the Transaction shall be cancelled, and he shall register his new Cadastral Transactions with new procedures and fees.

#### **Article (6)**

The surveyor shall apply the rules and technical instructions contained in the Standards' Guidelines Manual for surveying the Real Estate in accordance with the following:

- 1) To review the previous real estate map with detailed maps of the Kingdom, previous survey records, and all available cadastral data and information about the Real Estate to be surveyed.
- 2) To survey the Real Estate using the most advanced technical methods in this field, provided that the survey shall include all landmarks and boundaries surrounding the Real Estate subject to survey.
- 3) To take the measurement according to technical principles within the margins of error permitted in the Standards and Guideline Manual.
- 4) To draw the survey draft, while still working at the site, which shall show all the measurements of the boundaries of the Real Estate, streets, and neighbouring landmarks and the distances between these boundaries and fixed markers or landmarks.
- 5) To show the Real Estates that surround the site from the four sides based on the data available at the Cadastral Survey Directorate or that can be obtained from the official authorities in the Kingdom or from the physical site.
- 6) To mark the location of the Real Estate on the detailed maps of the Kingdom.

#### **Article (7)**

The Surveyor may not enter the Real Estate to be surveyed except in the company of the concerned party—the owner, buyer, or lessor—or accompanied by his agent or after obtaining his consent to enter the Real Estate.

Subject to the provisions of the preceding paragraph, the Surveyor shall enter the Real Estate to make the required measurements together with his assistants whom he needs to complete this work, and he may also evaluate or place on the boundaries of the Real Estate fixed markers above or underground or survey reference marks as may be required by the nature of his work to complete the survey.

#### **Article (8)**

If, during the survey procedures on the ground, the surveyor finds changes that were not shown on the Real Estate map, or if he finds a thing that needs to be corrected and the map amended, such as finding its non-conformity with reality in terms of boundaries or an error in measurements and the like, he shall note this error in a report to be affixed attached to the draft survey, and after reviewing this correction with the Registration and Monitoring Department at the Bureau, the Town and Rural Planning Directorate at the Ministry of Municipalities Affairs and Urban Planning, or any other concerned Directorate, if necessary.

In all cases, a new map of the Real Estate shall be drawn after making the appropriate amendments and sent to the concerned authority, and the owner shall be notified thereof.

#### **Article (9)**

- 1) All boundaries shall be represented by straight lines.
- 2) All measurements and surveys shall be recorded according to the metric system, rounded to the nearest tenth of a metre, and the correct metamathematical methods for the calculation of areas shall be followed.

#### **Article (10)**

All measurements made during the previous survey procedures are converted into the metric system, and the Cadastral Survey Directorate shall issue, at the request of the Registration and Monitoring Department of the Bureau, a new map of the Real Estate after redoing the survey, researching, auditing, and revising dimensions.

If there are noticeable differences in the measurements, the Registration and Monitoring Department of the Bureau shall be notified in writing, together with a new map of the Real Estate attached thereto.

### **Article (11)**

After preparing the zoning plan and approval thereof by the Ministry of Municipalities Affairs and Urban Planning, the Registration and Monitoring Department of the Bureau shall register the approval plan in accordance with the provisions of Legislative Decree No. (3) of 1994 regarding the Division of Lands intended for Reconstruction and Development.

The Registration and Monitoring Department shall forward the application to the Cadastral Survey Directorate to open a Cadastral Transaction by itself or through one of the Private Cadastral Offices to survey and prepare a cadastral plan, place markers, prepare real estate maps, and send them to the Registration and Monitoring Department.

The Cadastral Survey Directorate shall also send a copy of the approved plan to the Ministry concerned with Municipalities Affairs and Urban Planning as a collective survey certificate and another copy to the Electricity and Water Authority in the event that there are power stations within the plan. The concerned bodies shall also be given copies of the approved plan upon their request and as the Directorate may determine.

### **Part Two**

## **Procedures for Putting Survey Markers to Identify Real Estate Boundaries**

### **Article (12)**

The Cadastral Survey Directorate shall place fixed cadastral marks on the boundaries of each real estate unit it surveys, after the owner pays an amount of five dinars for each cadastral marker.

Private Cadastral Offices shall also, at the expense of the owner, place the markers that determine the boundaries of each independent real estate unit in the event of dividing the lands in question into more than one unit, as well as in the event of transfer, damage, or removal of a cadastral mark.

### **Part Three**

## **Survey Procedures Related to Approving the Sale of Strata and Apartments**

### **Article (13)**

The procedures related to the approval of the sale of the Real Estate under the system of ownership of divided strata and Apartments are the responsibility of the owner, on the basis of a request from the municipality in whose jurisdiction the Real Estate is located and in light of the documents and technical drawings received from the latter.

The Cadastral Survey Directorate shall prepare the Cadastral Drawings of a Real Estate after the filing of an application by an owner or his representative who is duly authorized by an official power of attorney, accompanied by the following:

- 1) Survey application form.
- 2) A copy of the applicant's ID card and proof of his capacity.

3) A copy of the engineering drawings of the horizontal planes, front elevations, and sectors of the building or Group of Buildings subject to the transaction, provided that Every separate real estate unit shall be marked in a different colour.

4) Payment of the prescribed fees.

#### **Article (14)**

In the case of preparing Cadastral Drawings by the Private Cadastral Offices, the Cadastral Survey Directorate shall review and examine such drawings and, if necessary, inspect and match the drawings on site. It may also request any information or documents it deems necessary to complete the review and examination procedures before approving such Drawings.

If the Directorate has any observations about the unit concerned, it shall notify the Technical Affairs Directorate of the competent municipality, and it shall not complete the procedures unless the municipality has scrutinized the data and approved it.

#### **Article (15)**

After the approval of the Cadastral Drawings of the unit concerned, the Cadastral Survey Directorate shall notify the concerned municipality of the completion of the required survey procedures.

A copy of the approved Cadastral Drawings shall be delivered to the applicant for notarization and then to start the procedures for registering the units.

#### **Article (16)**

The Cadastral Survey Directorate shall keep the approved Cadastral Drawings for the separated strata and Apartments.

#### **Article (17)**

Title Deeds of Maps for the separated strata and Apartments shall be prepared at the request of the Registration and Monitoring Department of the Bureau in preparation for the issuance of the Title Deed.

## **Part Four**

### **Procedures For Preparing Title Deeds Maps**

#### **Chapter One: Real Estate Title Deed Map**

##### **Article (18)**

The Cadastral Survey Directorate prepares the Real Estate Title Deed Map for the ownership of the Real Estate, approved by Director General of Survey consisting of two counter pages in the Title Deed and draws on one page a map of the Real Estate with appropriate metric scales.

