

**Law No. 16 of 2011 on Amending Some Provisions of Law No. 12 of 2004  
Concerning the Dubai International Financial Centre Courts**

**We, Mohammad bin Rashid Al Maktoum, Ruler of Dubai,**

After reviewing the Constitution;

Federal Law No. 11 of 1992 concerning Civil Procedures, as amended;

Federal Law No. 8 of 2004 concerning the Financial Free Zones;

Federal Decree No. 35 of 2004 on establishing a Financial Free Zone in the Emirate of Dubai;

Law No. 3 of 1992 on the Formation of Courts in the Emirate of Dubai, as amended;

Law No. 1 of 1994 on the Fees of Courts, as amended;

Law No. 9 of 2004 concerning Dubai International Financial Centre, as amended;

The Law of Dubai International Financial Centre No. 10 of 2004 concerning the Courts of the Centre; and

Law No. 12 of 2004 concerning the Dubai International Financial Centre Courts; hereinafter shall be referred to 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 substituted by the following provisions:

**Article 2**

**Definitions**

The following words and expressions shall have the meanings assigned opposite each of them, unless the context indicates otherwise:

The State: The United Arab Emirates.

The Emirate: The Emirate of Dubai.

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

The Centre: Dubai International Financial Centre.

The President: The President of the Centre.

The Centre's Bodies: Such bodies established under Article 3 of the foregoing Law No. 9 of 2004 or any other bodies established under the Laws of the Centre or the bodies approved to be established by the President.

Dubai Courts: The courts of the Emirate established under the foregoing Law No. 3 of 1992.

Centre Establishments: Any entity or project established, licensed, registered or authorised to carry out business or practice any activity in the Centre according to the Centre's Laws, including any Licensed Centre Establishments.

Licensed Centre Establishments: Any entity or project established, licensed, registered or authorised by the Authority of Financial Services to practise financial services or any other activities according to the Centre's Laws.

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

Centre's Regulations: Any rules, legislations, regulations, or orders related to the Centre issued by the President or the Centre's Bodies.

The Courts: The Court of First Instance and the Court of Appeal established under this Law and the Judicial Committees established by the Resolution of the Chief Justice in accordance with the Centre's Laws.

Arbitral Award: Any arbitration award recognised by the Centre's Laws or foreign arbitration awards satisfying the requirements of the Centre's Laws.

The Regulations of the Courts: The rules organising the litigation procedures at Courts.

#### **Article 4**

##### **The Functions and Powers of the Chief Justice**

1. The Courts shall have a Chief Justice and a Deputy Chief Justice appointed by a Decree issued by the Ruler.
2. In addition to the powers and functions entrusted to the Chief Justice in accordance with the Centre's Laws, the Chief Justice shall undertake the general supervision of Courts and in order to achieve this he shall have the following functions and powers:

##### **First: Administrative Functions and Powers:**

- A. The formation of the Courts' various departments.
- B. Identify the infrastructures, buildings, administrative services and any other services necessary to achieve the objectives of the Courts and submit

suitable recommendations thereof to the President to take what he considers appropriate in this concern.

- C. Concluding contracts, agreements and memorandums of understanding with others whether in the Emirate or abroad in order to achieve the objectives of the Courts and the acquisition and disposal of movable funds according to the Centre's Laws.

**Second: Technical Functions and Powers:**

- A. Propose the Centre's draft laws related to any issue within the jurisdiction of the Courts and submit them to the President.
  - B. Adopt and issue the rules and regulations of the Courts within the jurisdiction of the Courts.
  - C. Survey public opinion regarding the Centre's draft laws and draft regulations within the jurisdiction of the Courts.
3. The Chief Justice shall have the right to delegate any of his administrative powers to his Deputy or to any of the Courts' judges or registrar.
4. In addition to the functions and powers delegated by the Chief Justice, the Deputy Chief Justice shall undertake all the functions and powers decided for the Chief Justice in the event of his absence.

**Article 5**

**The Jurisdiction of the Courts**

**A. The Court of First Instance**

- 1. The Court of First Instance shall have exclusive jurisdiction and rule over:
  - a) Civil or commercial cases and claims involving the Centre or any of the Centre's Bodies, any of the Centre's Establishments or any of the Centre's Licensed Establishments.
  - b) Civil or commercial cases and claims arising from or related to a contract or a promise to contract whether made, concluded or executed, in whole or in part, in the Centre or will be actually executed or supposed to be executed in the Centre according to explicit or implicit terms stipulated in the contract.

