

**Dubai Law No. 16/2011**  
**On the Amendment of Dubai Law No 12/2004 on the Judicial Authority at**  
**Dubai International Financial Centre**

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Type	Law
Issued on	31 Oct 2011 (corresponding to 4 Dhi Al-Hijjah 1432 H)
Nature	Law
Jurisdiction	Dubai
Copyright	LexisNexis

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**Amending:**

**Dubai Law No. 12/2004, dated 25/12/2004.**

We, Mohammed Bin Rashed Al Maktoum, Ruler of Dubai,

Pursuant to the perusal of Constitution of the United Arab Emirates; and

Federal Law No. 11/1992 on Civil Procedures and the amendments thereof; and

Federal Law No. 8/2004 on financial free zones; and

Federal Decree No. 35/2004 on the establishment of financial free zone in the Emirate of Dubai; and

Dubai Law No. 3/1992 on the establishment of the courts in Dubai and the amendments thereof; and

Dubai Law No. 1/1994 on courts fees and the amendments thereof; and

Dubai Law No. 9/2004 on Dubai International Financial Centre and the amendments thereof;

DIFC Law No. 10/ 2004 ('DIFC Courts Law') on the courts of the Centre; and

Dubai Law No. 12/2004 on Judicial Authority at Dubai International Financial Centre; referred to hereinafter as "**The Original Law**",

Have issued the following Law:

**Article 1**

The provisions of Articles 2, 4, 5 and 7 of the Original Law shall be replaced by the following provisions:

**Article (2) - Definitions**

Wherever mentioned in the present Law, the following terms and expressions shall have the meanings assigned thereto, unless the context requires otherwise:

State: United Arab Emirates.

Emirate: The Emirate of Dubai.

Ruler: H.H. Ruler of the Emirate of Dubai.

Centre: Dubai International Financial Centre.

President: The president of the Centre.

Authorities of the Centre: The Authorities established by virtue of Article 3 of aforementioned Dubai Law No. 9/2004, and any other authority established by virtue of the laws of the Centre or whose establishment is approved by the President.

Dubai Courts: The courts of the Emirate of Dubai established by virtue of aforementioned Dubai Law No. 3/1992.

Institutions of the Centre: Any entity or project duly established, licensed, registered or authorized to work or practice any activity in the Centre, according to the laws of the Centre, including licensed institutions of the Centre.

Licensed institutions of the Centre: Any entity licensed, registered or authorized by the Financial Services Authority to undertake financial services or any of the other activities according to the laws of the Centre.

Laws of the Centre: Any laws related to the Centre issued by the Ruler.

Regulations of the Centre: Any rules, regulations, or orders related to the Centre and issued by the President or the authorities of the Centre.

Courts: The court of first instance and the court of appeal established pursuant to the present Law and the judicial committees established by virtue of a resolution of the Chief Justice by virtue of the laws of the Centre.

Arbitration Award: Any arbitration award adopted by virtue of the laws of the Centre or foreign arbitration awards that meet the requirements of the laws of the Centre.

Regulations of the Courts: The regulations organizing the litigation procedures before the courts.

**Article (4) - Tasks and Competences of the Chief Justice**

1- The courts shall have a Chief Justice and a deputy chief appointed by virtue of a decree issued by the Ruler.

2- In addition to the competences and tasks assigned to the Chief Justice by virtue of the laws of the Centre, he shall undertake the general supervision of the courts and therefore shall have the following tasks and competences:

**First: Administrative Tasks and Competences:**

a- Form different circuits of courts.

b- Specify infrastructure, buildings, administrative services and any other services necessary to fulfill the purposes of the courts and present appropriate recommendations thereon to the President to undertake appropriate measures in this regard.

c- Conclude contracts, agreements, memorandums of understanding with third parties whether inside or outside the Emirate in order to fulfill the purposes of the courts, possess, own and dispose of movable funds according to the laws of the Centre.

**Second: Technical Tasks and Competences:**

- a- Propose draft laws of the Centre related to any matter within the jurisdictions of the courts and present same to the President.
  - b- Adopt and issue regulations of courts within the jurisdiction of the courts.
  - c- Explore the public's opinion regarding draft laws of the Centre and the draft regulations of the Centre within the jurisdiction of the courts.
- 3- The Chief Justice may delegate any of the administrative competences thereof to the deputy or to any of the court judges or to the court clerk.
- 4- In addition to the tasks and competences assigned to the deputy Chief Justice by the Chief Justice, the deputy Chief Justice shall undertake the practice of all tasks and competences of the Chief Justice should he be absent.

