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**Legislative Decree No. (3) of 1992 amending Some Provisions of the Law regulating Retirement Pensions and Gratuities for officers and Personnel of the Bahrain Defence Force and Public Security promulgated by Legislative Decree No. (11) of 1976**

We, Isa Bin Salman Al Khalifa, Emir of the State of Bahrain,

Having reviewed the Constitution;

Emiri Order No. (4) of 1975;

Legislative Decree No. (11) of 1976 establishing the Law regulating Retirement Pensions and Gratuities for officers and Personnel of the Bahrain Defence Force and Public Security, and the laws that amend it;

And Legislative Decree No. (6) of 1991 Establishing the Retirement Fund for Personnel and Officers of the Bahrain Defence Force, Public Security Force, Bahrainis and non-Bahrainis;

And upon the submission of the Ministers of Defence, Interior, Finance and National Economy;

And after the approval of the Council of Ministers,

**Hereby Decree the following Law:**

**Article One**

The texts of Articles 13, third paragraph, 23, 33, 53, second paragraph, 54, 55 of the Law regulating Retirement Pensions and Gratuities for officers and Personnel of the Bahrain Defence Force and Public Security promulgated by Legislative Decree No. (11) of 1976 shall be replaced with the following texts:

**Article (13) (Third Paragraph):**

"The government's share and all amounts deducted from salaries, as per the previous article, shall be transferred to the Retirement Fund. The Pension Fund Commission shall be responsible for disbursing all amounts due in accordance with the provisions of this Law”.

**Article( 23):**

"If the officer, personnel member or retired individual passes away, those entitled to receive a pension from them shall have the right to receive a pension in accordance with the conditions and provisions specified in the schedule accompanying this Law, effective from the date of death”.

Those entitled to pensions refer to widows, disabled spouses, sons, daughters, grandchildren, parents, siblings and sisters who meet the eligibility criteria stipulated in the law as of the date of the officer, personnel member or retired individual's death.

The indwelling pregnancy shall be considered as the son who is entitled to set aside the rights that are considered as inheritance, until he is separated alive, so these rights shall disbursed according to his sex, and the pension shall be redistributed again in accordance with the provisions contained in the schedule attached to this Law.

The husband shall be entitled to a pension for his wife if he is permanently and totally disabled, preventing him from working or earning, as confirmed by the Military Medical Committee.

The medical examination for assessing the disability of the disabled husband shall be renewed every two years to verify the disability status, unless the Military Medical Committee determines that the cessation of disability is unlikely.

**Article( 33):**

"In order to qualify for a widow's entitlement to a pension from her husband, the marital relationship shall have existed between them until the date of the husband's death".

**Article (53) (Second Paragraph):**

"The application and related documents shall be submitted to the Pension Fund Commission”.

**Article( 54):**

"An application to settle retirement rights referred to in the previous article shall be submitted no later than two years from the date of issuance of the decision to terminate the service of the officer, personnel member or retired individual, or the entitlement to the amounts, or else the right to claim these rights shall expire.

Claiming any of the retirement rights is considered to entail the claim for all other rights due from the Retirement Fund.

The validity of the period referred to in the first paragraph shall be interrupted for all beneficiaries if one of them submits the application within the specified time.

The right to claim the pension shall expire if the owner does not disburse it within three years from the date of notification of the pension's attachment, and the amounts not disbursed shall be transferred to the Retirement Fund”.

**Article( 55):**

"The Pension Fund Commission, the officer, personnel member or retired individual shall not dispute the value of the pension or gratuity after two years from the date of final notification of the pension's attachment or from the date of gratuity disbursement, except in cases of pension resettlement or gratuity disbursement with an increase due to a final court ruling, as well as material errors in calculation during the settlement.

The Commission shall not dispute the value of the pension or gratuity in the event of administrative decisions, military orders or subsequent settlements after the service termination date, which result in a reduction in the salaries used as the basis for pension or gratuity settlement or attachment”.

**Article Two**

"Public Treasury" or "State Public Treasury" wherever they appear in the articles of the Law regulating Retirement Pensions and Gratuities for officers and Personnel of the Bahrain Defence Force and Public Security promulgated by Legislative Decree No. (11) of 1976 shall be replaced with the phrase "Retirement Fund”.

**Article Three**

The following paragraphs shall be added to the end of Articles (1, 18, 41) of the Law regulating Retirement Pensions and Gratuities for officers and Personnel of the Bahrain Defence Force and Public Security promulgated by Legislative Decree No. (11) of 1976:

**Article( 1):**

"Retirement Fund: The fund established by virtue of Legislative Decree No. (6) of 1991 for Personnel and Officers of the Bahrain Defence Force, Public Security Force, Bahrainis and non-Bahrainis.

