

**Law Number 102 of the Year 1994**  
**Amending Some Provisions of Law Number 41 of the Year 1993**  
**with Regard to the State Purchase of some debts and collection**  
**procedures.**

Following perusal of the Constitution

and Law Number 41 of the year 1993 with regard to the State purchase of some debts and collection procedures,

the Council of Ministers has approved the law whose text is as follows and we have attested and issued it.

**Article One**

To Law Number 41 of the year 1993 shall be added a new article numbered 8 bis with the following text:

**Article 8 bis:** The period of the selection of the method of payment and the submission of the acknowledgment and its authentication, as stipulated in the second paragraph of Article (5) and the first and second paragraphs of Article (8) with regard to whoever does not submit his acknowledgment prior to enforcing this law, shall be extended to 31/10/1994.

The stipulated acknowledgment in the previous paragraph shall be authenticated in person before the notary public. Nonetheless, this acknowledgment may be by virtue of an official special power of attorney in cases of absolute necessity and in accordance with the rules and conditions that are determined by a resolution from the Minister of Justice.

In all cases, a power of attorney shall not be accepted in authenticating the acknowledgment if it is issued by a client who is

sentenced for one of the crimes pertinent to public money or who is referred to investigation or Public Prosecution for being accused for committing one of these crimes.

## **Article Two**

The Ministers – each in his competence – shall execute this law which shall become effective from the date of its publication in the official gazette.

**The Amir of Kuwait**  
**Jaber Al-Ahmad Al-Sabah**

Issued in Bayan Palace on: 17 Rabie Al-Awal 1415 H  
Corresponding to: 24 August 1994 A.D.

**Explanatory Note**  
**for a Draft Resolution Amending Some Provisions of**  
**Law Number 41 of the Year 1993 with Regard to the**  
**State Purchase of Select Debts and Collection Procedures**

The indicated Law Number 41 of the year 1994 has been issued inclusive of provisions pertaining to the State purchase of some debts from banks, investment companies and Kuwait Finance House and the method of collecting these debts. It also comprises the two Articles (5) and (8) compelling the client to submit an acknowledgment authenticated by the notary public inclusive of his selection of the payment method, whether through an immediate cash payment or on the basis of scheduling the debt and for which the law has specified a period ending on 31/3/1994.

Whereas some compelling circumstances and difficulties have prevented the authentication of the requested acknowledgments in person before the notary public in Kuwait during the specified period thus necessitating extending the deadline to an appropriate date in order to achieve the purpose of issuing the law and the citizens benefitting from the facilities therein aiming toward the stability of the banking system and its clients.

In light of the State keenness to enforce the provisions of this law in a manner that takes into consideration the circumstances of the clients and gives them the full opportunity to consider their situation, the ending date of this period shall be amended, for those who have

not submitted the acknowledgment prior to enforcing this law, from 31/3/1994 to 31/10/1994 which is an appropriate period that does not violate the enforcement of the remaining provisions of the law.

Due to what is evident from the text of Article (8) as to the condition of the client authenticating in person the official acknowledgment before the notary public in Kuwait being a matter faced with some difficulties with regard to some clients whose circumstances are beyond their control thus preventing them from authenticating this acknowledgment, especially in case of client illness, travel abroad, his death with the existence of multiple heirs or other circumstances, the draft accordingly shall include allowing the authentication by virtue of an official special power of attorney for the client in accordance with the rules and in the cases that are determined by the Minister of Justice.

Despite this, the draft is keen that those convicted of crimes pertinent to public money or referred to investigation or the penal courts in these crimes shall not benefit from this facility which the draft has resolved with regard to the power of attorney.

In order to achieve this purpose, this draft law has been prepared.