The outer boundaries of the Real Estate are shown on the map in red, as well as the boundaries adjacent to or near the neighbouring Real Estates and their numbers, if any, and the dimensions shall be coloured black and in metres.

The total areas of the Real Estate shall be recorded at the bottom of the page.

##### **Article (19)**

The other page allocated in the Title Deed shall show the map of the location of the Real Estate and the general site in an appropriate scale with the following cadastral data recorded at the bottom:

- 1) The approved name of the area in which the Real Estate is located.
- 2) The Introduction number, which is a number given to the application for registration in the Registration and Monitoring Department of the Bureau.

3) The Real Estate number, which includes division and area number, in addition to fixed serial number for Real Estates according to records of the area and that issued by the Directorate.

4) The Cadastral Transaction number, which shows the survey record number under which the survey was carried out and refers to it to obtain all other cadastral data.

5) The Map number on which the Real Estate is marked.

6) The Real Estate type whether built, undeveloped, buried land, or marine land (submerged).

Chapter Two: Title Deed Map of the Real Estate Unit.

### **Article (20)**

The Cadastral Survey Directorate prepares the maps of Real Estate Unit ownership documents required for Real Estate registration procedures and is approved by the Director General of Survey.

### **Article (21)**

The Cadastral Survey Directorate shall prepare a Title Deed Map of the real estate unit at the request of the Registration and Monitoring Department, after the person concerned or his representative who is duly authorised by an official power of attorney registers a Transaction for this purpose, for which he shall pay the prescribed fees and submit the following data and documents with it:

1) The application of the Registration and Monitoring Department addressed to the Cadastral Survey Directorate in this regard.

2) Engineering Drawings of the real estate unit and its existing Real Estate shall be approved by the competent municipality.

3) A copy of national Identity card of the concerned person or his agent, and the paper which is the proof of their capacity.



4) Any other documents or data required by the Directorate to complete the procedures for preparing title deeds.

### **Article (22)**

Mapping of a two-page title document of the real estate units which shall include the following:

- 1) A map of the location of the real estate unit in relation to the Real Estate or the group of buildings in it.
- 2) A map of the unit showing the boundaries of this unit, its sizes, area, the subsequent parts of the detachment, its number between the units of the Real Estate and the floor in it, and its type.
- 3) Number of Cadastral Plan shall be shown.
- 4) The address of the real estate unit.
- 5) Transaction file number.
- 6) Map number.

## **Section Two: Real Estate Registration**

### **Part One: Indexes, Cadastres, Disclosure, and Duplication**

#### **Chapter One: Indexes**

### **Article (23)**

The Registration and Monitoring Department shall establish a personal, paper and electronic index in which each owner is allocated his own Cadastre showing the Real Estates he owns in all regions of the Kingdom. The data in these indexes shall be recorded on the basis of the Real Estate Register and registered documents.

### **Article (24)**

The Cadasters of the respective paper and electronic index shall be ordered alphabetically in accordance with the names of the landlords,

taking into account the alphabetical arrangement in all initials and the following names' letter.

#### **Article (25)**

The individual paper and electronic index shall include the full name and identity card number of the owner as shown on the Title Deed and the Real Estate owned in terms of type, location, number, and the share owned, its type, and its Title Deed.

#### **Article (26)**

In the case of filing the owner's Cadastre in the two-sided paper index, Another Cadastre shall be attached and numbered (2) and so forth.

The paper index Cadastres shall be edited in clear handwriting without any deletion or cramming.

#### **Article (27)**

The changes occurred by increasing or decreasing in the ownership shall be written down in the personal paper and electronic index Cadastres forthwith after the completion of the Registration Procedures in the Real Estate Register.

#### **Article (28)**

In the event that the owner disposes of its full ownership in terms of one of his Real Estate properties that is mentioned in his personal paper and electronic index, this shall be recorded in the index, and the data relating to this Real Estate shall be null and void.

#### **Article (29)**

In the event that the owner disposes of all Real Estates mentioned in his personal Cadastres in the index, the Cadastre shall be marked as cancelled.

The cancelled personal paper Cadastres shall be permanently kept in their own places in the same alphabetical order.

## **Chapter Two: Cadastres**

### **Article (30)**

The Registration and Monitoring Department shall prepare the Cadastres and write down their data in clear handwriting without any deletion, cramming, or addition. The prejudice to the regulations of editing or tearing the Cadastres shall result in their cancellation by the director of the department, and a new Cadastre shall be issued.

The cancelled Cadastre shall be valid for five years, then it shall be disposed.

### **Article (31)**

In the Cadastre section describing the Real Estate, its type, number, area, borders, and location shall be registered with its contents in terms of palm trees and plantations as well as built-up and non built-up areas. Additionally. The map of the Real Estate shall be attached thereto with the prior knowledge of the Cadastral Survey Directorate.

### **Article (32)**

In the ownership section of the Cadastre, the full name of the owner shall be recorded in accordance with the Title Deed, the year of ownership, the introduction number and its year, the actions establishing, deciding, or transferring the original Real Estate in rem rights, or which would lead to the disappearance of any of these rights, and the final judicial rulings proving something of that.

If the ownership of the Real Estate is common among multiple partners, each partner shall be provided with a serial number corresponding to his

name, and his share in the Real Estate is mentioned after the name, attributed to the total of all shares in the Real Estate.

### **Article (33)**

In the section of the Cadastre pertaining to the ancillary Real Estate rights in rem and costs, all dispositions that originate, decide, transfer, or lead to the demise of any of these rights, as well as the final judicial rulings confirming any of that and the acknowledgements of waiving the rank of their registration. Next to the crossed-out right shall be marked with an (X) on both sides with a red ink indicating the release of the mortgage and other ancillary Real Estate rights in rem upon the request of the concerned person after submitting a documented declaration by the mortgagee creditor of the discharge of his debtor or payment of the debt secured by the mortgage and the declaration of cancellation or the issuance of a final court judgement stating that.

### **Article (34)**

Taken into account when registering ancillary Real Estate rights in rem dependency of insurance mortgage and possessory mortgage and concession that the Real Estate's journal includes the following data:

- 1) The type of the ancillary right in rem.
- 2) The names of the beneficiaries of the right, their place of residence and nationalities, and if the creditor is a bank, commercial company, establishment, or a non-Arab foreign person. The name of the bank, company, establishment, or person shall be mentioned in Latin letters in addition to the name in Arabic.
- 3) The name of the owner who has assigned the right in rim on his Real Estate or the debtor if he is not the owner, his surname, nationality, and place of residence.
- 4) The value of debt and its interests.

