

Decree No. (9) of 2015
Regulating the
Raising of Donations in the Emirate of Dubai¹

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

After perusal of:

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

Law No. (2) of 2011 Concerning the Islamic Affairs and Charitable Activities Department;

Decree No. (22) of 2009 Concerning Special Development Zones in the Emirate of Dubai; and

The legislation regulating free zones in the Emirate of Dubai,

Do hereby issue this Decree.

Definitions

Article (1)

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

UAE: The United Arab Emirates.

Emirate: The Emirate of Dubai.

IACAD: The Islamic Affairs and Charitable Activities Department.

Director General: The director general of the IACAD.

Donations: Property voluntarily donated by donors to others for philanthropic, benevolent, aid, or charitable purposes, including Zakat and alms.

©2015 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.*

Scope of Application

Article (2)

This Decree will apply to all Donations raised, in any manner and for any purpose whatsoever, in the Emirate, including Special Development Zones and free zones, such as the Dubai International Financial Centre.

Raising Donations

Article (3)

- a. No Donations may be raised, and no raising of Donations may be permitted in the Emirate or announced through print, audio, visual, or other means of communication and media, without first obtaining the written approval of the IACAD.
- b. The prohibition referred to in paragraph (a) of this Article will not apply to:
 1. Donations raised based on initiatives by His Highness the President of the UAE, His Highness the Vice President of the UAE, members of the Federal Supreme Council, and crown princes and deputy rulers of the emirates of the UAE;
 2. Donations raised by Government Entities, provided that raising such Donations is coordinated in advance with the IACAD; and
 3. any other entity determined by the Director General, in accordance with the public interest.

Functions of the IACAD

Article (4)

For the purposes of implementing this Decree, the IACAD will have the duties and powers to:

1. urge and encourage members of the community to make Donations;
2. consider applications for raising Donations in the Emirate, authorise the same, and take the necessary action in this regard;
3. control and supervise Donation-raising activities in the Emirate; and
4. audit the property received through raising Donations, and grant approvals of the methods of disposition of the same and the entities to which it will be transferred.

Licences to Raise Donations

Article (5)

An application for a licence to raise Donations must be submitted to the IACAD on the relevant form prescribed by it, supported by the information and documents required by the IACAD. The IACAD will consider this application and issue its decision on the same within fifteen (15) days from the date of its submission. The application will be deemed rejected if no decision is issued within this period.

Information on Applications for Licences to Raise Donations

Article (6)

An application for a licence to raise Donations must include the following information:

1. the purpose of raising Donations;
2. the names of persons authorised to collect Donations;
3. the places where Donations will be collected;
4. the method of collection of Donations;
5. the period proposed for raising Donations;
6. the entity to which Donations will be transferred;
7. the amount of Donations to be raised; and
8. any other information determined by the IACAD.

Obligations of Licensees

Article (7)

A person licensed to raise Donations must:

1. submit to the IACAD, at the end of the period prescribed for raising Donations, a report indicating the amount and methods of distribution of the Donations;
2. comply with the terms of the licence granted to him; and
3. comply with the provisions of this Decree and the resolutions issued by the IACAD in pursuance hereof.

Illegal Donations

Article (8)

- a. The IACAD will receive all Donations raised in breach of the provisions of this Decree and the resolutions issued in pursuance hereof, and will determine the method of disposition of these Donations and the entity to which they will be transferred.
- b. Pursuant to a resolution of the Director General, a committee will be formed to identify the Donations referred to in paragraph (a) of this Article and record them in approved statements which include the sources and amounts of these Donations, and any other relevant information.

Freezing and Closure of Bank Accounts

Article (9)

The Director General may instruct a financial institution licensed in the Emirate with which bank accounts are held, wherein the Donations raised in breach of the provisions of this Decree and the resolutions issued in pursuance hereof are deposited, to freeze or close these bank accounts, and transfer the funds in such accounts to the IACAD. The financial institution must comply with such instructions of the IACAD.

Penalties

Article (10)

- a. Without prejudice to any stricter penalty stipulated in any other legislation, a person who violates the provisions of this Decree or the resolutions issued in pursuance hereof will be punished by imprisonment for not less than one (1) month and not more than one (1) year, by a fine of not less than five thousand Dirhams (AED 5,000.00) and not more than one hundred thousand Dirhams (AED 100,000.00), or by both penalties. Courts will order the surrender of Donations raised in breach of the provisions of this Decree or the resolutions issued in pursuance hereof to the IACAD to determine the method of disposition of these Donations and the entity to which they will be transferred.
- b. Violators of the provisions of this Decree or the resolutions issued in pursuance hereof will be referred by the Director General to competent judicial authorities.

Abandonment of Criminal Cases

Article (11)

A criminal case will be closed, at any time, if it is abandoned by the IACAD before a final judgment is rendered unless such case is related to another crime. In criminal cases involving multiple accused, the legal effect of abandonment of the claim against any of the accused will extend to the other accused.

Law Enforcement

Article (12)

Employees of the IACAD nominated by a resolution of the Director General will have the capacity of law enforcement officers to record the acts committed in breach of the provisions of this Decree and the resolutions issued in pursuance hereof. For this purpose, they may issue violation reports and seek the assistance of competent entities including police personnel.

Amicable Settlement

Article (13)

The IACAD may conclude an amicable settlement with any person who violates the provisions of this Decree or the resolutions issued in pursuance hereof in accordance with the requirements prescribed by the Director General in this regard. When concluding such settlement, one or more of the following measures must be taken:

1. sending a written warning to the violator, and obtaining an undertaking from him that he will not repeat the violation in the future;
2. requiring the violator to pay double the amount raised as Donations; and/ or
3. closing down the place where Donations are collected for a period not exceeding one (1) year.

Grievance

Article (14)

Any affected party may submit a written grievance to the Director General against any decisions or measures taken against him under this Decree or the resolutions issued in pursuance hereof, within thirty (30) days of being notified of such decision or measure. The grievance will be determined, within thirty (30) days from the date of its submission, by a committee formed by the Director General for this purpose, and the decision issued in respect of the grievance will be final.

Issuing Implementing Resolutions

Article (15)

The Director General will issue the resolutions required for the implementation of the provisions of this Decree.

Repeals
Article (16)

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

Publication and Commencement
Article (17)

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 11 April 2015

Corresponding to 22 Jumada al-Thaniyah 1436 A.H.