

THE CIVIL CODE
The Arab Republic Of Egypt
THE CIVIL CODE
In Case Of Any Discrepancy, The Arabic Version Of This Law
Shall Prevail
THE CIVIL CODE
PRELIMINARY CHAPTER
Section I Laws and their Applications

1. Laws and Rights

Article 1

Provisions of laws govern all matters to which these provisions apply in letter or spirit.

In the absence of a provision of a law that is applicable, the Judge will decide according to custom and in the absence of custom in accordance with the principles of Moslem Law. In the absence of such principles, the Judge will apply the principles of natural justice and the rules of equity.

Article 2

A provision of a law can only be repealed by a subsequent law expressly providing for such repeal, or containing a provision inconsistent with a provision of the former law or regulating anew a matter previously regulated by a former law.

Article 3

Periods of limitation will be calculated according to the Gregorian calendar, unless expressly provided otherwise by a law.

Article 4

A person legitimately exercising his rights is not responsible for prejudice resulting thereby.

Article 5

The exercise of a right is considered unlawful in the following cases:

- a) if the sole aim thereof is to harm another person;
- b) if the benefit it is desired to realize is out of proportion to the harm caused thereby to another person;
- c) if the benefit it is desired to realize is unlawful.

2. The Application of Laws

Conflicts of Law as to Time

Article 6

Legislative provisions as regards the legal capacity of a person are applicable to all persons who fulfill the conditions embodied in such provisions.

When a person, who was deemed to possess legal capacity in accordance with the provisions of a former law, becomes legally incapable in accordance with the provisions of a new law, such legal incapacity does not affect the validity of acts previously done by him.

Article 7

New legislative provisions as regards prescription apply from such time as they come into force in all cases in which the period of prescription has not been completed.

Former legislative provisions however, apply as regards the date of commencement of prescription, its suspension and its interruption in respect of the period prior to the application of the provisions of the new law.

Article 8

When the new law provides for a period of prescription shorter than the period provided for in the former law, the new period will apply from the date the new law came into force, even if the old period of prescription has already commenced to run.

If, however, the remaining period still to run under the former law is shorter than that fixed by the new law, the prescription shall be completed upon the expiry of such remaining period.

Article 9

Proof established in advance is governed by provisions of the law in force at the time when the proof was established or at the time when such proof should have been established.

Conflicts of Law as to Place

Article 10

Egyptian law will rule to determine the nature of a legal relationship in order to ascertain the law applicable in the event of a conflict between various laws in any particular suit.

Article 11

The status and the legal capacity of persons are governed by the law of the country to which they belong by reason of their nationality. If, however, in a transaction of a pecuniary nature, concluded and having effect in Egypt, one of the parties is a foreigner without legal capacity and such lack of capacity is due to a reason that is not apparent and which cannot be easily detected by the other party, this reason has no effect on his legal capacity.

The legal status of foreign juristic persons such as companies, associations, foundations, or others, is subject to the law of the State in whose territory such juristic persons have established their actual principal seat of management. If, however, a juristic person carries on its principal activities in Egypt, Egyptian law will be applied.

Article 12

The fundamental conditions relating to the validity of marriage are governed by the (national) law of each of the two spouses.

Article 13

The effects of marriage, including its effects upon the property of the spouses, are regulated by the law of the country to which the husband belongs at the time of conclusion of the marriage.

Repudiation of marriage is governed by the law of the country to which the husband belongs at the time of repudiation, whereas divorce and separation are governed by the law of the country to which the husband belongs at the time of the commencement of the legal proceedings.

Article 14

If, in the cases provided for in the two preceding articles one of the two spouses is an Egyptian at the time of the conclusion of the marriage, Egyptian law alone shall apply except as regards the legal capacity to marry.

Article 15

Obligations as regards payment of alimony to relatives are governed by the (national) law of the person liable for such payment.

Article 16

The (national) law of a person who should be protected shall apply in respect of all fundamental matters relating to natural and legal guardianship, receivership, and other forms of protection of persons without legal capacity and of absent persons.

Article 17

Inheritances, wills and other dispositions taking effect after death are governed by the (national) law of the de cujus, the testator or the person disposing of property at death.

