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**Legislative Decree No. (5) of 1987 regarding the Reserve Force**

We, Isa Bin Salman Al Khalifa - Emir of the Kingdom of Bahrain.

Having reviewed the Constitution; Emiri Order No. (4) of 1975; Emiri Order No. (3) of 1987; Legislative Decree No. (23) of 1976 promulgating the Labour Law in the Private Sector and the laws amending it; Legislative Decree No. (16) of 1977 promulgating the Officers Service Law in the Bahrain Defence Force and its amending laws; and Legislative Decree No. (23) of 1979 promulgating the Personnel Service Law in the Bahrain Defence Force and its amending laws; Upon the submission of the Minister of Defence; And after the approval of the Council of Ministers;

**Hereby Decree the following Law:**

**Chapter One**

**Definitions**

**Article - 1 -**

In applying the provisions of this Law, the following words and expressions shall have the meanings assigned to them below:

**A ) Defence Force:**Includes the Land, Navy, and Air Forces.

**B ) Reserve Force:**The Reserve Force formed by virtue of this Law.

**C ) General Headquarters:**The General Headquarters of the Bahrain Defence Force.

**D ) Commander-in-Chief:**The Officer appointed by virtue of an Emiri Order to carry out the duties commanding the Defence Force.

**E ) Officer:**Whoever possesses the rank of Officer, male or female.

**F ) Personnel:**Any person whose rank is below that of an Officer, male or female.

**G ) Recruit:**All Bahraini Officers and Personnel who have joined the Defence Force in accordance with the provisions of this Law.

**H ) Volunteer:**Any civilian who wishes to join the Reserve Force, in accordance with the provisions of this Law.

**I ) Reservist:**Whoever is subject to Reserve Service, in accordance with the provisions of this Law.

**J ) Active Service:**The Service performed by the Officer, Personnel, or Reservist in the Defence Force, in accordance with the provisions of this Law and the applicable Officers Service Law and Personnel Service Law in the Bahrain Defence Force.

**K ) Reserve Service:**The Service performed by each Recruit or Volunteer, in accordance with the provisions of this Law.

**L ) Inventory, Examination, and Audit:**The procedures and investigations carried out by the competent committees formed in accordance with the provisions of this Law and the regulations and instructions issued in implementation thereof. This shall include the medical committees that decide the fitness of the Recruit and the Volunteer for service.

**M ) Year:**The year according to Solar Calendar.

**Chapter Two**

**Formation and Remuneration**

**Article - 2 -**

As of the effective date of this Law, the Reserve Force in the Bahrain Defence Force shall be formed from the following:

A ) Retired Bahraini Recruits, resigned, and those whose services have been terminated by the Defence Force, with the exception of cases of health unfitness or loss of nationality.

B ) Bahraini civilian volunteers who wish to join the Reserve Force and who meet the conditions for joining the service in the Reserve Force, in accordance with this Law and the regulations and instructions issued in implementation of it.

**Article - 3 -**

A ) Joining the Reserve Force shall be mandatory for those mentioned in paragraph (A) of Article 2 of this Law, and shall be optional for those mentioned in paragraph (B) thereof.

B ) Joining the Reserve Force shall be done if the conditions for joining the service in the Reserve Force are met, in accordance with this Law and the regulations and instructions implementing it.

C ) The Bahraini Recruits referred to in paragraph (A) of Article (2) shall, before the end of their service in the Defence Force, fill out the form prepared for joining the service in the Reserve Force.

D ) A register called the ((Reserve Force Register)) shall be prepared within the Defence Force, in which the names of those qualified to join the Reserve Force shall be recorded, after the approval of the Commander-in-Chief or his representative.

**Chapter Three**

**Call for Reserve**

**Article - 4 -**

The Reserve shall be called for Active Service in the following cases:

A ) For the training purposes for a period of not less than one month annually, or enrolling in the qualifying courses held by the Defence Force for the period prescribed for these courses.

