

Law No. (12) of 2004  
Concerning the  
Judicial Authorities at the Dubai International Financial Centre<sup>1</sup>

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

After perusal of:

The Constitution of the United Arab Emirates and its amendments;

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

Federal Decree No. (35) of 2004 Establishing the Dubai International Financial Centre;

Law No. (3) of 1992 Establishing the Dubai Courts; and

Law No. (9) of 2004 Concerning the Dubai International Financial Centre,

**Do hereby issue this Law.**

**Article (1)**

This Law will be cited as “Law No. (12) of 2004 Concerning the Judicial Authorities at the Dubai International Financial Centre”.

**Definitions**

**Article (2)**

The following words and expressions will have the meaning indicated opposite each of them unless the context implies otherwise:

UAE: United Arab Emirates.

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*<sup>1</sup>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.*

Emirate:	The Emirate of Dubai.
Ruler:	His Highness the Ruler of the Emirate of Dubai.
DIFC:	The Dubai International Financial Centre.
President:	The president of the DIFC.
DIFC Bodies:	The bodies established pursuant to paragraph (3) of Article (3) of the above-mentioned Law No. (9) of 2004 and any other entity established by these bodies or by the President.
Dubai Courts:	The Courts of the Emirate established pursuant to the above-mentioned Law No. (3) of 1992.
Licensed DIFC Establishments:	Any entity licensed, registered, or otherwise authorised to conduct financial or banking business, including the activities and business referred to in Article (9) of the above-mentioned Law No. (9) of 2004.
DIFC Regulations:	Any rules, bylaws, or orders related to the DIFC and issued by the President or by the DIFC Bodies.
DIFC Establishments:	Any entity or enterprise that is duly established, or that conducts any activity, within the DIFC. This includes Licensed DIFC Establishments.
DIFC Courts:	The Court of First Instance and the Court of Appeal established within the DIFC pursuant to this Law.
Arbitral Award:	Any arbitration award that is recognised under the DIFC Laws, or any foreign arbitration award that satisfies the requirements of the DIFC Laws.
Bylaws of the DIFC Courts:	The bylaws regulating litigation procedures before the DIFC Courts.

## **DIFC Courts**

### **Article (3)**

1. Pursuant to this Law, the DIFC Courts are established. The DIFC Courts will perform their duties in an independent manner in accordance with the provisions of this Law, DIFC Laws, and DIFC Regulations. The DIFC Courts will be structured in two levels: first instance and appeal.
2. The head office of the DIFC Courts will be located in the DIFC. The DIFC Courts may, where required, hold hearings anywhere else in the Emirate.
3. The Court of First Instance will be constituted of a single judge and the Court of Appeal will be constituted of a presiding judge and two other judges. The Court of First Instance and the Court of Appeal will have one or more divisions. The Chief Justice or, where necessary, the most senior judge will preside over the Court of Appeal.
4. The judges, including the Chief Justice, will be appointed by a decree issued by the Ruler.
5. The judgements of the DIFC Courts will be issued in the name of the Ruler.
6. The judgements of the Court of Appeal will be rendered unanimously or by majority vote. The minority must record the dissenting opinion along with the judgment of the majority.

## **Management of the DIFC Courts**

### **Article (4)**

1. The Chief Justice will constitute the various divisions of the DIFC Courts and supervise their administrative affairs.
2. The Chief Justice may delegate all or any of his powers in relation to managing the DIFC Courts to any of the judges of the DIFC Courts in accordance with the DIFC Laws and DIFC Regulations.

## **Jurisdiction**

### **Article (5)**

#### **A. Court of First Instance**

1. Subject to the provisions of paragraph (2) of this Article, the Court of First Instance will have exclusive jurisdiction to hear:
  - a. the civil or commercial claims and disputes to which the DIFC, or any of the DIFC Bodies or DIFC Establishments, is a party;
  - b. the civil or commercial claims and disputes arising out of, or relating to, a contract or transaction which is wholly or partly performed within the DIFC; or an incident that has occurred in the DIFC;
  - c. the appeals filed against the decisions that are rendered by the DIFC Bodies and that are appealable under the DIFC Laws and DIFC Regulations; and
  - d. any other application which the DIFC Courts have jurisdiction to hear under the DIFC Laws and DIFC Regulations.
2. Parties may agree to submit to the jurisdiction of any other court in respect of the matters set forth in paragraphs (a), (b) and (d) of this Article.

## **B. Court of Appeal**

1. The Court of Appeal will have exclusive jurisdiction to:
  - a. hear appeals against judgements and decisions rendered by the Court of First Instance; and
  - b. provide the interpretation of any provisions of the DIFC Laws upon the request of the DIFC Courts in relation to a claim being heard by them; upon the request of any of the DIFC Bodies; or upon the request of any DIFC Establishment, provided that this establishment obtains the permission of the Chief Justice in this regard. The interpretation provided by the Court of Appeal will have the same legal force as the interpreted law.
2. Judgements rendered by the Court of Appeal will be final, and will not be subject to any form of appeal.

## **C. DIFC Execution Judge**

The Chief Justice of the DIFC Courts will appoint one of the Court of First Instance judges as execution judge, with the authority to issue enforcement orders within the DIFC jurisdiction.

## **Governing Law**

### **Article (6)**

The DIFC Courts will apply the DIFC Laws and DIFC Regulations except where the parties to the dispute explicitly agree that another law will apply, in which case the chosen law will apply provided that it does not conflict with public order or public morals.

## **Enforcement**

### **Article (7)**

1. Where the subject of enforcement is situated within the boundaries of the DIFC, the DIFC execution judge will enforce the relevant judgement, decision, or order rendered by the DIFC Courts; or the Arbitral Award ratified by the DIFC Courts.
2. Where the subject of enforcement is situated outside of the boundaries of the DIFC, the relevant judgement, decision, or order rendered by the DIFC Courts, or Arbitral Award ratified by DIFC Courts, will be enforced by the execution judge of the Dubai Courts subject to the following conditions:
  - a. The judgement, decision, or order must be final and enforceable.
  - b. The judgement, decision, or order must be translated into Arabic.
3. The execution judge of the Dubai Courts may not review the merits of the judgements, decisions, or orders rendered by the DIFC Courts.
4. The judgements, decisions, and orders rendered outside of the DIFC may be enforced within the DIFC in the manner prescribed by the DIFC Laws.

## **Liability of Judges**

### **Article (8)**

Judges of the DIFC Courts will not be held liable for any act or omission committed by them in the course of performing their duties unless it is established that such an act or omission has been committed in bad faith.

#### **Article (9)**

The management of the DIFC Courts affairs and the litigation and enforcement procedures will be regulated by a special law.

#### **Article (10)**

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

#### **Article (11)**

This Law will be published in the Official Gazette and will come into force on the day on which it is published.

**Maktoum bin Rashid Al Maktoum**

**Ruler of Dubai**

Issued in Dubai on 25 December 2004

Corresponding to 13 Thu al-Qidah 1425 A.H.