- c) Civil or commercial cases and claims arising from or related to an incident or a transaction accomplished, in whole or in part, in the Centre and related to its activities.
  - d) Appeals submitted against resolutions or procedures issued by the Centre's Bodies, which are subject to appeal under the Centre's Laws and Regulations.
  - e) Any application or case of which the Courts have jurisdiction to consider under the Centre's Laws and Regulations
2. The Court of First Instance may consider and rule in civil and commercial cases and claims within its jurisdiction if submitted thereto by the agreement of the parties in writing whether before or after the dispute provided that this agreement must be according to a clear and explicit special provision.
  3. The Court of First Instance may consider and rule in civil and commercial cases and claims within its jurisdiction if the parties agree in writing to submit to the jurisdiction of another court appointed to consider the case or claim and was rejected by that court due to the lack of jurisdiction.
  4. Despite what have been stipulated by Clause 2 of Paragraph A of this Article, the Court of First Instance may not consider or rule civil or commercial cases and claims for which a final judgment have been issued by another court.

## **B. Court of Appeal**

1. The Court of Appeal shall have an exclusive jurisdiction and rule over:
  - a) Appeals submitted against judgments and decisions issued by the Court of First Instance.
  - b) Interpretation of any article of the Centre's laws and Regulations upon the request of the Chief Justice in the event of filing such application by any of the Centre's Bodies, Centre's Establishments or Centre's Licensed Establishments. This interpretation shall have the force of the legislation that has been interpreted.
2. Judgments issued by the Court of Appeal shall be final and decisive by any means of appeal.

C. The procedures adopted by the Courts' Regulations shall be followed concerning civil or commercial cases and claims considered by the Centre's Courts.

**D. The Executive Judge at the Centre:**

The Chief Justice shall delegate one or more of the Courts' judges for execution.

**Article 7**

**Execution**

1. The delegate executive judge in accordance with Article 5/D of this Law shall execute the judgments, decisions and orders issued by the Courts and the Arbitral Awards ratified by the Courts if the subject matter of execution falls within the Centre. This execution shall be done in accordance with the Courts' Regulations.
2. If the subject matter of execution falls outside the Centre, the judgments, decisions and orders issued by the Courts and the Arbitral Awards ratified by the Courts shall be executed by competent executive entity outside the Centre in accordance with the procedures and principles adopted thereof in this respect and also any agreements or memorandums of understanding concluded between the Courts and those entities according to the following conditions:
  - a) That the judgment, decision, order or ratified Arbitral Award required to be executed should be final and executable.
  - b) That the judgment, decision, order or ratified Arbitral Award should be translated to the language adopted by the entity by which execution shall be carried out.
  - c) That the executive form of the judgment, decision, order or ratified Arbitral Award shall be laid down by the Courts.
3. In addition to what have been stipulated in Paragraphs a, b and c of Clause 2 of this Article, the following shall be taken into consideration when executing the judgments, decisions or orders issued by the Courts or the Arbitral Awards ratified by the Courts and executed by the Courts of Dubai:
  - a) The Courts shall issue an execution letter addressed to the Chief Justice of the Court of First Instance in Dubai Courts detailing the procedure required to be executed.

- b) The execution applicant shall submit an application to the executive judge at Dubai Courts attached to a photocopy of the judgment, decision or order with the legal translation and the execution letter.
  - c) The executive judge at Dubai Courts shall apply the procedures and rules of execution stipulated by the foregoing Law of Federal Civil Procedures including the problematic of execution and he may not discuss the subject of the judgment, decision or order.
  - d) Dubai Courts shall collect execution fees for every application submitted thereto for execution in accordance with the foregoing Law of Court Fees.
4. Judgment, decisions and orders issued by Dubai Courts and Arbitral Awards ratified thereby shall be executed if the subject matter of execution falls inside the Centre by the executive judge at the Courts in accordance with the following conditions:
- a) That the judgment, decision or order required to be executed must be final and executable.
  - b) That the judgment, decision or order is translated to English by the execution applicant.
  - c) The executive form of the judgment, decision or order shall be laid down by Dubai Courts.
5. In addition to what have been stipulated in Paragraphs a, b and c of Clause 4 in this Article, when executing the judgments, decisions and orders issued by Dubai Courts and arbitral awards ratified thereby and executed by the Courts the following shall be considered:
- a) Dubai Courts shall issue an execution letter addressed to the Chief Justice detailing the procedure required to be executed.
  - b) The execution applicant shall submit an application to the executive judge at the Courts attached to a photocopy of the judgment, decision or order with the legal translation and the execution letter.
  - c) The executive judge at the Courts shall apply the procedures and rules of execution stipulated by the Courts' Regulations including the problematic of execution and he may not discuss the subject of the judgment, decision or order.
  - d) The Courts shall collect execution fees for every application submitted thereto for execution in accordance with the law of fees applied by the Courts.

6. Judgments, decisions, orders and ratified Arbitral Awards issued outside the Centre by other than Dubai Courts shall be executed inside the Centre by the means stipulated in the Courts' Regulations.

#### **Article 2**

Any provision in any other law to the extent that it contradicts the provisions of this Law shall be repealed.

#### **Article 3**

This Law shall be come into force on the date of issuance hereof and it shall be published in the Official Gazette.

**Mohammad bin Rashid Al Maktoum**  
**Ruler of Dubai**

Issued in Dubai,  
On 31 October 2011  
Corresponding to 4 Dhu al-Hijjah 1432 Hijri