

Law No. (9) of 2007
Establishing the
Awqaf and Minors Affairs Foundation¹

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

After perusal of:

The Civil Cases Law No. (5) of 1985;

Federal Law No. (28) of 2005 Concerning Family Law;

Law No. (7) of 1994 Concerning Endowments and Islamic Affairs; and

Law No. (6) of 2004 Establishing the Awqaf and Minors Affairs Foundation' and its amendments,

Do hereby issue this Law.

Article (1)

This Law will be cited as "Law No. (9) of 2007 Establishing the Awqaf and Minors Affairs Foundation".

Article (2)

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

Emirate:	The Emirate of Dubai.
Executive Council:	The Executive Council of the Emirate.
Foundation:	The Awqaf and Minors Affairs Foundation.
Board:	The Board of Directors of the Foundation.

©2021 The Supreme Legislation Committee in the Emirate of Dubai

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.*

Law No. (9) of 2007 Establishing the Awqaf and Minors Affairs Foundation

Page 1 of 18

Chairman:	The Chairman of the Board of Directors of the Foundation.
Secretary General:	The Secretary General of the Foundation.
Family Law:	Federal Family Law No. (28) of 2005 and its amendments.
Endowments:	All moveable or immovable property dedicated to certain charities for religious purposes.
Property:	Movable and immovable assets belonging to Endowments, Minors and Persons with a Similar Status.
Age of Majority:	The age of 21 lunar years at which the individual enjoys full mental capacities and not subject to interdiction.
Minor:	Age below the Age of Majority regardless of whether parentage is known or unknown.
Persons with a Similar Status:	The expected child, insane, fool, gullible, absent, or missing child.
Non-discerning Child:	The child below the age of seven.
Discerning Child:	The child who is at least seven years old.
Incompetent:	The non-discerning child, the insane or the fool.
Partly Competent Minor:	The child reaching the discerning age but falling short of the age of majority, or the child reaching the age of majority but who is gullible or spendthrift.
Foundling:	Any child of unknown parentage.
Absent:	The person whose whereabouts are unknown.
Missing:	The Absent whose life or death is not determined.
Expected Child:	The expected child.
Spendthrift:	The person who spends his money in an extravagant manner thus contradicting rules of logic and Sharia.

Gullible:	The person who is easily deceived or duped in financial matters.
Fool:	The person who is deficient in judgment, sense, or understanding; and who is referred to as insane.
Insane:	The person who has completely or intermittently lost reason, and considered as a fool.
Parent:	The blood father or grandfather.
Guardian:	The person in charge of administering the finances and affairs of the child.
Nominated Guardian:	The person designated by the blood father or grandfather to handle financial matters.
Custodian:	The person charged with administering the finances and affairs of the interdit.
Trustee:	The person charged with administering the finances and affairs of the Absent and the Missing.
<i>Guardian ad litem:</i>	The person charged with helping the physically handicapped with conducting legal transactions.
Estate:	Any monies or rights left by the deceased.

Article (3)

By virtue of this Law a public corporation to be known as the "Awqaf and Minors Affairs Foundation" having its own a legal personality and enjoying financial and administrative independence will be established. It will also have the legal capacity to carry out all acts and transactions necessary for the fulfillment of its objectives. It may enter into contracts with third parties, sue and be sued in its own capacity, and may delegate any person to represent it for such purpose. It will conduct its business on commercial principles, and will be annexed to the Executive Council.

Article (4)

The head office of the Foundation will be located in Dubai. However, branches and other offices may be opened either within or outside of the Emirate.

Article (5)

The Foundation will be managed by a Chairman and six (6) qualified members appointed by Executive Council decree that sets their remuneration. Board membership will be for a renewable term of three (3) years.