- 5) The maturity date of the debt.
- 6) The deed of writing off the debt, its number and date.
- 7) The date of writing off the ancillary right in rem.

#### **Article (35)**

It shall be recorded in the section of the Cadastre related to the restrictions on the right of ownership, the condition of preventing disposal, usufruct, precautionary seizure, executive seizure, and all other legal or agreement restrictions, and what indicates the waiver or termination of these restrictions.

#### **Article (36)**

It shall be recorded in the section of the Cadastre related to easement rights, the type of right shall be recorded, whether the Real Estate is eased or being eased by by other people, and a statement of the other Real Estate that shares this right with it, provided that the right is recorded in the two Cadastres of the two Real Estates.

#### **Article (37)**

When the easement right expires and the official documents indicating the expiry are submitted, an annotation shall be made in the Cadastre of the two Real Estates, indicating the expiration of the right, and a mark (X) shall be placed in red ink next to the lapsed right on both sides.

Among the reasons for the expiry of the easement right are the following:

- 1) Waiver of the right.
- 2) Impossibility of benefiting from the right.
- 3) Union disclosure.
- 4) Failure to exercise the right.

- 5) The loss of one of the two Real Estates.
- 6) Expiration of the term.
- 7) The occurrence of a resolutive condition.

#### **Article (38)**

It shall be recorded the section of the Cadastre concerned with lawsuits to establish ownership or the validity and enforceability of disposition and other lawsuits related to a Real Estate in rem right, the type and number of the lawsuit, the court before which it is being heard, and the content of the applications after submitting two official copies of the bill.

One of the two copies of the bill shall be kept in the file of the applicant, and the other copy shall be returned to the claimant or his attorney, indicating on it what has been done in implementation of the provision of Article No. (20) of the Law.

#### **Article (39)**

Without prejudice to the provisions of Law No. (39) of 2009 regarding the Acquisition of Property for Public Benefit , and until a final judgement has been rendered or proof of the discontinuance of proceedings in a lawsuit related to a Real Estate right or to the validity and execution of a disposition that must be registered in the Real Estate Register, it shall be stated clearly in the Real Estate's Journal in red ink that applications for registration relating to the ownership of any Real Estate in respect of which any of the aforementioned lawsuits have been filed may not be proceeded with.

The operative of judgements issued in the lawsuits mentioned in the first paragraph of this Article shall be recorded at the request of the concerned parties.

#### **Article (40)**

It shall be recorded in the section of the Cadastre related to pre-emption, the announcement of the desire to take pre-emption, the names of the beneficiaries of the right, their place of residence, the number of the pre-emption lawsuit, the court before which it is being heard, the date of issuance of the final judicial ruling, and the operative of the ruling, or submission of evidence indicating the termination of the lawsuit before the issuance of the ruling or the waiver of pre-emption.

#### **Article (41)**

It shall be recorded in the section of the Cadastre related to news data, everything related to the Real Estate data that was not included in the other sections of the Cadastre, especially the price and fees paid, the date of payment, cases of refunding or exempting fees, the number and year of the introduction, and the number of the new Title Deed in cases of merger and division.

#### **Article (42)**

If the owner disposes of the entire Real Estate, he shall be marked next to his name on both sides by crossing out a mark (x) in red ink, then written on the line immediately following, the data relating to the new owner, his name and the number of his new Title Deed on the top, and the Title Deed number of the original owner below.

#### **Article (43)**

If a co-owner disposes of his entire share to someone other than the partners, his name shall be crossed out next to his name on both sides with a cross (X) in red ink. The name of the new partner or the new purchaser shall be written directly at the end of the names, and the number following the last of the partners' numbers shall be given to him. The number of the new Title Deed shall be written on the top, and the document number of the disposing partner shall be written below.

**Article (44)**

If a partner disposes of his entire share to one of the partners, the name of the disposing partner and the name of the partner to whom it is disposed on both sides shall be crossed out with a cross (X) in red ink, and then the name of the disposing partner shall be rewritten directly at the end of the names. The new number shall be given to the last of the numbers, with the number of the new Title Deed written on the top and the Title Deed number of the disposing partner below, provided that the total of his share in the Real Estate including his previous share and his share devolving to him according to the disposal subject of registration is mentioned.

**Article (45)**

If the partner disposes of a part of his share in the Real Estate, the cancellation shall be indicated next to his name in the manner shown in the previous Articles, then his name shall be re-written at the end of the names directly for the share remaining for him, provided that he provides the new number on top and the previous number below, distinguishing it when mentioning his share with the word "remaining" and then the name of the new partner shall be written in the manner described in Articles (43 and 44) of this Regulation.

**Article (46)**

The merger of the Real Estate with another Real Estate or the Real Estate Unit in another Unit or the division of the Real Estate or the Real Estate Unit shall result in the cancellation of the Cadastre dedicated to the Real Estate or the Unit that was merged or divided and to replace them by creating other Cadastres with new numbers for the Real Estate or Real Estate Units that were found, drawing their data from the



cancelled Cadastre, maps resulting from the merger or division, and engineering drawings prepared by the Cadastral Survey Directorate.

Cadastrals cancelled as a result of merger or fragmentation shall be kept permanently after noting on them the reason for cancellation and the numbers of Real Estates or new Real Estate Units.

#### **Article (47)**

The Real Estate Cadastre shall bear, in a conspicuous place, the number of the Real Estate Title Deed, and it shall be considered a special record in which the serial document numbers and the corresponding Real Estate numbers are listed, as well as the new Real Estate numbers that include new Real Estate or Real Estate Units and the numbers of the documents related thereto.

### **Chapter Three: Access and Copies**

#### **Article (48)**

Any concerned person who has the capacity and interest may request access to the Real Estate Register Cadastres, the files of the introductions, or any document registered in the Real Estate Register, or to obtain copies thereof.

#### **Article (49)**

Requests for accessing and copying shall be submitted by the person concerned or his representative under an official power of attorney in the name of the Director of the Registration and Monitoring Department, and a fee shall be paid for them before being referred to the competent employee, provided that the request indicates the name of the requester, his capacity, his place of residence, his identity card number, and the purpose of the request.

#### **Article (50)**

Requests for accessing and copying shall be recorded in a special register with consecutive numbers indicating the date of submission of the request, the name of the requester, his capacity, the purpose of the request, the document or record to be accessed or copied, the number of the fee collection voucher, and the requester's signature indicating complete accessing or copying and its date and time. The record shall be closed at the end of each working day, with the knowledge of the competent employee.

