

THE CIVIL CODE OF IRAN

AS AMENDED AND IN FORCE IN 2008

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PREAMBLE

On the Publication, Effects and Execution of Laws in General

[Translator's Note: This section of the Civil Code contains general provisions which are really of a constitutional law nature. These provisions were adopted here because the Constitutional Instruments of 1906-07 did not deal with these issues]

Article 1- The enactments passed by the Islamic Consultative Assembly (the Majlis) will be notified to the President of the Republic. The President of the Republic must sign the legislation within a five day period and refer it to the Government executives. The Government is required to publish the text of the legislation within 72 hours.

Note: If the President of the Republic would refuse to sign a piece of legislation or refer it to the Government within the prescribed period, the Official Gazette = Official Journal), upon the Order of the speaker of the Islamic Consultative Assembly, is required to publish the text of the legislative enactment within a period of 72 hours. [As amended on 14/8/1370 AH]

Article 2- The legislative enactments come into force throughout the country fifteen days after their publication, unless a specific arrangement has been prescribed in the given legislation itself as to the timing of its enforcement. [As amended on 8/9/1348 AH / 20 November 1969.]

Article 3- The text of laws must be published in the Official Gazette.

Article 4- A law shall be effective only as from the date of its coming into force, and shall not be retrospective, unless special provisions to this effect have been laid down in its text.

Article 5- All inhabitants of Iran, whether of Iranian or of foreign nationality, shall be subject to the laws of Iran except in cases which the law has excepted.¹

Article 6- The laws relating to personal status, such as marriage, divorce, capacity and inheritance, shall be observed by all Iranian subjects, even if resident abroad.

Article 7- Foreign nationals resident in Iranian territory shall within the limits laid down by treaties, be bound by the laws and decrees of the Government to which they are subject in questions relating to their personal status and capacity, and similarly in questions relating to rights of inheritance.

Article 8- Immovable property of which foreign nationals have taken possession or shall take possession under the terms of treaties, shall in every respect come within the scope of the laws of Iran.²

Article 9- Treaty stipulations which have been, in accordance with the Constitutional Law, concluded between the Iranian Government and other governments, shall have the force of law.

Article 10- Private contracts shall be binding on those who have signed them, providing they are not contrary to the explicit provisions of a law.

FOOTNOTES

1- As the Preamble deals with the "law and its effects in general", therefore, the provisions of this Article are applicable to all laws of Iran, including those which have been approved prior to the ratification of the Civil Code.

2- No foreigner is allowed to hold immovable property in Iran unless a special permission is obtained from the General Registry of Land and the Ministry of Foreign Affairs to such effect, and such permission if given, is restricted to a residential quarter or an office or warehouse space proportionate to the reasonable requirements of the applicant.