Article (6)

The Board is the senior management authority of the Foundation, and will exercise all powers it deems necessary including the following duties and responsibilities:

1. To lay down the general policy of the Foundation and supervise its implementation;
2. To approve the organisation structure, regulations, internal bylaws necessary for the effective performance of the Foundation;
3. To approve the disbursement of expenditure from the budget of the Foundation, and to safeguard the funds allocated to those individuals who are under the guardianship or custody of the Foundation, or for whom the Foundation is acting as Trustee in accordance with Islamic Law (Sharia).
4. To approve the annual draft budget and closing accounts of the Foundation.
5. To propose legislation related to the business of the Foundation.

Article (7)

The Board may delegate part of its authority stipulated in the previous Article to the Chairman, to any of the members, to the Secretary General, or to any of the committees set up by the Foundation.

Article (8)

The Board will appoint a deputy chairman from its members to act on the Chairman's behalf during his absence. It may delegate certain powers of the Chairman to the deputy chairman. In addition to that, the Board may set up permanent committees to assist it in delivering its duties. In order to carry out its duties, the Board may, at its own discretion, invite any subject matter experts or specialists to attend its meetings without giving them any voting power.

Article (9)

The Council will convene at least once in two (2) months, and it may convene upon a request of the Chairman or of at least three (3) members. A quorum of four (4) members including the Chairman or his deputy will be needed for all meetings.

Article (10)

Board decisions are taken by absolute majority vote of the attending members, and in the event of a tie, the chair of the meeting will have a casting vote. Minutes of meetings are taken and are approved by attendees, while decisions must bear the signature of the Chairman.

Article (11)

The Board of Directors will, after maximum of three (3) months following the end of the financial year of the Foundation, provide the Executive Council with a detailed annual report on the activities, projects, work progress, and the financial standing of the Foundation. The said report will include the Board's suggestions and recommendations, as well as a copy of the report issued by the Financial Audit Department.

Article (12)

The Chairman will represent the Foundation before third parties and the judiciary. Neither the Chairman nor any member of the Board will be liable to third parties for any act or omission committed in good will except in cases of fraud and gross negligence.

Article (13)

No Board member or employee of the Foundation will have direct or indirect interest in any project or agreement concluded by the Foundation. None of them will use the funds of the endowments of Minors and Persons with a Similar Status that are managed by, or entrusted to, the Foundation to undertake any sale or purchase transaction for his own account or for that of a third party. Any such use that contradicts the provisions of this Article will be considered null and void.

Article (14)

The Foundation will have a general secretariat headed by a Secretary General appointed by Chairman decree issued upon a recommendation of the Board. The Secretary General will be accountable to the Council for implementing the general policy of the Foundation, and for the effective performance of the various organs and divisions of the Foundation. Additionally, the Secretary General will be the rapporteur of the Board, will attend Board sessions, and will not have any voting power.

Article (15)

A Board decree will be issued upon a recommendation of the Secretary General to set the organisation structure of the Foundation as well as its various departments and their respective jurisdictions. The Secretary General may issue decrees to create other divisions or units in the departments of the Foundation and specify or modify their jurisdictions.

Article (16)

All property, records, and documentation in connection with the Foundation that are maintained at the Islamic Affairs and Charitable Activities Department, the Courts Department, banks, or to any other party will be transferred to the Foundation within six (6) months from the date this Law comes into effect.

Article (17)

Law courts, police stations, hospitals, Department of Naturalisation and Residency, banks, involved parties, adult heirs, and financial associates, each in its own capacity, will notify the Foundation of the death of any person leaving a Minor a Person with a Similar Status, and of the death of the sponsor of a foundling, Parent or Guardian in order to enable the Foundation to take the necessary

legal action to safeguard the rights of Minors and Persons with a Similar Status, and assess all their rights and obligations within thirty (30) days of the death.

Article (18)

The Foundation will, on its own volition, upon a notification sent in accordance with the previous Article, or based on a request by concerned parties, take the necessary action to assess the moveable and immoveable assets of Minors and Persons with a Similar Status, as well as their rights and obligations. The Foundation may, by court warrant, gain access to locked premises and retain the documents of the property, and receive all funds relative to the Estate assessed in an official minutes in order to manage and invest them in ways it deems beneficial to the interests of Minors and Persons with a Similar Status, until such funds are distributed or delivered upon expiry of its guardianship over the Minors and Persons with a Similar Status.

