

Law No. (16) of 2011
Amending
Law No. (12) of 2004 Concerning
Dubai International Financial Centre Courts¹

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

After perusal of:

The Constitution;

Federal Law No. (11) of 1992 Concerning Civil Procedure and its amendments;

Federal Law No. (8) of 2004 Concerning Financial Free Zones;

Federal Decree No. (35) of 2004 Establishing a Financial Free Zone in the Emirate of Dubai;

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

Law No. (1) of 1994 Concerning Courts Fees and its amendments;

Law No. (9) of 2004 Concerning Dubai International Financial Centre and its amendments;

DIFC Law No. (10) of 2004 Concerning Dubai International Financial Centre Courts, and

Law No. (12) of 2004 Concerning Dubai International Financial Centre Courts (the "**Original Law**"),

Do hereby issue this Law.

Article (1)

The provisions of Articles (2), (4), (5) and (7) of the Original Law are hereby superseded by the following provisions:

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¹Every 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. (16) of 2011 Amending Certain Provisions of Law No. (12) of 2004 Concerning Dubai International Financial Centre Courts

Article (2)

Definitions

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

State:	The United Arab Emirates.
Emirate:	The Emirate of Dubai.
Ruler:	His Highness the Ruler of Dubai.
DIFC:	Dubai International Financial Centre.
President:	The President of DIFC.
DIFC Bodies:	The bodies established pursuant to Article (3) of the aforementioned Law No. (9) of 2004 and any other body established pursuant to the DIFC Laws or pursuant to approval of the President.
Dubai Courts:	Courts of the Emirate established pursuant to the aforementioned Law No. (3) of 1992.
DIFC Establishments:	Any entity or enterprise established, licensed, registered or authorised to carry on business or conduct any activity within the DIFC pursuant to DIFC Laws, including Licensed DIFC Establishments.
Licensed DIFC Establishments:	Any entity or enterprise licensed, registered or authorised by the Dubai Financial Services Authority to provide financial services, or conduct any other activities in accordance with the DIFC Laws.
DIFC Laws:	Any laws issued by the Ruler in relation to DIFC.
DIFC Regulations:	Any rules, regulations, bylaws or orders relating to DIFC issued by the President or by DIFC Bodies.

Courts: The Court of First Instance and the Court of Appeal established pursuant to this Law, and any tribunals established by the Chief Justice of the Courts pursuant to the DIFC Laws.

Arbitral Award: Any arbitration award recognised by the DIFC Laws, or any foreign arbitration award that satisfies the requirements of the DIFC Laws.

Bylaws of the Courts: The bylaws regulating litigation procedures before the Courts.

Article (4)

Duties and Powers of the Chief Justice of the Courts

1. The Courts will have a Chief Justice and a Deputy Chief Justice appointed pursuant to a decree issued by the Ruler.
2. In addition to the powers and duties granted to the Chief Justice of the Courts by the DIFC Laws, the Chief Justice of the Courts will undertake general supervision of the Courts, and for this purpose he will have the following duties and powers:

I. Administrative Duties and Powers:

- a. To constitute the different Courts' circuits;
- b. To determine the infrastructures, buildings, administrative services and any other services necessary to achieve the objectives of the Courts, and to submit recommendations in this respect to the President to take the necessary action as he deems appropriate;
- c. To enter into contracts, agreements and memoranda of understanding with third parties within or outside of the Emirate in order to achieve the objectives of the Courts, and to acquire, own and dispose of movable assets pursuant to DIFC Laws.

II. Technical Duties and Powers:

- a. To propose and submit to the President the draft DIFC Laws concerning any matter falling within the Courts' jurisdiction;
- b. To approve and issue the Bylaws of the Courts and the DIFC Regulations falling within the Courts' jurisdiction;

- c. To conduct public opinion polls on any draft DIFC Laws or draft DIFC Regulations falling within the Courts' jurisdiction.
3. The Chief Justice of the Courts may delegate any of his administrative powers to his deputy, to any of the judges of the Courts or to the Registrar of the Courts.
4. In addition to the duties and powers assigned to him by the Chief Justice of the Courts, the Deputy Chief Justice of the Courts will undertake all the duties and powers of the Chief Justice of the Courts in the event of his absence.

Article (5)
Jurisdiction

A. Court of First Instance:

1. The Court of First Instance will have exclusive jurisdiction to hear and determine:
 - a. Civil or commercial claims and actions to which the DIFC or any DIFC Body, DIFC Establishment or Licensed DIFC Establishment is a party;
 - b. Civil or commercial claims and actions arising out of or relating to a contract or promise of contract, whether partly or wholly concluded, finalised or implemented within DIFC or will be implemented effectively or supposed to be implemented within DIFC pursuant to express or implied terms stipulated in the contract;
 - c. Civil or commercial claims and actions arising out of or relating to any incident or transaction which is wholly or partly performed within DIFC and is related to DIFC activities.
 - d. Appeals against decisions or procedures made by the DIFC Bodies where DIFC Laws and DIFC Regulations permit such appeals.
 - e. Any claim or action over which the Courts have jurisdiction in accordance with DIFC Laws and DIFC Regulations.
2. The Court of First Instance may hear and determine any civil or commercial claims or actions where the parties agree in writing to file such claim or action with it whether before or after the dispute arises, provided that such agreement is made pursuant to specific, clear and express provisions.
3. The Court of First Instance may hear and determine any civil or commercial claims or actions falling within its jurisdiction if the parties agree in writing to submit to

the jurisdiction of another court over the claim or action but such court dismisses such claim or action for lack of jurisdiction.