#### **Article (5) - Judicial Jurisdiction**

##### **a- Court of first instance:**

- 1- The court of first instance shall solely hear and settle:
- a- Civil or commercial actions and requests to which the Centre or any of the authorities, institutions of the Centre or licensed institutions thereof are party.
  - b- Civil or commercial actions and requests arising from or related to an executed contract or a concluded transaction, in whole or in part in the Centre or to a contract to be executed or is supposed to be executed in the Centre by virtue of explicit or implicit conditions stipulated in the contract.
  - c- Civil or commercial actions and requests arising from or related to an executed contract or a concluded transaction, in whole or in part, in the Centre and related to the activities thereof.
  - d- Appeals filed against decisions or procedures issued by the authorities of the Centre, appealable in accordance with the laws and regulations of the Centre.
  - e- Any request or action heard by the courts by virtue of the laws and regulations of the Centre.
- 2- The court of first instance may hear and settle civil or commercial requests and actions should they be filed in writing with the agreement of the parties whether before or after the occurrence of the litigation, provided that said agreement is done by virtue of a clear and explicit special text.
- 3- The court of first instance may hear and settle civil or commercial requests and actions within the jurisdictions thereof, should the parties agree in writing on the jurisdictions of another court appointed to hear the request or action, and the hearing of said action or request be rejected by said court for lack of jurisdiction.
- 4- Despite the content of Clause 2 of Paragraph (a) of the present Article, the court of first instance may not hear or settle civil or commercial requests and actions with respect to which a final judgment was issued by another court.

##### **b- Court of appeal:**

- 1- The court of appeal shall solely hear and settle:
- a- Appeals filed against judgments and decisions issued by the court of first instance;
  - b- Interpretation of any article of the laws and regulations of the Centre, based upon the request of the Chief Justice should the request be presented thereto by any of the authorities, institutions or licensed institutions of the Centre. Said interpretation shall have the power of law being interpreted thereby.
- 2- Judgments issued by the court of appeal shall be final and incontestable by any means of cassation.
- c- The procedures adopted in the regulations of the court shall be followed in civil or commercial requests and actions heard before the courts of the Centre.

##### **c- Executive Judge at the Centre:**

The Chief Justice shall delegate, from among the judges of the courts, one or more executive judges.

#### **Article (7) - Execution**

- 1- The executive judge delegated according to Article 5(d) hereof shall undertake the execution of judgments, decisions and orders issued by the courts and arbitration awards ratified thereby, should the execution fall within the scope of the Centre and said execution is done according to the regulations of the courts.
- 2- The judgments, decisions and orders issued by the courts and arbitration awards ratified thereby shall be enforced by the courts, should the execution fall outside the scope of the Centre, by the competent execution body outside the Centre, according to the procedures and rules followed in this regard, as well as any agreements or memorandums of understanding concluded between the courts and said bodies, according to the following conditions:
- a- The judgment, decision, order or ratified arbitration award requested to be executed be final and executable; and
  - b- The judgment, decision, order or ratified arbitration award be translated to the language adopted by the body carrying out the execution; and
  - c- The execution form of the judgment, decision, order or arbitration award ratified by the courts is set by the courts.
- 3- In addition to the provisions of paragraphs a, b and c of Article 2 of the present Article, the following shall be respected in the execution of the judgments, decisions and orders issued by the courts and arbitration awards ratified thereby, and executed through the courts of Dubai:

a- The courts shall issue an execution letter addressed to the Chief Justice of the court of first instance in the courts of Dubai clarifying the procedures requested to be executed.

b- The applicant for the execution shall present a request to the execution judge of the courts of Dubai along with a copy of the judgment, decision or order as well as the legal translation and the execution letter.

c- The execution judge of the courts of Dubai shall apply the procedures and rules of execution mentioned in aforementioned federal law on civil procedures, including the hindrances to the execution, and may not hear the subject-matter of the judgment, decision or order.

d- The courts of Dubai shall collect execution fees for every execution request presented thereto for execution according to aforementioned law on courts fees.

4- The judgments, decisions or orders issued by the courts of Dubai and the arbitration awards ratified thereby shall be executed, should the execution venue be within the Center, by the execution judge in the courts, according to the following conditions:

a- The judgment, decision or order requested to be executed must be final and executable.

b- The judgment, decision or order must be translated into English by the applicant for the execution.

c- The execution form of the judgment, decision or order must be set by the courts of Dubai.

5- In addition to the provisions of paragraphs a, b and c of Clause 4 of the present Article, the following shall be respected in the execution of the provisions, decisions and orders issued by the courts of Dubai and the arbitration awards ratified thereby, and executed through courts:

a- The courts of Dubai shall issue an execution letter addressed to the Chief Justice clarifying the procedures requested to be executed.

b- The applicant for the execution shall present a request to the execution judge of the courts along with a copy of the judgment, decision or order as well as the legal translation and the execution letter.

c- The execution judge of the courts shall apply the procedures and rules of execution mentioned in the regulations of the courts, including the hindrances to the execution, and may not hear the subject-matter of the judgment, decision or order.

d- The courts shall collect execution fees for every execution request presented thereto for execution according to the Law on fees adopted thereby

6- The judgments, decisions, orders and arbitration awards ratified outside the Centre by other than the courts of Dubai shall be executed within the Centre in the means adopted in the regulations of courts.

## **Article 2**

Any provision in any other legislation contradicting the provisions hereof shall be abrogated.

## **Article 3**

The present Law shall come into force as of the date of the issuance thereof, and shall be published in the Official Gazette.

Issued in Dubai

On 31/10/2011 AD

Corresponding to 4 Dhu Al-Hijja 1432 AH

**Mohammed Bin Rashed Al Maktoum**

**Ruler of Dubai**

The present Law was published in the Official Gazette of the Government of Dubai, issue no. 357, dated 30/11/2011 AD, p. 5.