Article (19)

No adult heirs or partners of the deceased guardian of Minors and Persons with a Similar Status may administer the funds of the estate or common funds for the period extending from the death to the actual assessment of such funds. The assessment will take place within thirty (30) days of the notice of death sent to the Foundation. Any act undertaken by any of the aforementioned parties will be considered null and void unless a written warrant in this regard is issued to them by the Foundation.

Article (20)

The provisions of the previous article will apply to the partners of:

1. the interdit whose interdiction resulting from foolishness, insanity, spendthrift and gullibility from the date the interdiction is effected;
2. the Missing or Absent as of the date the missing or absent status is confirmed by the court to the Foundation.

Article (21)

The Foundation will undertake the legal oversight, management and investment of endowments, as well as the management of the funds and the disbursement of returns in accordance with the terms set by the endower and in order to fulfill the original objectives of endowments. Without prejudice to this Law and to the Family Law, and in accordance with Islamic jurisprudence, the Foundation will take the necessary action to safeguard the funds of Minors and Persons with a

Similar Status and to effectively run their affairs. In order to safeguard endowments and the funds of Minors and Persons with a Similar Status, the Foundation may take the following actions:

1. Safeguard and protect endowments and undertake surveys and assessments in their regard, and keep their documents, and register them with the appropriate authorities and in accordance with the legislation in place.
2. Manage and invest endowed funds entrusted to the Foundation by the endower, as well as those funds whose legal oversight is not entrusted to any party or whose legal oversight has expired.
3. Provide, upon request, advice and counsel to those in charge of endowments dedicated to offspring concerning endowment management.
4. Urge and encourage wealthy pious people to endow assets and promote this good Islamic tradition.
5. Set up successful enterprises adopting up-to-date investment procedures and raise capital in accordance with Islamic jurisprudence.
6. Undertake, in accordance with the legislation in place, the guardianship over Minors in the Emirate who have no Parent or Guardian. The Foundation may request to undertake the guardianship of Minors from the other emirates pursuant to a decision of the competent court.
7. Undertake custody of the Incompetent and of the Partly-Competent Minors, and act as Trustee for the Missing and Absent in accordance with the legislation in place.
8. Oversee the management actions of Parents, Guardians, Custodians and Trustees.
9. Manage, upon a court decision, the funds of Minors and Persons with a Similar Status residing in the Emirate.
10. Manage estates of Minors and Persons with a Similar Status, safeguard their funds and run their affairs.
11. Provide, pursuant to a Ruler regulation, social, educational and health support to Minors and Persons with a Similar Status.
12. Undertake, upon the request of the legal representative of the Minor and Persons with a Similar Status, all the necessary legal procedures including, inter alia, filing lawsuits and presenting petitions to the authorities.

Article (22)

The Foundation may, within the permissible legal boundaries, undertake all kinds of management of the property of Minors and Persons with a Similar Status in order to pursue their interests.

Article (23)

In order to achieve its objectives of safeguarding, managing, investing and raising the endowments and funds of Minors and of Persons with a Similar Status within the permissible legal boundaries, the Foundation may undertake the following:

1. Establish companies and acquire or buy shares in existing ones; and
2. Undertake other commercial and economic activities.

Article (24)

In order to enforce the provisions of this Law, the Foundation may undertake the following:

1. Seek help from the authorities;
2. Authorise its employees to undertake field trips to Minors and Persons with a Similar Status at their residential addresses to inquire about their conditions and prepare reports concerning them; and
3. Consider any unjustified failure to implement any decisions or orders issued by the Foundation a violation involving legal liability, and consider any instance of Parents, Guardians, and Custodians barring employees of the Foundation from exercising their duties stipulated by item 2 of this Article a willful prevention of a civil servant from exercising his duties, and renders the violator subject to penal investigation.