The form of a will, however, is governed by the (national) law of testator at the time the will is made, or by the law of the country in which the will is made. The same principles apply to the form of other dispositions taking effect after death.

Article 18

Possession, ownership and other real rights are regulated, as regards immovable, by the law of the place in which the immovable is situate, and as regards movables, by the law of the place where the movable was situate at the time when the event occurred which resulted in the acquisition or loss of possession, ownership or other real rights.

Article 19

Contractual Obligations are governed by the law of the domicile when such domicile is common to the contracting parties, and in the absence of a common domicile by the law of the place where the contract was concluded. These provisions are applicable unless the parties agree, or the circumstances indicate that it is intended to apply another law.

Contracts relating to immovable, however, are governed by the law of the place in which the immovable is situated.

Article 20

Contracts between living persons are governed as regards their form by the law of the country in which the contracts are concluded. They may also be governed by the law regulating the basic provisions of a contract, by the law of the domicile of the parties or by their common national law.

Article 21

Non-contractual obligations are governed by the law of the State in whose territory the act that gave rise to the obligation took place.

When, however, the obligation arises from a tort, the provisions of the preceding paragraph shall not apply to an act which occurred abroad and which, although considered unlawful in accordance with the law of the country in which the act occurred, is considered lawful in Egypt.

Article 22

Principles of competence of courts and all questions of procedure are governed by the law of the country in which the action is brought, or in which the proceedings are taken.

Article 23

The provisions of the preceding articles only apply when no provisions to the contrary are included in a special law or in an International Convention in force in Egypt.

Article 24

The principles of private international law apply in the case of a conflict of laws for which no provision is made in the preceding articles.

Article 25

In the case of a person of unknown nationality or of a person of plural nationality the law to be applied will be decided by the Judge.

Egyptian law shall apply, however, if a person is deemed in Egypt to be of an Egyptian nationality and is at the same time deemed by one or more foreign states to be a national of that or those states.

Article 26

When, in accordance with the preceding provisions, it appears that the law to be applied is the law of a state in which several legal systems exist, the law applicable shall be determined by the internal law of that state.

Article 27

In the cases where a foreign law is applicable only the internal provisions of such foreign law shall apply to the exclusion of provisions relating to private international law.

Article 28

The provisions of a foreign law applicable by virtue of the preceding articles shall not be applied if these provisions are contrary to public policy or to morality in Egypt

GENERAL PROVISIONS

Section II Persons

1. Individuals

Article 29

Legal personality commences from the time a child is born alive and ends at death.

The law, however, determines the rights of a child en ventre de sa mere.

Article 30

Birth and death are established by means of official registers specially kept for this purpose.

In the absence of such proof, or if the inaccuracy of the entries in these registers is established, proof may be established by any other means.

Article 31

Registers of and declarations connected with births and deaths are regulated by a special law.

Article 32

Missing person and absent persons are subject to provisions contained in special laws; in the absence of such special laws, Moslem law will be applied.

Article 33

Egyptian nationality is governed by a special law.

Article 34

The family of a person is composed of his relatives. Persons having a common ascendant are deemed to be relatives.

Article 35

Direct lineal relationship is the relationship existing between ascendants and descendants.

Collateral relationship is the relationship existing between persons who have a common ascendant without one of them being a descendant of the other.

Article 36

The degree of relationship will be calculated, as regards direct lineal relationship, by ascending to the common ancestor and counting each relative excluding the common ancestor. The degree of relationship

will be calculated, as regards collateral relationship by ascending from the descendant to the common ancestor, then descending to the other descendant. Each relative, excluding the common ancestor counts for one degree.

Article 37

The relatives of either of the two spouses are deemed to be relatives of the other spouse, in the same line and of the same degree.

Article 38

Every person must have a first name and a family name. The family name of a person is bestowed upon his children.

Article 39

Acquisition and change of family name will be governed by special legislation.

Article 40

A domicile is the place where a person habitually resides.

A person may have more than one domicile at the same time, as he may have none.

Article 41

The place where a person exercises a trade or profession is considered as his domicile as regards matters carried on in connection with such trade or profession.

Article 42

The domicile of a minor, a person under legal disability, a missing person or an absent person will be the domicile of his legal representative.

A minor who has attained eighteen years and a person in a similar legal position shall nevertheless have his special domicile in respect of acts he is capable of performing in accordance with the law.

