

# COMMERCIAL LAW

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# Subjectivity of commercial law

- Commercial law is independent and subjective from the civil law which is both branches of private law, and due to the radical difference between civilian life and commercial life, to make it difficult to apply the rules of civil law to the commercial life, reflecting differences in the specific:
  - Speed
  - Credit

## Examples of the rules contained in the law to meet the requirements of speed and the credit:

- Article (61) of the Evidence Act in the commercial and civil materials, which show that in contrast to the situation in the civil, which require written proof of the disposition of the legal value of more than two hundred dinars, or a specific value, because in the commercial Articles evidence and proofs are free from any restrictions .

Corresponds to the previous article (86) of the Trade Act, which provides in the first paragraph that: "1. May prove the commercial obligations, whatever the value of by all methods of proof, unless the law provides otherwise ....."

Examples of the rules contained in the law to meet the requirements of speed and the credit (cont):

- Also an important article No. (89) Of the Trade Act, which states that: "the books may be accepted in the business of proof of the proceedings against traders or when they were related to their business .....". (Contrary to the principle of common law is not to force the opponent to provide evidence against himself).

# COMMERCIAL COMPANIES

- The companies play with its moral character on the stage of the legal and economic life a very important role, as a compilation of individual effort and their savings in the economic projects which that individually are unable to deliver, and as the ideal instrument for the advancement of economic development.
- The companies create an economic and social force, so the government must control to ensure, that it's not deviate from the right path and become a tool of exploitation of the social or political control.

# Type of companies

Article 2 of the Bahraini Commercial companies Law stipulates that:

- a- A commercial company incorporated in the State of Bahrain shall take one of the following forms:
  - 1-General partnership company
  - 2-Limited Partnership company
  - 3-Association in participation
  - 4-Joint Stock Company
  - 5-Limited Partnership By Shares
  - 6-Limited Liability Company
  - 7-Single person Company
  - 8-Holding Company
- b-Any commercial company that does not take one of the above forms shall be null and void, and the persons who have entered into contracts in its name shall be personally and jointly liable to third parties for the obligations resulting there from.

# Litigation

**Any dispute can be settle through:**

1. The Judiciary
2. Mediation
3. Arbitration

# The importance of access to Laws

- 1. Sources to access to the Laws:  
The site of Legal Affairs Department  
<http://www.legalaffairs.gov.bh/>
- 2. Official Gazette:  
Ministry of Information - Distribution Section - Public Relations  
Fax: 17871731  
Tel. Box: 253 Manama - Kingdom of Bahrain
- 3. Package of legislation, issued by the Department of Legal Affairs.



# Example of the important legal text:

- Article (369) of the Civil Code:

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1. Not hear the case of denial at the end of one year if the right of the following rights:

- A) The rights of merchants and manufacturers of the things and Where traffic does not , and the rights of users of the hotels and restaurants pay the price of accommodation, food and all that spent on behalf of their clients.

- B) The rights of domestic workers is similar.

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2. It must not stick to the hearing in the previous paragraph that the oath that the debt has already been the heir of the debtor or his legal representatives or heirs under oath that he did not know the existence of the debt or honoring knows that, and the Court shall direct the oath on their own.

**THANK YOU**