### **Article (51)**

The request for viewing or copying shall be marked by the competent employee with the application number in the register referred to in the previous Article, indicating that the viewing or copying has taken place and specifying the date and time. The requests shall be kept in a file for each year separately.

## **Part Two: Registration in the Real Estate Register**

### **Chapter One: What must be Enlisted or Marked in the Real Estate Register**

#### **General Provisions**

### **Article (52)**

Documents evidencing the disposals that must be registered or notated in the Real Estate Register, must be verified to ensure their fulfilment of all conditions necessary,

and that until the conditions for registration or notation are met, the fixed rights in the Real Estate Register remain unchanged.

### **Article (53)**

The right of inheritance is registered by recording the religious obligation or the ruling that establishes the right with the inventory lists of the

estate, provided that the share of each inheritor is indicated and clarified from the reality of what is established in the document establishing the right.

In order to register the right of inheritance, it shall be sufficient to submit a registration request from one of the heirs for the right to be registered in the name of all the heirs.

The disposal of the heir in all or part of his share in the estate shall not be accepted except after recording the right of inheritance.

#### **Article (54)**

Lawsuits that must be registered in the Real Estate Register in accordance with the provisions of Article (20) of the Law must be noted on the maps of the Technical Affairs Directorate, immediately after their registration, with the lawsuit number, its subject matter, the court is presented before, and the number of the applicant for registration.

#### **Article (55)**

Without prejudice to the provisions of Law No. (39) of 2009 regarding the Acquisition of Property for Public Benefit, the registration of lawsuits in the Real Estate Register in accordance with the provisions of Article (20) of the Law entails the suspension of procedures with regard to registration applications related to Real Estate ownership that are submitted after submitting an application for registration of the bill. This is until a final judgement is issued in the lawsuit or submission of evidence that the lawsuit has ended.

#### **Article (56)**

Annotation shall be made in the lawsuit registration file and the references of the Technical Affairs Directorate with the content and date of issuance of the final judgement in the lawsuit, as well as its

termination prior to the issuance of a judgement in it and the deed proving that.

### **Article (57)**

Annotating the announcement of the desire to adopt pre-emption in the Real Estate Register does not replace the registration of the pre-emption lawsuit and does not result in stopping the procedures for registration requests on the Real Estate.

The provisions of Article No. (20) of the Law and Articles (54 to 56) of this Regulation shall apply to the pre-emption lawsuit, and it is not a requirement for the registration of the pre-emption lawsuit to be preceded by announcing the desire to take pre-emption.

### **Article (58)**

In the event that Real Estate expropriation decisions are issued for the public benefit, as of the date of publication of the expropriation decisions, ownership shall be transferred in favour of the expropriating entity.

With regard to the original documents of the Real Estate and the ownership documents of the expropriating entity, the provisions of Articles No. (109 and 110) of this Regulation shall be observed.

## **Chapter Two: General Registration Procedures**

### **Article (59)**

The application for registration shall be submitted to the Registration and Follow-up Department on the form prepared for this purpose and signed by the disposer and the person to whom it is disposed, or by one of them, or by whomever acts on their behalf with an official power of attorney in consensual dispositions, or by whom the document is in favour in other cases, such as procedures documents, bills, and judgements.

The application must be drawn up in Arabic, and if any of its attached documents is drawn up in a foreign language, it must be accompanied by a full translation into Arabic from an accredited translation office.

#### **Article (60)**

Applications for registration shall be recorded according to the dates and hours of their submission in the book of applications for registration. Recordings in the book shall be in serial numbers, and the pages of the book shall be numbered. Each page of it is signed with the seal of the Registration and Monitoring Department. The book fields indicate the name of the requester, his capacity, the subject of the application, the contracting parties, their place of residence and nationalities, the location of the Real Estate, the map number, the date and hour of submitting the application, the date of stopping the procedures, the reasons for stopping the application, the document number, and notes.

#### **Article (61)**

The subject matter of the application must be specified precisely, and if the document to be registered comprises several subject matters, each of them must be specified separately in terms of subject matter, parties, object, and opposite.

#### **Article (62)**

Documents to be submitted for registration in the Real Estate Register:

1-

In the case of a consensual disposition:

A Notarised contract.

2-

In the case of inheritance:

Documents proving the right of inheritance.

3-

In the case of a legal will or endowment:

Will paper or endowment document evidenced by the relevant Sharia court.

4-

In the case of a donation:

The donation document from the Royal Court in royal donations or the donation document evidenced by the competent Sharia court.

5-

In the event of a public auction:

The allocation of contracts.

6-

In provisions:

Final Judgement.

7-

In the bills:

The bill in two copies approved by the court hearing the lawsuit.

8-

In declaring the desire to take pre-emption:

A copy of the declaration of interest.

### **Article (63)**

The application for registration must be accompanied, in addition to the instrument to be registered, with all papers and documents supporting the data contained in the application, as well as the Title Deed for

consensual dispositions and in cases of will, endowment, or donations, with the exception of Real Estate donations and judgements.

#### **Article (64)**

The receipt of the registration application shall be drawn up as an original and a copy. The original shall be delivered to the requester, and the copy shall be kept in the application file. The attached documents shall be clarified in the receipt, and the receipt shall be appended with the signature of the person who received the application and the attachments.

#### **Article (65)**

Waiver of the application for registration does not preclude its submission again, provided that if the waived application is re-submitted after the lapse of one year from the date of notarization the document, it shall not be accepted unless a ruling is issued for the registration of disposal by the competent court, even if the application that was waived was submitted before the lapse of the aforementioned year.

#### **Article (66)**

The competent department shall provide the Notarization Office with the information it requests regarding the presence or absence of a record of registration or precautionary seizure, or whether or not there is an impediment to registering documents in the Real Estate Register.

#### **Article (67)**

The Registration and Monitoring Department must make sure, before making the registration in the Real Estate Register, that the disposal of the document to be registered is issued by the person who has the right to dispose of it; that the papers submitted with the application permit registration in the Real Estate Register; that the Real Estate data are identical in the registration application, the Title Deed, and the Real

Estate Survey Report; and that the Real Estate is located in the areas where ownership is permitted for non-Bahrainis who are not nationals of the Gulf Cooperation Council countries, whether they are natural or legal persons, which are determined by a decision of the Council of Ministers.