Article 43

A special domicile may be elected for the performance of a specific legal act.

The election of domicile must be evidenced by writing.

A domicile elected for the performance of a legal act shall be deemed to be the domicile in so far as all matters relating to such act are concerned, including the procedure for enforcement by legal means unless the election of domicile is expressly limited to certain special acts, excluding others.

Article 44

All persons attaining majority in possession of their mental faculties and not under legal disability, have full legal capacity to exercise their civil rights.

The majority of a person is fixed at twenty one years completed in accordance with the Gregorian calendar.

Article 45

A person devoid of discretion, owing to youth, feeble mindedness or insanity is incapable of exercising his civil rights.

A person who has not attained the age of seven is considered devoid of discretion.

Article 46

A person who has reached the age of discretion but has not attained majority and a person who has attained his majority but is a prodigal or an imbecile, has a limited legal capacity according to the provisions of the law.

Article 47

Persons deprived of full or partial legal capacity are governed, as the case may be, by the rules of natural or legal guardianship or curatorship subject to the conditions and in accordance with the rules laid down by law.

Article 48

No person can renounce his legal capacity or modify the rules relating thereto.

Article 49

No person can renounce his personal liberty.

Article 50

A person whose rights inherent in his personality have been unlawfully infringed, shall have the right to demand the cessation of the infringement and compensation for any damage sustained thereby.

Article 51

A person whose right to the use of his name is unlawfully disputed by another, or a person whose name is unlawfully used by another shall have the right to demand cessation of the infringement and compensation for any damage sustained thereby.

2. Juristic persons

Article 52

Juristic persons are:

1. The state, the provinces (mudirias), towns and villages in accordance with the provisions fixed by law; administrations, departments and other public institutions to which the law has granted the status of juristic persons.
2. Religious groups and communities which the state has recognized as juristic persons.
3. Wakfs.
4. Commercial and civil corporations.
5. Associations and foundations created in accordance with the subsequent provisions hereof.
6. Any group of persons or properties recognized as juristic persons by virtue of a provision of the law.

Article 53

A juristic person enjoys, within the limits established by law, all rights, with the exception of those rights, which are inherent in the nature of an individual.

A juristic person has:

- a) its own patrimonium;
- b) legal capacity, within the limits fixed by its constitution or established by law;
- c) the right to sue;
- d) its own domicile. This domicile is the place where its seat of management is situated. A corporation whose seat of management is situated abroad but operates in Egypt, is deemed, in accordance with internal law, to have its seat of management at the place where its local seat of management is situated.

A juristic person has a representative to express its will.

Associations

Article 54

* Articles 54-80 have been repealed by Presidential Decree

Section III The Classification of Things and Property

Article 81

Anything that is not outside the ambit of trade by its nature or by virtue of the law, may be the object of proprietary rights.

Things outside the ambit of trade by their very nature are things that cannot be objects of exclusive possession. Things outside the ambit of trade by law are things which, in accordance with the law, cannot be objects of proprietary rights.

Article 82

Things which are fixed and which cannot be removed without damage are immovable. All other things are movables.

A movable placed by its owner in an immovable owned by him with the intention of serving or exploiting such immovable is considered an immovable by reason of its destined use.

Article 83

All real rights over immovable property including the right of ownership and all suits relating to a real right over an immovable are deemed to be immovable property.

All other proprietary rights are deemed to be movable property.

Article 84

Consumable things are those things whose utility, by reason of their destined use, consists in their consumption or disposal.

All things destined for sale in commercial establishments are deemed to be consumable.

Article 85

Fungibles are those things which can be replaced one by another in a payment and which it is customary in trade to estimate by number, measure, volume or weight.

Article 86

Rights in respect of a non-material object are regulated by special laws.

Article 87

Immovable and movable property owned by the State or other public juristic persons and allocated either in fact or by virtue of a law or a decree for purposes of public utility, forms part of the public domain.

Such immovable and movable property is not alienable, is not liable to seizure nor to acquisition by prescription.

Article 88

Properties forming part of the public domain lose this status with the cessation of their allocation for public utility purposes.

This cessation takes place by virtue of a law, or a decree, or in fact, or if the object of public utility for which they were allocated comes to an end.