

Special Register for Joint Real Properties in Bahrain

Mohammed Kawasmi - Partner - Real Estate / Family Business
m.kawasmi@tamimi.com - Dubai International Financial Centre

In March 2021, the Survey and Land Registry Bureau (the “**SLRB**”), being the governmental body responsible for the registration of real estate properties in the Kingdom of Bahrain, issued Resolution No. 5 of 2021 Creating the Special Register of Joint Real Properties (the “**JOP Registration Law**”). The JOP Registration Law, which repealed and replaced Resolution No. 2 of 2018, was published in the Official Gazette on 4 March 2021 and therefore became effective on and from this date.

Pursuant to the JOP Registration Law, a “special register” for jointly owned properties in the Kingdom of Bahrain shall be created and maintained by the SLRB (the “**JOP Register**”), with the JOP Registration Law granting various powers to the SLRB to enable it to perform its functions under the JOP Registration Law.

What is the JOP Register?

The JOP Register is essentially a centralised register that will be maintained by the SLRB to record the following:

- those plots of land within the Kingdom of Bahrain that are owned by developers and will be used for the construction of joint real properties;
- those units sold in the relevant development and the name of the new third party owner;
- any dispositions made in respect of a unit, with the language in Article 2 of the JOP Registration Law being broadly drafted with a “disposition” to include the following:
 - sale;
 - long term leases, including land development leases;
 - grant of a usufruct;
 - mortgages;
 - other legal dispositions that would create, establish or transfer in-rem rights or would otherwise establish such rights;
 - final court judgements establishing any of the above rights; and
 - declarations waiving the priority of ancillary in-rem rights.

The information being recorded in the JOP Register is quite comprehensive and will ensure that a centralised record is maintained in relation to any unit forming part of a jointly owned property. The information being maintained on the JOP Register will benefit both unit owners and prospective owners as it will ensure that all rights and privileges that both benefit and burden a unit will be recorded on a register that is maintained by the official government body that is responsible for registration of real estate properties in the Kingdom of Bahrain (i.e. the SLRB).

How does a developer register its jointly owned

property on the JOP Register?

To register a jointly owned property on the JOP Register, the following documents must be submitted to the SLRB at the same time as submitting the application for registration of a real property site plan:

- a copy of the real property site plan issued by a licensed surveyor and approved by the SLRB;
- a copy of the memorandum and articles of association for the owners' association;
- a plan identifying all the common areas within the jointly owned property;
- a copy of the management code, which would detail the owners' rights and obligations and the functions of the owners' association (similar to a "building management statement" in Dubai), which is approved by RERA; and
- any other information or documents deemed necessary by the SLRB.

Upon the submission of the application and supporting documentation, the SLRB preparing the necessary documents to give effect to the registration of the development on the JOP Register and will then coordinate with RERA to issue a certificate to the developer confirming the registration of the development on the JOP Register.

Powers of the SLRB

The JOP Registration Law grants the SLRB the necessary powers to enable it to perform its functions under the JOP Register Law, including the right to:

- issue a title deed for the common areas;
- accept plans that do not strictly conform with any prescribed requirements, provided that the units and the common areas are easily identifiable; and
- issue directions with respect to the site plan requirements and the "building management code" - this "code" would be required when a plot of land/building is subdivided into two or more parts (or components).

It is important to note, before the SLRB can proceed with the registration of the development on the JOP Register, it must obtain the approval of the person/legal entity that holds the in-rem right for the plot on which the development is constructed on.

What happens to jointly owned properties already registered?

Prior to the introduction, the SLRB maintained a similar register pursuant to Resolution No. 2 of 2018.

The JOP Registration Law, at Article 6, confirms that all information recorded pursuant to Resolution No. 2 of 2018 shall be transferred to the JOP Register.

The registration process set out in the JOP Registration Law ensures that there is a framework in place for a centralised register to be maintained for all jointly owned properties in the Kingdom of Bahrain, which is essential to providing all owners, prospective owners and other stakeholders with transparency so as to ensure that all rights and privileges that both benefit and burden a unit are recorded on a register that is maintained by an official government body.

Should a developer intend to construct a jointly owned development on its plot, it should be aware of what documentation it is required to provide to the SLRB when the time comes to commence the registration process and Al Tamimi & Company would be pleased to assist developers in navigating through this process.

Al Tamimi & Company's Real Estate team regularly advises developers in relation to matters pertaining to jointly owned properties and has a well-established working relationship with the authorities, including both the SLRB and RERA. For further information, please contact [Mohammad Kawasmi \(m.kawasmi@tamimi.com\)](mailto:m.kawasmi@tamimi.com).