B ) To test the measures taken for general mobilisation.

C ) In case of war or emergency.

**Article - 5 -**

A ) In the cases provided for in paragraphs (A,B) of Article 4 of this Law, the Reserve shall be called up by a virtue of a Decision issued by the Commander-in-Chief, and in the case provided for in paragraph (C) of the same Article, shall be called up by virtue of an Emiri Order based on the proposal of the Commander-in-Chief.

B ) The deferment of the Reserve Force call-up or the extension of its service period, shall be by virtue of a Decision issued by the Commander-in-Chief or by virtue of an Emiri Order, depending on the circumstances under which it was called up.

**Article - 6 -**

shall not be permissible to retain any employee or worker of the Reserve Force in his job or position after the issuance of a call-up order under the provisions of this Law. Ministries, government administrations, public and private Authorities and institutions, other legal entities, and employers, shall allow any of their employees or workers from among that Force to join their respective unit from the day of the issuance of the call-up order. The aforementioned entities shall also immediately inform the General Headquarters of all those who work for them from among the Reserve Force and who refrain from executing the call-up order.

**Article - 7 -**

Members of the Reserve Force shall be considered notified after the publication of the call-up order to join the Reserve Service in the media and publication means in the manner and number of times that the General Headquarters deems appropriate and sufficient to deliver the call-up order to them.

**Article - 8 -**

A ) Ministries, government administrations, public and private Authorities and institutions, other legal entities, and employers, shall retain for those called-up for Reserve Service from among their employees or workers, their positions or jobs, or any equivalent position in terms of salary, or shall have the right to appoint others replacing them temporarily until their Reserve Service is completed.

B ) The employee or worker, while in the Reserve Service provided for in paragraph (A) above, shall have the entitled promotions and increases retained for him, as if he was actually performing his job. The period he spends in the Reserve Service shall be added to the period of his service in his position or original work, for the purposes of remuneration, retirement, seniority, and other rights and privileges arising from the position or work.

**Article - 9 -**

A ) The employer shall return the employee or worker back to his position or job retained in accordance with Article (8) of this Law, as soon as the employee or worker attends the place of work after his discharge. The employee or worker who the employer refuses to return back to the job, shall record this refusal in a minutes drawn up in the Ministry of Labour and Social Affairs, in implementation of paragraph (B) of this Article.

B ) If the employer refuses to return the employee or worker after he has been discharged, the employee or worker shall have the right to resort to the courts to be returned back to his job. In this case, the provisions of the Labour Law in the Private Sector promulgated by Legislative Decree No. (23) of 1976, shall apply if this Law applies to the employee or worker, without prejudice to the provisions of Article (17) of this Law.

C ) If the employee or worker refuses to return back to his job, and refuses to take over this job within ten days from the date of the employer sending him a registered letter or a telegram calling for him to take over his job, the employer shall have the right to refuse to return the employee or worker back to work, unless the delay is caused by a legitimate excuse.

D ) In all cases, the right of the employee or worker to return back to his job shall be forfeited after one month have passed from his discharge without him approaching the employer to return back to work.

**Article - 10 -**

A ) Ministries, government administrations, and public authorities and institutions, shall bear the full wages, salaries, and all other rights and benefits of the members of the Reserve Force called up for training or qualification purposes, or to test the measures taken for general mobilisation, for a period of two months. Beyond that period, the Defence Force shall bear the incurred expenses.

B ) Reservists enrolled in Active Service and who are not provided for in paragraph (A), shall receive their salaries from the Defence Force, provided that these salaries shall be equal to the salaries received by their peers of the same ranks in the Defence Force.

C ) The Defence Force shall bear the government’s share and the employer’s share of the contributions of retirement and social insurance, and the employee’s or worker’s contributions shall be deducted from their salary, regardless of the paying entity. The salary for retirement or social insurance purposes shall be calculated based on the salary disbursed during the call-up period to join the Reserve Force, regardless of the original salary.