### **Part Three: Division of Vacant Land and Ownership of Strata and Apartments**

#### **Chapter One: Division of Vacant Land into Housing Plans**

##### **Article (68)**

Division is any partition of land into two or more parts with the intention of building or developing it, provided that the land is a land subject to the provisions of Legislative Decree No. (3) of 1994 regarding Division of Lands Intended for Reconstruction and Development.

The division project shall not be established or amended after its establishment except after its approval by the competent minister, in accordance with what is determined by the law of division of lands intended for reconstruction and development and its implementing regulations.

##### **Article (69)**

Three copies of the division project approved by the competent minister must be attached to the application for registration of the division project in the Real Estate Register. The first copy shall be kept at the Registration and Monitoring Department, and the second and third copies are transferred to the Technical Affairs Directorate and the Cadastral Survey Directorate.

##### **Article (70)**



It must be ensured that the area of the division plots and other areas designated for services matches the area in the Real Estate Register and Title Deed.

#### **Article (71)**

All streets, roads, passages, open spaces, lands designated for utilities, services, places of recreation, etc. shall be considered the property of the State once the division plan is approved by the competent minister, and this area must be registered within the division project in the Real Estate Register.

#### **Article (72)**

Each of the division plots shall have a separate number in the introduction book, provided that the two copies of the division project sent to the Technical Affairs Directorate and the Cadastral Survey Directorate show the introduction number next to each plot.

#### **Article (73)**

The Technical Affairs Directorate shall sign the division project on the maps and references it has, and the Cadastral Survey Directorate, in addition to signing the project on the maps and references it has, shall prepare a map for each plot to be attached to its Title Deed.

#### **Article (74)**

A Real Estate Cadastre and Title Deed shall be assigned to each plot in the division project. A Real Estate Cadastre shall be allocated to the areas that are owned by the State, including facilities and services in the division project.

#### **Article (75)**

When registering the division project in the Real Estate Register, the provision of Article (46) of this Regulation shall be taken into account,

and the Title Deed of the planned land shall be marked with the land deriving from it, and it shall be permanently preserved in the file of its introduction.

## **Chapter Two: Ownership of Strata and Apartments**

### **Article (76)**

If the subject of the registration application is a Stratum, an Apartment, or a building in a Group of Buildings, it must be accompanied by a detailed engineering drawing of the Unit dealt with in three paper or electronic copies approved by the municipality to which the Real Estate belongs. One of the copies shall be kept in the registration application file, the second sent to the Technical Affairs Directorate, and the last to the Cadastral Survey Directorate, in preparation for the Real Estate Unit Map attached to the Title Deed.

### **Article (77)**

If the application for registration submitted by the owner or his agent by means of an official power of attorney includes all Strata, Apartments, or a Group of Buildings, the following documents must be attached to the application:

- 1) The approval of the municipality to which the Real Estate belongs to sell it under the system of Strata and subdivided Apartments.

A detailed Engineering Drawing of three paper or electronic copies of the Real Estate or a Group of Buildings in which the Units in question are located, provided that it is approved by the competent municipality, and two of them are kept at the Registration and Monitoring Department. One of the copies shall be deposited in the file of the building or Group of Buildings; the second copy shall be deposited in the file of the registration application; and the third copy shall be sent to the Cadastral Survey Directorate to prepare the Real Estate Plan.

**Article (78)**

If it is proven in the notarized document submitted to the Registration and Monitoring Department for its registration that the municipality's approval to sell the Real Estate in a system of Strata and subdivided Apartments is attached to another notarized document, and it turns out that it has not yet been submitted for its registration, then the Department must, before conducting the registration, request the Notarization Office to provide it with a copy of the said approval.

**Article (79)**

In the event that the owner disposes of any of the Real Estate Units, it must be ensured before registering the notarized document in the Real Estate Register that the cadastral data of the Unit dealt with is identical to the Real Estate Plan and the Map of the Real Estate Unit.

**Article (80)**

The Registration and Monitoring Department shall prepare a file for each Real Estate that is subject to the ownership system of Strata and subdivided Apartments when submitting an application for registering Real Estate Units, in which the approval of the municipality and the Engineering Drawing referred to in Articles (76 and 77) of these regulations are kept for reference when submitting applications for recording disposals related to the rest of the Units and it shall be indicated in this file all that has been recorded with regards to said disposals.

**Article (81)**

The Registration and Monitoring Department shall issue to the owner of the Real Estate, in the event that it is sold in the system of Strata and subdivided Apartments, Title Deeds equal to the number of Strata , Apartments, or buildings in a Group of Buildings, after recording the

related dealings. The quorum of the Strata , Apartments, or buildings from the divided parts shall be indicated in these Deeds.

The Deed must include the share of the Unit in detail in the benefits and common parts, and in particular the percentage due for the Unit on the land on which the Real Estate is built and the places where the cars and services are located, based on the documented acknowledgment of that from the owner.

### **Article (82)**

Annotation shall be made in the origin of the Real Estate Title Deed in the pages designated for the transfer of ownership of the disposals that have been registered and dealt with one of its Units—a Stratum, an Apartment, or a building in a Group of Buildings—with an indication of the Title Deed number of the disposed Unit. The original Deed shall be kept in the file referred to in Article (80) of this Regulations after the disposal of all Units of Real Estate and the completion of the registration in permanent preservation.

## **Part Four: Establishment of Ownership**

### **Article (83)**

Any Real Estate that has not been previously registered or recorded in the Real Estate Register shall belong to the State as private Real Estate in accordance with the provisions of Legislative Decree No. (19) of 2002 regarding Disposal of State-Owned Land Owned as Private Real Estate, and this shall not prevent such ownership by possession in accordance with the provision of Article No. (903) of the Civil Law promulgated by Legislative Decree No. (19) of 2001.

### **Article (84)**

The Survey and Land Registration Bureau must be litigated in any lawsuit related to a Real Estate right in rem, especially a lawsuit to establish the ownership of any Real Estate based on possession.

#### **Article (85)**

The objection to the establishment of ownership is subject to the provisions of Article (20) of the Law and Article (54) of this Regulation, whether the objection is in a regulation before the judgement is issued or outside the litigation after its issuance.

If the objection was by way of intervention during the hearing of the lawsuit, the objection shall be recorded in the Real Estate Register according to a copy of the minutes of the session in which the intervention was recorded.

#### **Article (86)**

Ruling for one of the heirs to confirm his ownership of his inherited share in a Real Estate from a legator who owned it by possession, according to a final court judgement, shall indicate that the inheritance of the entire amount left in the Real Estate is proven by possession and that the heir owns his share in the inheritance.

Recording this ruling in the Real Estate Register shall be considered a Deed for registering the shares of the rest of the heirs.