**Article( 18):**

In the event of the loss of the officer or personnel member in circumstances other than during military operations, a pension will be provided to the eligible beneficiaries as if his service had ended due to death, based on 50% of the last monthly basic salary, or a pension will be provided based on the acceptable length of service for retirement according to Article (22) of this Law, whichever is greater. The pension shall be disbursed from the date of the loss.

If the loss of the officer or individual occurs during the performance of his duties or as a result of it, a pension will be provided to the eligible beneficiaries as if his service had ended due to death as a result of murder according to Article (21) of this Law.

If the missing officer or personnel member is found alive, the pension disbursed to the eligible beneficiaries for him shall be cancelled as of the first day of the month following his appearance alive, and the officer or personnel member shall be treated as follows:

If it is proven that the loss was not due to any fault of the officer or personnel member, the period of absence shall be considered within the acceptable service period for retirement without any contributions made on his behalf. If it is proven that he was at fault in his disappearance, he shall pay the contributions specified in Article One of Legislative Decree No. (19) of 1986, including 5% of his annual basic salary, which is his share of the contributions, and 10% of his basic salary, which is the government's contribution for the period of absence.

If it is determined that the officer or personnel member is not fit for work after appearing alive or if he refuses to return to service, his pension shall be calculated as if his service had ended at the age of sixty, according to Article (22) of this Law.

If the death of the officer or personnel member is confirmed as a fact or by court judgement, or if two years have passed from the date of disappearance without his appearance alive, the pension settled for the eligible beneficiaries will be considered final, with the date of disappearance being the date of service termination. Other rights specified in this law shall be provided to the eligible beneficiaries, considering that the officer or personnel member has deceased.

In the case of the disappearance of a retired individual, the eligible beneficiaries shall be provided with their entitlements according to the provisions of this Law, assuming his death”.

**Article( 41):**

"Pensions shall also be provided to the widow of the retired officer or personnel member, or to his eldest children, or to the eligible beneficiaries upon his death, funeral expenses equivalent to three months' salary if he was in service, or a pension for three months if he was retired. These expenses may also be disbursed to anyone who can prove that he has paid them, even if he is someone other than those mentioned.

In the event of the marriage of the widow, daughter, sister or granddaughter, a marriage grant equal to the pension due to her for (18 months and a minimum amount of -/ 400 dinars) shall be provided. This grant shall only be disbursed once”.

**Article Four**

The attached schedule shall be attached to the Law regulating Retirement Pensions and Gratuities for officers and Personnel of the Bahrain Defence Force and Public Security promulgated by Legislative Decree No. (11) of 1976.

The provisions of this schedule shall only apply to pensions that are due as of the date of entry into force of this Law.

**Article Five**

All provisions contrary to the provisions of this Law shall be repealed.

**Article Six**

The Ministers of Defence, Interior, Finance and National Economy shall issue the necessary documents to implement this Law.

**Article Seven**

The Ministers - each within his jurisdiction - shall implement this Law, and it shall come into force from the first of the month following the date of its publication in the Official Gazette.

**Emir of the State of Bahrain**

**Isa bin Salman Al Khalifa**

**issued in Riffa Palace:**

**On: 28 Rajab 1412 A.H.**

**Corresponding to: 1 February 1992**

**Schedule of Pension Distribution to Beneficiaries**

**Case number**

**Pension Eligibility**

**Widow or widows**

**Children and grandchildren of the deceased son**

**Parents, brothers and sisters**

1

Widow or widows or husband with one or more children and grandchildren of the deceased son.

1

2

1

2

.

2

Widow or widows, husband and/or father and/or mother, brother and/or sister.

2

3

-

1

3

3

Widow, widows or husband.

3

4

-

-

4

Widow, widows or husband, one or more children, grandchildren of a deceased son, father or mother, or both, and brother or sister, or both.

1

3

1

2

1

6

5

One or more children.

-

Full Pension

-

6

One or more children and children of a deceased son.

-

Full Pension

-

7

One child and one or both parents and one or both brothers and sisters.

-

2

3

1

3

8

More than one child and children of a deceased son and/or father, mother, brother and/or sister.

-

5

6

1

6

9

One parent, or both, or brother or sister or both.

-

-

1

3

10

One parent or both and a brother or sister or both.

-

-

2

3

**Schedule observations:**

1- The eligible husband shall be considered equivalent to a widow.

2- In the presence of grandchildren of the deceased son, they shall be entitled to their father's share as if he were alive.

3- In the case of multiple eligible beneficiaries from the same category, the entitlement shall be distributed equally among them.

4- The term "children and grandchildren of the deceased son" shall refer to sons and daughters.