Article (25)

The actions of the Parent, Guardian, Custodian and Trustee will be audited by the Foundation requiring them to submit regular and approved financial statements and reports reflecting their actions concerning management of the funds of Minors and Persons with a Similar Status.

Article (26)

The financial management of the Foundation will cover the funds of the minor offspring of the interdit for reasons of foolishness, insanity, spendthrift or gullibility, as well as the funds of the minor offspring of the Missing and the Absent.

Article (27)

The Foundation may recourse to all the banks operating in the Emirate to request information on the financial balance of Minors and Persons with a Similar Status, as well as of deceased persons leaving Minors and Persons with a Similar Status. It may also impose restrictions on debit transaction of such accounts, and issue instructions regarding operation of such accounts including both deposit and withdrawal, or the transfer of existing balance to the bank accounts of the Foundation.

Article (28)

The Foundation may request the confiscation of the private vehicles of Minors, and of deceased persons leaving Minors and Persons with a Similar Status from the Traffic Department and dispose of them in any way. It may also request and arrange the placement of a confiscation banner on the vehicles, and ban or restrict their use unless permission in writing is issued by the Foundation. The confiscation status may not be lifted without permission of the Foundation.

Article (29)

The Foundation may order the confiscation of the trade and professional licences of Minors and Persons with a Similar Status by the Department of Economic Development of the Emirate. It may use such licences in any way it deems in the interest of Minors, and may impose restrictions on the use of such licences by a written notice.

Article (30)

If the legal representative of the Minor and Persons of Similar Status is absent, or if he is interdicted or sentenced to a freedom-limiting penalty for more than six (6) months, or if the property of the Minor and Persons with a Similar Status is exposed to risk, the Foundation may request the competent court to dismiss the legal representative, to appoint a temporary custodian, or to appoint a replacement of the dismissed representative. The dismissed representative must hand in all the property of the Minor and of Persons with a Similar Status and

all relevant documents and records as well as reports reflecting his management actions to the temporary receiver or to the Foundation within thirty (30) days of the dismissal decision.

Article (31)

In case the property of a Minor or of Person with a Similar Status becomes at risk due to mismanagement by his legal representative or due to any other reason, the Foundation will resort to court to seek the revocation or limitation of the powers of the legal representative.

Article (32)

1. Guardianship of the Foundation will be terminated when the following conditions are met:
 - a. The Minor reaches the Age of Majority, based on a decision of the competent court. The Foundation may request the court to continue to have guardianship over the Minor if deemed necessary for the Minor's own interest;
 - b. Death of the Minor;
 - c. Legal guardianship of the Minor's blood father or grandfather is reinstated.
2. The custodianship of the Foundation over the interdicts will cease upon lifting the interdiction by virtue of a court decision. In all events, the property will be handed over, within ninety (90) days from the date the property is claimed by owners, to the concerned persons pursuant to a minutes signed by the Secretary General and the concerned persons.

Article (33)

In case one of the heirs is a Minor or a Person with a Similar Status, the Guardian will undertake the following:

1. Provide the Foundation with certified copies of the receipts that prove the deposit in the court treasury of funds, securities and valuables with a view of settling the Estate.
2. Notify the Foundation of any actions taken by him or before his appointment with regard to the Estate.
3. Provide the Foundation with periodic reports on administration of the Estate.

4. Provide the Foundation, within ninety (90) days from the date he is appointed or any extended period specified by the court, with an inventory of the rights and debts related to the Estate and with an estimation of the value of its assets.
5. Notify the Foundation of the repayment of undisputed debts.
6. Deliver to the Foundation the separate share of the Minor or Person with a Similar Status provided that this is in the best interest of the Minor and that the Minor is not legally bound to keep his share as part of the undistributed Estate.