4. Notwithstanding Clause (2) of Paragraph (A) of this Article, the Court of First Instance may not hear or determine any civil or commercial claim or action in respect of which a final judgment is rendered by another court.

B. Court of Appeal:

1. The Court of Appeal will have exclusive jurisdiction to hear and determine:
 - a. appeals filed against judgments and decisions made by the Court of First Instance;
 - b. interpretation of any article of the DIFC Laws and DIFC Regulations based on a request by the Chief Justice of the Courts in case such request is submitted to him from any DIFC Body, DIFC Establishment or Licensed DIFC Establishment. Such interpretation will have the same authority as the interpreted legislation.
2. Judgments rendered by the Court of Appeal will be final and conclusive, and will not be subject to any means of appeal.

- C. The procedures prescribed in the Bylaws of the Courts will apply to all civil and commercial claims and actions heard by DIFC Courts.

D. DIFC Execution Judge

The Chief Justice of the Courts will assign one or more of the Courts' judges for execution.

Article (7) Execution

1. The execution judge assigned pursuant to Article 5(d) of this Law will have jurisdiction over execution of the judgments, decisions and orders rendered by the Courts and the Arbitral Awards ratified by the Courts if the subject matter of execution is situated within DIFC, and such execution will be in accordance with the Bylaws of the Courts.
2. Where the subject matter of execution is situated outside the DIFC, the judgments, decisions and orders rendered by the Courts and the Arbitral Awards ratified by the Courts will be executed by the competent entity having jurisdiction outside DIFC in accordance with the procedures and rules adopted by such entities in this regard, as

well as any agreements or memoranda of understanding between the Courts and these entities. Such execution will be subject to the following conditions:

- a. The judgment, decision, order or ratified Arbitral Award to be executed must be final and executory.
 - b. The judgment, decision, order or ratified Arbitral Award must be translated into the official language of the entity through which execution is carried out.
 - c. The Courts must affix the executory formula onto the judgment, decision, order or ratified Arbitral Award.
3. In addition to Paragraphs (a), (b) and (c) of Clause (2) of this Article, when executing the judgments, decisions and orders issued by the Courts or Arbitral Awards ratified by the Courts through Dubai Courts, the following must be observed:
- a. The Courts must issue an execution letter to the Chief Justice of the Court of First Instance of Dubai Courts stating the procedure to be carried out.
 - b. The person requesting execution must submit to the execution judge of Dubai Courts an application accompanied by a copy of the judgment, decision or order, legal translation of the same, and the execution letter.
 - c. the execution judge of Dubai Courts must apply the execution procedures and rules stipulated in the aforementioned Federal Civil Procedure Code, including any objections to the execution. The execution judge may not reconsider the merits of the judgment, decision or order.
 - d. Dubai Courts must collect the execution fees for each execution request submitted to them in accordance with the aforementioned Dubai Courts Fees Law.
4. Where the subject matter of execution is situated in DIFC, the judgments, decisions and orders rendered by Dubai Courts or Arbitral Awards ratified by Dubai Courts will be executed by the execution judge of the Courts subject to the following conditions:
- a. The judgment, decision or order to be executed must final and executory.
 - b. The judgment, decision or order must be translated into English by the person requesting execution.
 - c. Dubai Courts must affix the executory formula onto the judgment, decision or order.

5. In addition to Paragraphs (a), (b) and (c) of Clause (4) of this Article, when executing the judgments, decisions or orders issued by Dubai Courts and Arbitral Awards ratified by Dubai Courts through the Courts, the following must be observed:
 - a. The Dubai Courts must issue an execution letter to the Chief Justice of the Courts stating the procedure to be carried out.
 - b. The person requesting execution must submit to the execution judge of the Courts an application accompanied by a copy of the judgment, decision or order, legal translation of the same, and the execution letter.
 - c. The execution judge of the Courts must apply the execution procedures and rules stipulated in the Bylaws of the Courts, including any objections to execution. The execution judge may not reconsider the merits of the judgment, decision or order.
 - d. The Courts must collect the execution fees for each execution request submitted to them in accordance with their applicable fees law.
6. The judgments, decisions, orders and ratified Arbitral Awards rendered outside DIFC by any court other than Dubai Courts must be executed within DIFC in accordance with the procedures prescribed in the Bylaws of the Courts.

Article (2)

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

Article (3)

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

Mohammed Bin Rashid Al Maktoum
Ruler of Dubai

Issued in Dubai on 31 October 2011
Corresponding to 4 Thu al-Hijjah 1432 A.H.