Executive Council Resolution No. (4) of 2014

Approving the

Fees and Fines Related to Notaries Public in the Emirate of Dubai[1]

We, Hamdan bin Mohammed bin Rashid Al Maktoum, Crown Prince of Dubai, Chairman of the Executive Council,

After perusal of:

Law No. (3) of 2003 Establishing the Executive Council of the Emirate of Dubai;

Law No. (6) of 2005 Regulating the Dubai Courts and its amendments;

Law No. (14) of 2009 Concerning the Pricing of Government Services in the Emirate of Dubai and its amendments;

Law No. (35) of 2009 Concerning Management of the Public Funds of the Government of Dubai and its amendments;

Law No. (4) of 2013 Concerning Notaries Public in the Emirate of Dubai; and

Executive Council Resolution No. (36) of 2011 Approving the Service Fees of the Dubai Courts,

Do hereby issue this Resolution.

Definitions

Article (1)

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

Emirate:	The Emirate of Dubai.
Courts:	The Dubai Courts.
Law:	Law No. (4) of 2013 Concerning Notaries Public in the Emirate of Dubai.

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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.*

Directorate:	The Notary Public Directorate at the Courts.
Notary Public:	A Government Notary Public, a Private Notary Public, or an employee of a Government Entity registered on the Roll.
Government Notary Public:	A public servant appointed at the Courts to perform the duties stipulated in the Law within the scope of his powers and functions.
Private Notary Public:	A natural person registered on the Roll to exercise certain functions of the Government Notary Public assigned to him pursuant to the Law.
Roll:	The paper or electronic record maintained by the Courts in which employees of Government Entities and Private Notaries Public, who meet the conditions and requirements stipulated in the Law, are registered.
Firm:	A company or sole proprietorship authorised by the Courts to provide Notary Public services and licensed by competent entities in the Emirate.
Authorisation:	A document issued by the Courts which states that the Courts authorise a Firm to provide Notary Public services in accordance with the requirements and procedures stipulated in the Law and the resolutions issued in pursuance thereof.
Instrument:	Any document or contract which is registered or attested by a Notary Public, or whose date is validated by a Notary Public, in accordance with the provisions of the Law or any other legislation.
Registration:	Creating or drafting a document or a contract by the Notary Public at the request of the concerned parties, and recording it in the registers maintained for this purpose.
Attestation:	Manual or electronic certification of the authenticity of the signature or fingerprint of a concerned party.
Date Validation:	Validating the date of an Instrument by a Notary Public.

Electronic System: An electronic system through which all applications processed, and services provided, by Notaries Public are managed, including Instrument Registration, Attestation, or Date Validation.

Fees

Article (2)

a. In return for the services provided by Notaries Public, as set forth in Schedule (1) attached to this Resolution, the fees indicated opposite each of these services will be collected.

b. In return for registration on the Roll or issuing Authorisations to practise as Private Notary Public, the fees set forth in Schedule (2) attached to this Resolution will be collected.

Penalties and Punitive Measures against Firms and Private Notaries Public

Article (3)

a. Without prejudice to any stricter penalty stipulated in any other legislation, a Firm or a Private Notary Public that commits any of the acts set forth in Schedule (3) attached to this Resolution will be punished by the fine indicated opposite that act.

b. Upon repetition of the same violation within one (1) year from the date of the previous violation, the amount of the fine referred to in paragraph (a) of this Article will be doubled. The fine must not exceed fifty thousand Dirhams (AED 50,000.00).

c. In addition to the penalty of a fine referred to in paragraph (a) of this Article, the Notary Public Affairs Committee may take one or more of the following measures against a violating Firm or Private Notary Public:

   1. warning;
   2. suspension of registration or Authorisation for a period not exceeding two (2) years; or
   3. deregistration, or revocation of Authorisation.

d. Imposing the penalties and measures referred to in this Article will not prejudice any applicable civil or criminal liability.

Payment of Fees and Fines

Article (4)

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

Repeals

Article (5)

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

Publication and Commencement

Article (6)

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

Hamdan bin Mohammed bin Rashid Al Maktoum

Crown Prince of Dubai

Chairman of the Executive Council

Issued in Dubai on 25 February 2014

Corresponding to 25 Rabi al-Thani 1435 A.H.

Schedule (1)

Fees for Notary Public Services

S	Description	Fee
1	Attestation of the signatures on an Instrument whose value does not exceed one hundred thousand Dirhams (AED 100,000.00)	AED 300.00 per party to the Instrument
2	Attestation of the signatures on an Instrument whose value exceeds one hundred thousand Dirhams (AED 100,000.00)	0.5% of the value of the Instrument (up to AED 15,000.00)
3	Attestation of the signatures on an Instrument whose value is unspecified	AED 200.00 per party to the Instrument
4	Attestation of a general or special power of attorney	AED 100.00 per party to the power of attorney
5	Instrument Date Validation.	AED 200.00

