

Law No. (1) of 2017
Concerning Penal Orders¹

We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,

After perusal of:

The Constitution of the United Arab Emirates;

Federal Law No. (9) of 1976 Concerning Juvenile Delinquents and Homeless Juveniles;

Federal Law No. (3) of 1987 Issuing the Penal Code of the United Arab Emirates and its amendments;

Federal Law No. (11) of 1992 Issuing the Civil Procedure Code and its amendments;

Federal Law No. (35) of 1992 Issuing the Criminal Procedure Code and its amendments;

Law No. (1) of 2016 Concerning the Financial Regulations of the Government of Dubai; and

Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai,

Do hereby issue this Law.

Definitions
Article (1)

The following words and expressions, wherever mentioned in this Law, will have the meaning indicated opposite each of them unless the context implies otherwise:

Emirate: The Emirate of Dubai.

Public Prosecution: The public prosecution of the Emirate.

Attorney General: The attorney general of the Emirate.

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¹*Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.*

Penal Order: A judicial decision issued by a Member of the Public Prosecution to determine the merits of a criminal case, whereby a fine is imposed without referring the case to the competent court.

Scope of Application Article (2)

- a. The provisions of this Law apply to the misdemeanours and infractions which are stipulated in the legislation in force in the Emirate and which are punishable by any of the following:
 1. the penalty of a fine only; or
 2. the penalty of imprisonment or fine.
- b. The Attorney General will, pursuant to a resolution he issues in this respect, determine the misdemeanours and infractions to which the provisions of this Law apply.
- c. The provisions of this Law do not apply to the crimes committed by juvenile delinquents and homeless juveniles.

Objectives of the Law Article (3)

This Law aims to:

1. ensure the expeditious determination of criminal cases without prejudice to fair trial guarantees;
2. reduce the workload of courts and minimise the number of criminal cases referred to them; and
3. respond to practical considerations that require simplifying the litigation process and saving time, effort, and cost for parties to criminal cases.

Issuing Penal Orders Article (4)

The Public Prosecution may issue a Penal Order imposing the legally prescribed fine in addition to the collateral consequences against any person who is proven to have committed any of the misdemeanours or infractions to which the provisions of this Law apply. The fine must not exceed one-half of the maximum amount of fine prescribed by law.

Particulars of Penal Orders

Article (5)

A Penal Order issued by a Member of the Public Prosecution must contain the following:

1. the issue date of the Penal Order;
2. the name and personal details of the accused;
3. the charges attributed to the accused;
4. the legal provisions applicable to the committed crime and the penalty imposed; and
5. the name and grade of the Member of the Public Prosecution who issued the Penal Order.

Serving Notices on the Accused

Article (6)

An accused must be served a notice of the date scheduled for presenting the case file to the Public Prosecution. Where the accused fails to appear before the Public Prosecution on this date, the Public Prosecution may issue a Penal Order. In all events, the accused must be served with the notice in accordance with the procedures, and through the means, determined by the Attorney General in this respect.

Amending or Revoking Penal Orders

Article (7)

A Member of the Public Prosecution whose grade is not lower than chief prosecutor, and who is designated by a resolution of the Attorney General, may amend or revoke a Penal Order within seven (7) days from the date on which it is issued. The revocation of the Penal Order will render it null and void, in which case the criminal case will be instituted and prosecuted as per the ordinary course of prosecution.

Challenging Penal Orders

Article (8)

- a. An accused may challenge a Penal Order issued against him before the Public Prosecution within seven (7) days from the date on which it is issued or amended pursuant to Article (7) of this Law, where the Penal Order is issued in the presence of the accused; or within seven (7) days from the date on which the accused is notified of the Penal Order, where it is issued in absentia. Challenging the Penal Order will render it null and void, in which case the criminal case will be instituted and prosecuted as per the ordinary course of prosecution.

- b. Where a Penal Order is issued against multiple accused and any of them challenges that order, the challenge will render the Penal Order null and void as against the accused who filed it only.
- c. An accused may abandon his challenge to the Penal Order before the first hearing scheduled to consider the case by the competent court, in which case the challenge will be forfeited and the Penal Order will become final as against that accused.

Finality of Penal Orders Article (9)

A Penal Order will become final and not subject to challenge or any form of appeal prescribed by law in any of the following two cases:

- 1. lapse of the limitation period for challenging the Penal Order; or
- 2. payment by the accused of the fine prescribed under the Penal Order.

Powers of the Attorney General Article (10)

Notwithstanding the provisions of Article (9) of this Law, the Attorney General will have the power to amend or revoke a Penal Order within thirty (30) days from the date on which it is issued or amended, or from the date on which the accused abandons his challenge pursuant to paragraph (c) of Article (8) of this Law. The revocation of the Penal Order will render it null and void, in which case the criminal case will be instituted and prosecuted as per the ordinary course of prosecution.

Filing Civil Claims Article (11)

Filing a civil claim will not preclude the issuance of a Penal Order. A civil claimant may resort to the competent civil court to claim his rights.

Enforcement of Penal Orders Article (12)

A Penal Order will be enforced in accordance with the rules prescribed in the above-mentioned Federal Law No. (35) of 1992.

Payment of Fines
Article (13)

The fines collected pursuant to this Law will be paid to the Public Treasury of the Government of Dubai.

Issuing Implementing Resolutions
Article (14)

The Attorney General will issue the resolutions required for the implementation of the provisions of this Law.

Commencement and Publication
Article (15)

This Law will be published in the Official Gazette and will come into force three (3) months after the date of its publication.

Mohammed bin Rashid Al Maktoum
Ruler of Dubai

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Corresponding to 2 Jumada al-Ula 1438 A.H.