**Article - 11 -**

If any retired Officer or Personnel is called up back from the Reserve to Active Service due to a state of war or emergency, the period of this service shall be added to his previous services approved for retirement purposes if it exceeds six continuous months. If it is less than that, he shall be granted, upon the end of the service he was called up for, a remuneration equal to 15% of his basic salary for the period he spent in service.

**Article - 12 -**

The provisions of the applicable Military Retirement Law shall apply to Reservists in cases of martyrdom, loss, death, or injury during their Active Service, regardless of the duration of their service.

**Chapter Four**

**Termination of Reserve Service**

**Article - 13 -**

Reserve Service shall be terminated for Recruits in one of the following cases:

A ) Upon completing sixty years of age.

B ) If it was proven that he is unfit health-wise to perform Reserve Service.

C ) If it was proven that his engagement in an activity that jeopardise the security and safety of the Kingdom.

D ) Loss of the Bahraini Nationality.

**Article - 14 -**

Reserve Service shall be terminated for Volunteers in one of the following cases:

A ) Upon completing sixty years of age, or after completing five years of Reserve Service, whichever comes first, unless the Volunteer wishes to continue to be in the service. In such a case, the Volunteer shall submit a request, which may be approved if the conditions stipulated in this Law are met.

B ) If it was proven that he is unfit health-wise to perform Reserve Service.

C ) If he submits a written request to terminate his volunteer service, and the Commander-in-Chief approves of it.

D ) Loss of the Bahraini Nationality.

**Chapter Five**

**Penalties**

**Article - 15 -**

Anyone who fails to respond to the Reserve call-up without a valid excuse, shall be punished with imprisonment for a period not less than one month and not exceeding one year, if the call-up is made pursuant to paragraphs (A,B) of Article 4 of this Law.

If the call-up is made pursuant to the paragraph (C) of the same Article, the punishment shall be imprisonment for a period not less than one year and not exceeding three years.

**Article - 16 -**

Anyone whose Reserve Service has ended due to engaging in activities that jeopardise the security and safety of the Kingdom, shall be punished with imprisonment for a period not less than one month and not exceeding one year, unless his actions require a more severe penalty under the applicable penal laws.

**Article - 17 -**

Any other violation to the provisions of this Law, regulations, and instructions issued in implementation thereof, other than what is provided for in the two previous Articles, the perpetrator shall be punished with imprisonment for a period not exceeding three months and a fine not exceeding two-hundred Dinars, or either of these two penalties.

**Chapter Six**

**General Provisions**

**Article - 18 -**

Anyone called up from the Reserve Force to Active Service shall be subject to the applicable laws, regulations, instructions, and orders in the Defence Force, starting from the time specified for his presence in the requested military location or zone and until the end of his call-up. This shall also apply to anyone who fails to respond to the call in the cases provided for in this Law.

**Article - 19 -**

The Directorate of Officers and Personnel Affairs in the General Headquarters shall be responsible for registering Reservists, the procedures for Reserve call-up, forming committees for inventory, examination, and audit, creating special forms, Reserve procedures, and travel permits.

**Article - 20 -**

Reservists shall be allowed to leave the Kingdom, unless the Commander-in-Chief decides otherwise in certain cases and under the conditions he deems necessary and appropriate.

**Article - 21 -**

The Commander-in-Chief, with the approval of the Emir, shall have the right to issue the necessary regulations to implement the provisions of this Law.

**Article - 22 -**

The Commander-in-Chief shall have the right to issue the necessary instructions to implement the provisions of this Law, and the regulations issued pursuant to it.

**Article - 23 -**

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

**Article - 24 -**

The Ministers - each within his jurisdiction- shall implement this Law, and it shall come into force upon its publication in the Official Gazette.

**Acting Emir of the Kingdom of Bahrain**

Hamad bin Isa Al Khalifa

Issued at Riffa Palace

On: 4 Rajab 1407 A.H.

Corresponding to: 4 March 1987