#### **Article (87)**

Ruling on establishing ownership based on the fact that the general successor—the judgement heir—an individual or more, acquired the Real Estate as an extension of his predecessor's possession to complete the period required to acquire ownership shall not be subject to the provisions of Article (37) of the Law.

#### **Article (88)**

A lawsuit to establish ownership may be instituted on the basis of any other reason for acquiring ownership other than possession, and in this case the provision of Article (87) of this Regulation shall not apply.

## **Part Five: Bonds**

### **Title Deed and Certificates**

#### **Chapter One: Title Deed**

##### **Article (89)**

The Title Deed is the legal document that establishes the right of ownership of the Real Estate, and the data set out in the document have, above all, authenticity and power of proof, insofar as they correspond to the Real Estate Register and the Cadastres of the Real Estate Unit.

##### **Article (90)**

The Title Deed must include a comprehensive statement of the Real Estate or the subdivided part thereof, whether it is a Stratum, an Apartment, a shop, or an office, in accordance with the provisions of the Law, in particular its type, description, area, and a map showing its location, borders, legal status, what rights it has, transactions related to it, and any changes that occur thereto. The share attached to the subdivided part of the Real Estate is one of the common parts.

##### **Article (91)**

The pages of the Deed shall be divided into sections, each of which is allocated an appropriate number of pages, and each section is considered self-contained. These sections are:

- 1) The method of recording the Deed.
- 2) The Real Estate Plan.
- 3) Notes and approvals from the Technical Affairs Directorate.

- 4) The easement of or on the Real Estate.
- 5) Ancillary Real Estate in rem rights that burden the Real Estate.
- 6) The record of possession transfer.
- 7) Matching the Deed with the Real Estate Register, references, and records.

#### **Article (92)**

It shall be indicated in the editing section of the Deed the reason for ownership, its type, date, number, name of the issue in favour of it, the name of the issue against it, Title Bond, Real Estate number, location, area, boundaries, legal status, the Real Estate rights, its burdens, and the restrictions or conditions that restrict its owner, such as the condition of prohibition from disposal, the usufruct right, with an indication of the name of the owner of the right, the Deed establishing it, its duration, the easement right, and whether it is for or against the Real Estate, and the Real Estate in common with it, whether it is eased or being eased by others.

#### **Article (93)**

The Real Estate map and site plan prepared by the Cadastral Survey Directorate shall be attached to the part of the document relating to the Real Estate Plan, provided that the Real Estate Plan mainly includes the type of Real Estate, its area in square metres, its boundaries and lengths, the area in which it is located, the year of the survey, the date on which the plan was drawn up, and the scale of the drawing.

#### **Article (94)**

In the section related to the Technical Affairs Directorate's notations, the notations shall be recorded in addition to or deletion from the original Real Estate Plan, or any changes to the Real Estate as a result of

merging with another Real Estate, subdivision, deduction, or other notes related to the idiosyncrasy of the Real Estate.

#### **Article (95)**

In the section on easement rights, the type of right (stream, passage, overlook) shall be recorded, as shall whether the right is for Real Estate, so it is eased with or on, or eased in general, and the Real Estate that shares this right with it, provided that the easements are recorded in serial numbers.

#### **Article (96)**

In the section on ancillary Real Estate in rem rights that encumber the Real Estate, the type of right (security mortgage, possessory mortgage, concession) shall be recorded with serial numbers, the name of the right holder, the value of the debt secured by the right and its attachments, its due date, payment period, payment document or waiver of the right, its date, and an annotation of writing off the right, provided that the annotation is made in red ink.

#### **Article (97)**

In the section on transfer of ownership register, the transactions that would transfer ownership to a third party shall be recorded in serial numbers. A reference to each of them shall mention the number and year of the introduction, the counterpart, the notarization document number of the document transferring ownership, its date or the final judgement, and the name and nationality of the new owner.

#### **Article (98)**

In the section of document matching with the Real Estate Register and other registers, the notation indicating that the document matches what is fixed in the Real Estate Register, the Real Estate Unit Cadestres, the book of introductions, and the date of each notation shall be recorded.



## **Article (99)**

If there are multiple owners of the Real Estate, each owner must be handed a Title Deed relating to his share, indicating in the editing section of the document his name and the share he owns in relation to the entire Real Estate, accompanied by the phrase (for the right to such and such a share) or (for the right of a quarter, half, or third). After that, the phrase (shared with another or others) shall be mentioned for the right of the remainder, and the names of the rest of the owners shall not be mentioned, and the Committee for Estimating the Real Value of the Real Estate shall estimate the true value of the owned share.

The full details of the Real Estate must be indicated in each owner's document.

The provisions of Articles (76 to 83) of this Regulation shall be observed with regard to the Title Deeds of the Strata and Apartments.

## **Article (100)**

If one of the owners disposes of his entire common share in the Real Estate to a co-owner of his, then the disposal shall be indicated in the section of the ownership transfer register in his Title Deed. The Deed shall be marked with a cancellation and kept in the file of the introduction. The disposed share shall be added to the Deed of the partner to whom it is disposed of in the editing section of the document to the share that he originally owned, taking into account the controls stipulated in Article (44) of this Regulation.

## **Article (101)**

If the Real Estate has been divided into subdivided shares or some of the shares have been sorted, then upon the registration of the division or sorting document, the common shares documents must be handed over to the Registration and Monitoring Department for safekeeping after

annotating them with cancellation, and they shall be replaced with new documents for the divided parts that belonged to each owner as a result of the division or sorting.

In the case of sorting some of the shares, annotations of the changes that occurred to the Real Estate as a result of such sortings shall be noted in the documents of the partners whose shares were not included in the sorting.

### **Article (102)**

Title Deeds must be written in black ink in clear font without erasure, insertion, addition, deletion, or distortion.

### **Article (103)**

If the final judgement is issued for the purpose of delivering a copy of the Title Deed on the basis of what is stipulated in Article (41) of the Law, the validity of the Title Deed held by the person against whom the judgement is issued shall be suspended, and a mention thereof shall be made in the file for the introduction of his registration, and he is notified by registered letter with acknowledgement of receipt that the document in his possession is no longer valid and that another document has been issued in execution of the judgement handed down by such-and-such a court in case No. such-and-such, or that he must forward it to the Registration and Monitoring Department for rectification if he is still the owner after the judgement has been registered.

### **Article (104)**

In the event that the decision to expropriate any of the Real Estate for public benefit is issued and published in the Official Gazette and the Registration and Monitoring Department is notified with a copy of the decision and the site plan, then the work on the original Title Deed shall

be suspended and the ownership is transferred to the expropriating authority.

