

Decree No. (21) of 2013
Forming a Special Tribunal for
Liquidation of Cancelled Real Property Projects in the
Emirate of Dubai and Settlement of Associated Rights¹

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

After perusal of:

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

Law No. (6) of 1992 Establishing the Judicial Council and its amendments;

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

Law No. (7) of 2006 Concerning Real Property Registration in the Emirate of Dubai;

Law No. (8) of 2007 Concerning Escrow Accounts for Real Property Development in the Emirate of Dubai;

Law No. (16) of 2007 Establishing the Real Estate Regulatory Agency;

Law No. (13) of 2008 Regulating the Interim Real Property Register of the Emirate of Dubai and its amendments; and

Executive Council Resolution No. (6) of 2010 Approving the Implementing Bylaw of Law No. (13) of 2008 Regulating the Interim Real Property Register of the Emirate of Dubai,

Do hereby issue this Decree.

Formation of the Tribunal
Article (1)

- a. Pursuant to this Decree, a special tribunal named the “Tribunal for Liquidation of Cancelled Real Property Projects in the Emirate of Dubai and Settlement of Associated Rights” (the “**Tribunal**”) is formed.
- b. The Tribunal will be comprised of one or more panels, each consisting of at least three (3) members, including the chairman, from amongst the judges of the Dubai Courts.
- c. The members of each panel will be nominated by the Chairman of the Judicial Council.

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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.

Decree No. (21) of 21 Forming a Special Tribunal for Liquidation of Cancelled Real Property Projects in the Emirate of Dubai and Settlement of Associated Rights

Functions of the Tribunal
Article (2)

- a. The Tribunal will have the jurisdiction to:
 - 1. hear and determine orders, applications, and claims arising between Real Property Developers and purchasers in respect of, or as a result of, cancelled Real Property projects;
 - 2. liquidate Real Property projects in respect of which a final cancellation decision is issued by the Real Estate Regulatory Agency in accordance with the above-mentioned Law No. (13) of 2008 and its implementing bylaw, and settle the rights related to these projects after deduction of the liquidation expenses; and
 - 3. determine all execution procedures, grievances, and objections raised in respect of, or as a result of, cancelled Real Property projects.
- b. For the purpose of performing the duties assigned to it under this Decree, the Tribunal may, without limitation:
 - 1. seek assistance from experts and consultants, particularly from the Land Department;
 - 2. appoint auditors, at the expense of the Developer, to audit the financial position of the cancelled Real Property project and verify the amounts paid to the Developer by purchasers, the amounts deposited in the Escrow Account of the project, and the amounts that have been expended;
 - 3. issue orders to the Escrow Agent or Developer of the project in respect of any matter related to liquidation of the project, including the refund of amounts deposited in the Escrow Account or paid to the Developer; and
 - 4. take all necessary actions to guarantee the rights of purchasers.

Obligation of Courts
Article (3)

- a. Where applications or claims that fall within the jurisdiction of the Tribunal are filed with any of the Courts in the Emirate of Dubai, including the Dubai International Financial Centre Courts, after the effective date of this Decree, these Courts will not hear any such applications or claims. Where such applications or claims were filed with the Courts before the effective date of this Decree, the Courts must cease to hear such applications and claims and refer the same to the Tribunal.

- b. Execution of judgments delivered before the effective date of this Decree by all courts in the Emirate of Dubai, including the Dubai International Financial Centre Courts, in relation to the liquidation of any Real Property project which falls within the jurisdiction of the Tribunal, will be discontinued. Execution departments must refer execution files to the Tribunal to consider the same when liquidating cancelled Real Property projects and settling the rights related to them.

Issuing Awards

Article (4)

The Tribunal will issue its awards in the name of His Highness the Ruler of Dubai unanimously or by majority vote of its members.

Finality and Execution of Awards

Article (5)

The awards, orders, and decisions issued by the Tribunal will be final, irrevocable, and not subject to ordinary appeal procedures. They will be executed by the Execution Department at Dubai Courts.

Applicable Sources

Article (6)

Subject to the provisions of this Decree, the Tribunal will exercise its powers pursuant to:

1. the legislation in force in the Emirate of Dubai;
2. provisions of the Islamic Sharia;
3. custom, provided that such custom does not contradict the legislation in force, public order, or public morals; and
4. principles of natural justice, truth, and fairness.

Exemption from Fees

Article (7)

The procedures for liquidation of cancelled Real Property projects in the Emirate of Dubai which fall within the jurisdiction of the Tribunal, and all relevant applications, claims, and orders will be exempt from court fees.

Providing Administrative Support
Article (8)

Dubai Courts will provide all administrative and technical support to the Tribunal, including appointment of the secretary of the Tribunal and determining his duties.

Publication and Commencement
Article (9)

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

Mohammed bin Rashid Al Maktoum

Ruler of Dubai

Issued in Dubai on 23 July 2013

Corresponding to 14 Ramadan 1434 A.H.