Article (34)

The Foundation will charge a percentage, to be determined by the Board in accordance with Islamic jurisprudence, from the return on investment of Endowments, Minors or Persons with a Similar Status, in return for the administration and investment of such assets by the Foundation.

Article (35)

The Zakat payable on the property of Minors and Persons with a Similar Status will be disbursed by the Foundation through the approved Zakat channels.

Article (36)

In the event that a person is deaf and dumb, blind and deaf, blind and dumb, or suffering a severe physical disability rendering him unable to express his will, the Foundation will act a *Guardian ad litem* for this person to assist him with legal procedures.

Article (37)

Ownership or rights *in rem* over endowed property may not be acquired by way of prescription.

Article 38

An Endowment will be created by way of owner dedication witnessed by the court.

Article (39)

Unless the endower specifies that he, any of his offspring, relatives or a third party, to exercise legal oversight of the Endowment, the Foundation will undertake the legal oversight of the Endowment by virtue of the law. The Foundation will administer the Endowment in its capacity as the sole authority with jurisdiction over charity organisations and over the transfer of returns on investment to the appropriate not-for-profit banks, thus fulfilling the objective of the endower to gain the grace of Almighty Allah through permanent almsgiving.

Article (40)

1. Endowed property may not be disposed of by any means, including sale, grant or mortgage, unless otherwise required for the interest of the Endowment and provided that such disposition is permitted by a court warrant.
2. Endowment of mosques can only be permanent, while other types of Endowment can be either permanent or temporary.

Article (41)

The property owner may endow all his property for charitable purposes or may require that he will be entitled to all or part of the returns during his life.

Article (42)

The intent of the endower may limit the scope of his general objective, and any statement made by the endower will be construed at face value.

Article (43)

The Foundation will disburse Endowment returns in accordance with the conditions set by the endower in line with Sharia rules and the provisions of this Law.

Article (44)

In case the endower does not specify the charitable organisation to which the Endowment is dedicated, if he specifies one that does not exist, or if there is more deserving organisation, the

Foundation may disburse all or part of the returns of the Endowment to the organisation found to be more deserving provided that all Sharia rules and provisions are observed.

Article (45)

Any Endowment dedicated posthumously will not be binding during the life of the endower as it comes into effect only after his death.

Article (46)

In the event of death of an endower who required that he would undertake legal oversight of the Endowment during his life, heirs must notify the Foundation of the death incident and deliver the documents relative to the Endowment to the Foundation within thirty (30) days from the date of the death incident. The same applies to persons having possession of the shares, funds and documents relative to the Endowment will also be bound to give such notification and deliver such documents within thirty (30) days from the date of becoming aware of the death incident. Failure to meet this obligation will incur the penalties of breach of trust.

Article (47)

The legal supervisor of the Endowment will provide the Foundation with a periodic statement of the returns of the Endowment along with the supporting documents on the date specified by the Foundation for each Endowment.

Article (48)

The former legal supervisor of the Endowment will provide the Foundation with a statement of account in respect of his tenure.

Article (49)

Each Endowment former legal supervisor will provide the Foundation with a detailed list of the endowed premises and their location. The list, along with certified copies of all documents evidencing any growth or alteration of the premises of the Endowment, will be submitted within sixty (60) days from the date this Law comes into effect. A legal supervisor whose tenure has expired will, within thirty (30) days from the date of expiry, hand over to the Foundation all the

premises, assets, information and documents of the Endowment. The legal supervisor will act as receiver for the Endowment until the handover is effected.

Article (50)

The Foundation will prepare lists of the Endowments dedicated to offspring registered with the Foundation whose beneficiaries are unknown. All information about such Endowments will be published in two daily newspapers, displayed in the head office of the Foundation for sixty (60) days, and displayed at the police stations situated in the precincts of the premises of Endowment. Beneficiaries must claim their entitlements from such Endowments within one (1) year from the date of announcement. Any unclaimed share of the Endowment will be deemed as ceased endowment and its returns will be dedicated to charity. The Foundation will return the original Endowment, rather than its returns for the past period, to the original endowers or their heirs whenever they claim it.