The cancellation of the original Title Deed shall be indicated in the application for registration of the expropriated Real Estate.

#### **Article (105)**

Title deeds submitted to the Registration and Monitoring Department in accordance with Article (41) of the Law shall be kept permanently.

### **Chapter Two: Temporary Ownership Certificate**

#### **Article (106)**

The Temporary Ownership Certificate takes the place of the Title Deed in proving ownership or any in rem right related to the Real Estate included thereto. Its period is four months from the date of its issuance, and it is considered cancelled and not valid after this period.

If the term of this certificate expires before completing the procedures for issuing the Title Deed, another certificate may be received by reasoned decision from the head of the Bureau.

#### **Article (107)**

The Temporary Ownership Certificate must include the aspect of issuing the certificate and a full statement about the Real Estate, including the area in which it is located, its location, its type, its area in square metres, its borders, its lengths, its legal status, what it has and what it owes in terms of rights and burdens, especially easements and ancillary in rem estate rights, if any, and the name of the owner, a cadastral map of the Real Estate, and the date of certificate cancellation.

#### **Article (108)**

The Temporary Ownership Certificate must be handed over to the Registration and Monitoring Department upon receipt of the Title Deed,

at the expiration of its term, or upon receipt of another certificate after the expiration of its term.

#### **Article (109)**

Temporary certificates delivered to the Registration and Monitoring Department shall be kept in the file of the original submission for a period of fifteen years, for reference when necessary.

### **Chapter Three: The Concerned Parties' Certificates**

#### **Article (110)**

Everyone who has in rem estate rights in the Real Estate, except for the owner of the right, shall be among those concerned in accordance with the provisions of Article (39) of the Law, whether these rights are original or ancillary.

#### **Article (111)**

The Registration and Monitoring Department issues certificates for those concerned, showing the right and whether it is original or ancillary, its type and duration, a full statement of the Real Estate, the name of its owner, the consideration or debt, and the date of payment. This certificate shall be the document proving the right.

#### **Article (112)**

An application for obtaining one of the certificates referred to in Articles (42 and 43) of the Law shall be submitted to the Director of the Registration and Monitoring Department. The prescribed fee shall be paid on his behalf before the required certificate is issued. The application shall indicate the requestor's name, capacity, place of residence, and identification number.

#### **Article (113)**

A register shall be allocated to record applications for certificates with consecutive numbers. Next to each number, the name of the requester, his capacity, the type of certificate required, the number of the fee payment voucher, the signature of the requester to receive the certificate after its issuance, and the date of receipt shall be indicated.

The register shall be closed at the end of each working day by the competent employee.

#### **Article (114)**

The application shall be marked with its number in the register referred to in the previous Article, indicating the issuance of the certificate and its delivery to the requester by the competent employee and the date of its delivery.

Certificate requests shall be kept in a special file each year separately.

#### **Article (115)**

If a decision is issued by the head of the Bureau to hand over another copy of the certificate of the concerned parties, in accordance with the provision of Article (42) of the Law, it must indicate the suspension of the work of the previous certificate, as well as in the file of the introduction.

### **Part Six Amendment and Correction**

#### **The Real Estate Register and Documents Details**

#### **Article (116)**

The modification of data in the Real Estate Register and Title Deeds results in:

- a) Legal dispositions, which are dispositions that result in the creation, transfer, modification, or deletion of a right in rem.
- b) Administrative decisions, such as decisions approving the division of vacant lands and expropriation decisions.

c) Material acts and facts, such as erecting and removing buildings and facilities, and legal possession.

#### **Article (117)**

Amendments to the Real Estate Register and Deeds resulting from legal actions or administrative decisions and the correction of substantial errors shall only be made at the request of the parties concerned and on the basis of substantiated documents, administrative decisions, or final decisions.

#### **Article (118)**

Errors of a material nature shall be corrected as soon as they are discovered, whether or not an application is made for this purpose, and the basis for the correction shall be the existence of the error.

If an error of a material nature is discovered after the Deed has been issued, it must be corrected in accordance with the provisions of Article (26) of the Law.

#### **Article (119)**

Notifications of changes to the Real Estate pursuant to the provision of Article (27) of the Law shall be submitted on the form prepared for this purpose, and the notification shall be attached to the Title Deed to change its data after changing the data in the Real Estate Register.

#### **Article (120)**

In cases where the data in the Real Estate Register has been modified in accordance with the provisions of Article (8) of the Law, the owner must be required to submit the Title Deed to modify his data in accordance with the modification of the data in the Register.

### **Part Seven: Miscellaneous General Provisions**

#### **Article (121)**

Without prejudice to the provisions of Law No. (7) of 2002 approving the Unified Economic Agreement between the Gulf Cooperation Council States, the treatment of companies whose capital is wholly owned by nationals of the Gulf Cooperation Council states—whether those companies are established in the Kingdom of Bahrain or in any of the states of the Cooperation Council and have a branch in the Kingdom of Bahrain—in owning Real Estate shall be on an equal basis, as shall Bahraini companies whose capital is wholly owned by Bahrainis and who are allowed to own Real Estate in all regions of the Kingdom.

#### **Article (122)**

None of the procedures provided for by the Law may be instituted except at the written request of the parties concerned or of their representatives holding an official power of attorney and after full payment of the fees due, and the request shall be endorsed with a waiver of the fees, if applicable.

#### **Article (123)**

The corner that the Municipality sells to the owner of the adjacent Real Estate shall be incorporated into the Real Estate of the purchaser and no separate Title Deed shall be issued thereto and it becomes a unit with that Real Estate.

#### **Article (124)**

When applying to register the purchase contract for the corner referred to in the previous Article in the Real Estate Registry, the purchaser of the corner shall be required to present a Title Deed of his Real Estate adjacent to the corner, and it shall be marked with cancellation and a new Title Deed issued therefor, in which reference is made when the Deed is issued to the Real Estate owned and its Title Deed and to the corner adjacent to it and to the purchase contract, the boundaries and

area of the Real Estate are rewritten after the corner has been incorporated into the Real Estate, and a new Real Estate Plan shall be prepared, including the area and dimensions of the corner, with the knowledge of the Cadastral Survey Directorate, which replaces the Real Estate Plan before the corner is purchased.

The cancelled Title Deed to the Real Estate shall be retained permanently.