6	Attestation of the signature of a translator on an Instrument	AED 50.00 per page of the original Instrument
7	Attestation of a legal notice	AED 200.00
8	Attestation of a will made by a non-Muslim	AED 2,000.00
9	Affixing the executory formula on an Instrument	AED 500.00
10	Registration by the Government Public Notary	AED 300.00 per page of the Instrument
11	Application for a true copy of an Instrument	AED 5.00 per page
12	Application for an additional copy of an Instrument	AED 5.00 per page
13	Application by a concerned party to postpone processing a registered application	AED 500.00
14	Issuing a certificate based on the registers or records of a Notary Public	AED 300.00
15	Entering the data of an application electronically by a Notary Public	AED 100.00 per signature of each party to the Instrument
16	Attendance by a Government Public Notary at a place other than his workplace to process an application	AED 100.00 in case the concerned party is unable to leave his place, an elderly, or a woman observing a waiting period (*Idda*) after her husband has died
		AED 1,000.00 in case of any other person

Schedule (2)

Fees for Licences to Practise as Private Notary Public

S	Description	Fee
1	Registration or renewal of registration of an employee of a Government Entity on the Roll	AED 200.00
2	Registration of a Private Notary Public on the Roll	AED 1,000.00
3	Renewal of registration of a Private Notary Public on the Roll	AED 300.00
4	Issuing an Authorisation	AED 2,000.00
5	Renewal of an Authorisation	AED 500.00
6	Application by a Firm to suspend the activity of providing Notary Public services	AED 500.00
7	Application by a Private Notary Public to suspend his practice as a Private Notary Public	AED 300.00
8	Application to transfer the registration of a Private Notary Public from a Firm to another	AED 300.00
9	Issuing a replacement of a lost or damaged Private Notary Public card	AED 100.00
10	Issuing a replacement of a lost or damaged Authorisation	AED 100.00
11	Issuing an additional copy of an Authorisation	AED 100.00

Schedule (3)

Violations and Fines for Firms and Private Notaries Public

S	Description of Violation	Fine
1	Providing Private Notary Public services in the Emirate without an Authorisation	AED 10,000.00
2	Practising as a Private Notary Public in the Emirate by a natural person who is not registered on the Roll	AED 5,000.00
3	Hiring, by a Firm, a person who is not registered on the Roll to practise as a Private Notary Public	AED 10,000.00
4	Practising the profession, by a Private Notary Public registered on the Roll, through an unauthorised entity	AED 5,000.00
5	Failure by a Firm to notify the Directorate with the names of Private Notaries Public employed by the Firm or of any change to their duties in the Firm, within one (1) month from the date of that change	AED 5,000.00
6	Failure to notify the Directorate of any variation or change in the particulars of the Firm's licence issued by the licensing authority within one (1) month from the date of that change	AED 5,000.00
7	Providing false documents or incorrect data in order to be registered on the Roll or to obtain an Authorisation	AED 10,000.00
8	Continuing to practise as a Private Notary Public, or to provide Private Notary Public services, after expiry of the relevant registration on the Roll or expiry of the Authorisation, without a valid reason acceptable to the Courts	AED 10,000.00
9	Failure by a Firm to maintain, for the period prescribed by the Courts, a special register for recording the particulars and dates of all work performed by the Firm, and the names of the concerned parties	AED 5,000.00
10	Failure to use the equipment, records, documents, and systems approved by the Courts to process applications or provide services	AED 5,000.00

11	Failure to comply with the instructions, guidelines, and requirements adopted by the Courts with respect to the use of the systems, records, and documents required for providing Private Notary Public services	AED 5,000.00
12	Registration or Attestation of any Instruments related to the family affairs of Muslims or to endowments (*Waqf*)	AED 10,000.00
13	Attestation of any Instruments related to creating, transferring, changing, or extinguishing any ownership right or other real right in real property	AED 10,000.00
14	Registration or Attestation of any Instruments where the legislation in force in the Emirate provides that another authority is exclusively authorised to register or attest these Instruments	AED 5,000.00
15	Registration or Attestation of any Instruments that involve violation of the legislation in force or conflict with public order or public morals	AED 5,000.00
16	Processing, by a Private Notary Public, any application in which he, his spouse, or any of his relatives, up to the fourth degree, has apparent or latent interest; or in which any of these persons is appointed as translator	AED 20,000.00
17	Disclosing to a third party any information, related to the concerned parties, which is obtained by the Private Notary Public as a result of performing his duties	AED 10,000.00
18	Processing any applications governed by the provisions of the Law without charging the prescribed fees	AED 5,000.00
19	Providing any entity, other than the concerned parties, with information based on the records, in the absence of a written request from a competent judicial or Government authority, as the case may be	AED 10,000.00
20	Providing any entity, other than the concerned parties, with a copy of an Instrument, in the absence of a written approval of the head of the competent court or a decision of that court	AED 10,000.00

21	Processing any application without verifying the identity, eligibility, capacity, and consent of the parties and/or their legal attorneys; ensuring that they are aware of the content of the Instrument; and verifying their legal capacity	AED 20,000.00
22	Failure to display the Authorisation in a prominent place accessible to the public	AED 2,000.00
23	Failure to cooperate with the Directorate employees, or to provide them with the required data or information	AED 5,000.00