Article (51)

The beneficiaries of an Endowment dedicated to offspring may entrust the management and supervision of the Endowment to the Foundation, in which case the Foundation will charge a percentage of the annual returns, to be determined by the Board, in return for managing the Endowment.

Article (52)

An annual percentage, to be determined by the Board, of the net returns of endowed buildings subject to the supervision of the Foundation will be reserved for management, maintenance and restoration works.

Article (53)

In all matters not addressed by the provisions of this Law, and provided that this will not contradict with these provisions, the management by the Foundation of the property of Minors and of Persons with a Similar Status will be subject to the provisions of the Family Law concerning custody over property.

Article (54)

The Foundation will, after a thorough investigation of rights involved, take up management of funds deposited in bank accounts that have been dormant for more than fifteen (15) years, regardless of whether these funds were deposited at the banks and financial institution operating in the Emirate, or at Dubai Courts. The Foundation may receive such funds and manage the same in return for a percentage to be determined by the Board. The said funds will be returned to the original owners or their heirs at any time.

Article (55)

The Foundation may coordinate with the Ministry of Justice, the Central Bank, local courts, government authorities and banks in the other emirates the implementation of the decisions rendered by the Foundation within the jurisdictions of such entities.

Article (56)

For the purpose of implementing this Law, a Sharia Court of First Instance judge will be seconded to serve at the Foundation to hear and decide on cases and statements related to Endowments, Minors and Persons with a Similar Status referred by the Foundation or submitted by the concerned persons in relation to the provisions of guardianship over property stipulated in Family Law.

Article (57)

In regulating its accounts and records, the Foundation will adopt the internationally-recognized principles and standards of commercial accountancy, and will have separate budget which will be part of the general budget of the Emirate. The financial year of the Foundation will commence on 1 January and will end on the 31 December of each year.

Article (58)

The financial resources of the Foundation will comprise the following:

1. Financial support allocated to the Foundation in the general budget of the Emirate.
2. Gifts, grants and donations presented to the Foundation and accepted by the Board.
3. Revenues and profits from rental and investment of the premises and assets of the Foundation.

4. Any other financial resources gained by the Foundation through carrying out its activities.
5. The percentage of returns received by the Foundation in return for property management. This percentage will be determined by the Board.

Article (59)

The property of the Foundation will be considered as public property and will be subject to all rules and provisions governing public property. The Financial Audit Department will monitor the activities, business and accounts of the Foundation to verify their compliance with the provisions of this Law.

Article (60)

The Foundation will be exempt from all duties and taxes duties payable on the transactions, claims and charitable activities of the Foundation including customs. The lawsuits of the Foundation will be heard and decided on summary basis. In all events, the court may render its decision on summary enforcement without bail.

Article (61)

The amounts payable to the Foundation under this Law will have preference over all property of the debtor and will have priority over all debts after payment of court fees and alimony debts. The Foundation will have the right to collect due amounts in accordance with the regulations concerning public funds collection applicable in the Emirate. All or part of such due amounts may be repaid in installments under the conditions approved by the Board based on the proposal of the Secretary General.

Article (62)

The Board may, in accordance with the provisions herein, issue the decisions necessary for the implementation of this Law.

Article (63)

Dates and periods mentioned in this Law will be based on the Hijri (lunar) calendar.

Article (64)

The Chairman of the Executive Council will issue the Implementing By-Laws of this Law.

Article (65)

Law No. (6) of 2004 Establishing the Awqaf and Minors Affairs Foundation, and its amendments, will be repealed.

Article (66)

Any provision in any other legislation will be repealed to the extent that it conflicts with the provisions of this Law.

Article (67)

This law will be published in the Official Gazette and will come into effect from the date of its publication.

Mohammed bin Rashid Al Maktoum

Ruler of Dubai

Issued in Dubai on 15 May 2007
Corresponding to 28 Rabi al-Thani 1428