### **Article (125)**

Without prejudice to the provisions of Law No. (39) of 2009 regarding the Appropriation of Immovable Real Estate in the Public Interest, if a court order is made to sign a protective attachment (affix the registration sign) to the defendant's immovable Real Estate in accordance with the provisions of Article No. (176) of the Civil and Commercial Procedures Law, this decision must be indicated in the introductory file, the maps of the Technical Affairs Directorate, and the Real Estate Cadastre.

The imposition of the precautionary seizure (placement of the registration sign) on the Real Estate shall result in preventing the defendant from disposing of it or arranging any rights for others until the seizure is cancelled (removal of the registration sign) with the knowledge of the court.

### **Article (126)**

If it turns out that the Real Estate on which the court ordered the precautionary seizure (placement of the registration sign) is not owned by the defendant whose name is mentioned in the court order, then prior to making the notation, the response must be made quickly, and the court that issued the order must be promptly notified that the Real Estate is not owned by the defendant.



If the court insists on the seizure (putting the sign of registration) on the Real Estate despite this, or if there is no response from it within fifteen days from the date of its notification, the notation is made, and the owner of the Real Estate is notified of the seizure and all the data related to it.

### **Article (127)**

Without prejudice to the provisions of Article (24) of the Law, if the court decides to seize the debtor's Real Estate with a view to selling it in accordance with the provision of Article (289) of the Law regarding Civil and Commercial Procedures, the attached document must be signed in the introductory file, Technical Affairs Directorate Plans, and the Real Estate Register.

The execution judge shall be notified of the names of the creditors whose Real Estate rights are registered as soon as the registration is affixed.

The affixing of the entry sign implies refraining from registering any transaction on the immovable without the authorization of the court.

### **Article (128)**

The judgement ordering the sale of the seized Real Estate to the person to whom the auction was awarded may only be entered in the Real Estate Register after the expiry of a period of fifteen days from the day following the day on which it was issued.

The registration of the judgement referred to in the first paragraph of this Article shall only transfer to the successful bidder what the debtor had in terms of rights in the Real Estate sold.

### **Article (129)**

Taking into account the provisions of Clause No. (2) of Article No. (90) of the Bankruptcy and Preventive Reconciliation Law promulgated by Legislative Decree No. (11) of 1987, the sale of the bankrupt's Real

Estate included in the bankruptcy funds shall not be entered in the Real Estate Register unless it has been carried out in accordance with the provisions set out in Article (294) and the following of the Civil and Commercial Procedures Law regarding the sale of seized Real Estate.

#### **Article (130)**

In order to investigate the real value of the Real Estate, it is permissible to follow all the methods useful in this respect, such as referring to documents previously entered in the Real Estate register and being guided by the market price, the value of the equivalent, and inspection on the ground, provided that the estimate takes into account the location of the Real Estate, the degree of urbanisation, the fertility of the soil, the shape and surface area of the Real Estate, the fixtures and fittings erected, and so on. It includes plants, palms, or trees and takes into account the condition of the buildings, their age, the materials used therein, and the level of finish.

#### **Article (131)**

The following shall be taken into account when registering financing contracts for the purchase of the Real Estate under which banks or banking institutions operating in accordance with the Islamic Commercial Banks Licensing System promulgated by the Central Bank of Bahrain:

- 1) The transfer of ownership of the real estate in any manner during the entire term of the financing agreement shall only be made after the consent of the customer or his heirs.
- 2) Determining the areas in which ownership is permitted for non-Bahraini customers and non-nationals of Gulf Cooperation Council states, whether natural persons or legal entities.

#### **Article (132)**

The registration fees on Real Estate are exempted from Real Estate purchase financing contracts if the following conditions are met:

- 1) The work of the banks or banking institutions is compliant with the Islamic Commercial Banking Regulations promulgated by the Central Bank of Bahrain.
- 2) The banks or banking institutions own the Real Estate with the intention of reselling it to a customer.
- 3) The name of the customer to whom the Real Estate will be resold must be mentioned in the Real Estate purchase financing contract after the bank's or banking institution's rights have been fulfilled by him.

This exemption shall be indicated in the Title Deed, and in the event of failure to comply with these conditions, Real Estate registration fees shall be levied on the lender. Based on the value of the Real Estate at the time of notarization of the Real Estate purchase finance contract.

#### **Article (133)**

In cases where the customer named in the Real Estate purchase finance contract fulfils his financial obligations to the bank or banking institution, it is necessary for the transfer of ownership to the customer that a new contract of sale be concluded by the lender as first seller to the customer only as second buyer.

The Real Estate registration fees shall be charged to the customer based on the value of the Real Estate at the time the new contract is notarized.

#### **Article (134)**

In case the customer named in the Real Estate purchase financing contract, during the validity period of the contract, agrees with a new financier who deals in accordance with the licensing system of Islamic

commercial banks, the new financier shall replace the original financier in ownership of the Real Estate.

To transfer the ownership to the new financier, new purchase contracts should be drawn up in the name of the new financier, and the name of the same customer should be mentioned in them. The legal exemption from Real Estate registration fees for the new financier shall continue as an extension of the original financier.

#### **Article (135)**

In case of default by the customer on his financial obligations under the Real Estate purchase financing contract, the financier may only sell the Real Estate to a third party with the customer's consent or with documented acknowledgement of the sale.

The Real Estate registration fee for the Real Estate purchase financing contract shall be collected from the provider of funds on the grounds of non-compliance with one of the exemption conditions referred to in Article No. (132) of this Regulation, as well as the fees prescribed for the transfer of ownership of the Real Estate to the new customer, on the basis of the value of the Real Estate at the time of the notarization of these contracts.

#### **Article (136)**

In case the customer or his heirs to the Real Estate purchase financing contract have waived the retransfer of ownership of the Real Estate and the financier wished to retain ownership of the Real Estate, a new file shall be opened for the introduction of the Real Estate accompanied by a documented acknowledgement of the customer or his heirs to waive the retransfer of ownership and the approval of the Central Bank of Bahrain on the ownership of the financial party after the end of his financial capacity to purchase the Real Estate, and the Real Estate registration

fees of the estate are levied for the purchase finance contract due to non-compliance with any of the conditions for exemption set out in Article No. (132) of this Regulation, as well as the prescribed fees for the transfer of ownership of the Real Estate to the new customer and based on the value of the Real Estate at the time of notarization of such contracts.

### **Article (137)**

Starting from the date of entry into force of the Law, Title Deeds to Real Estate held jointly by several owners shall be deposited with the Registration and Monitoring Department in order to replace them with new documents in accordance with the provisions of Article No. (99) of this Regulation.

The Deeds submitted to the Department shall be kept permanently in the files of their submission.