

**Decree No. (19) of 2016**  
**Forming the**  
**Judicial Committee of the Dubai Courts and the**  
**Dubai International Financial Centre Courts<sup>1</sup>**

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

After perusal of: Law No. (3) of 1992 Establishing the Courts of the Emirate of Dubai (the “**Dubai Courts**”) and its amendments;

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

Law No. (8) of 1992 Establishing the Public Prosecution and its amendments; and

Law No. (12) of 2004 Concerning the Dubai International Financial Centre Courts (the “**DIFC Courts**”) and its amendments,

**Do hereby issue this Decree.**

**Formation of the Judicial Committee**  
**Article (1)**

- a. Pursuant to this Decree, a judicial committee named the “Judicial committee of the Dubai Courts and the Dubai International Financial Centre Courts” (the “**Judicial Committee**”) is formed. The Judicial Committee will be comprised of:
1. the Head of the Court of Cassation of Dubai Courts, as chairman;
  2. the President of the DIFC Courts, as member;
  3. the Secretary General of the Judicial Council, as member;
  4. the Head of the Court of Appeal of the Dubai Courts, as member;
  5. a judge from the Court of Appeal of the DIFC Courts, as member;

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*<sup>1</sup>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.*

6. the Head of the Court of First Instance of the Dubai Courts, as member; and
  7. a judge from the Court of First Instance of the DIFC Courts, as member.
- b. The two (2) judges from the Court of First Instance and the Court of Appeal of the DIFC Courts will be nominated by the President of the DIFC Courts.

### **Functions of the Judicial Committee**

#### **Article (2)**

The Judicial Committee will have the duties and powers to:

1. determine the competent court having jurisdiction over any claim or application in respect of which a conflict of jurisdiction between the Dubai Courts and the DIFC Courts is raised;
2. determine the enforceable judgement in the event of delivery of conflicting judgements by the Dubai Courts and the DIFC Courts in claims that involve the same parties and subject matter;
3. propose the rules and regulations required to prevent any positive or negative conflict of jurisdiction between the Dubai Courts and the DIFC Courts or between their respective execution departments; and submit these rules and regulations to the Chairman of the Judicial Council for approval;
4. give opinion on matters related to cooperation and coordination between the Dubai Courts and the DIFC Courts; and
5. perform any other duties assigned to it by the Judicial Council or the Ruler.

### **Terms of Reference of the Judicial Committee**

#### **Article (3)**

- a. The Judicial Committee will convene at the invitation of its chairman, and its meetings will be valid if attended by the majority of its members. Resolutions and recommendations of the Judicial Committee will be passed unanimously or by majority vote of attending members, and in the event of a tie, the chairman of the Judicial Committee will have the casting vote.
- b. The Judicial Committee must consider any application referred to it and issue its final decision on the same no later than thirty (30) working days from the date of submission of that application.
- c. Proceedings of the Judicial Committee and its decisions on the applications referred to it will be recorded in minutes signed by the chairman and members of the Judicial Committee.

- d. Deliberations of the Judicial Committee will be held in camera.
- e. A decision of the Judicial Committee must be reasoned, and must be notified to the applicant no later than seven (7) days from the date of its issuance.

### **Referral of Disputes to the Judicial Committee**

#### **Article (4)**

Where a conflict of jurisdiction arises between the Dubai Courts and the DIFC Courts by reason that both of them assert or decline jurisdiction over a claim, or that they deliver conflicting judgements on a claim, the following procedures must be applied:

1. an application to determine the competent court or the enforceable judgement will be referred to the Judicial Committee by means of a petition filed by any of the parties or the Attorney General;
2. the petition will be accompanied by true copies of the relevant statements of claims, applications, or conflicting judgements, as the case may be; and
3. the Judicial Committee will determine the applications submitted to it in the cases stipulated in this Decree in accordance with the legislation in force and the relevant established rules of jurisdiction.

### **Effects of Referring Disputes to the Judicial Committee**

#### **Article (5)**

The referral of a dispute to the Judicial Committee pursuant to Article (4) of this Decree will result in:

1. the stay of proceedings for hearing the claims or applications in respect of which a conflict of jurisdiction arises until the issuance of the Judicial Committee's decision determining the competent court having jurisdiction over these claims or applications; and
2. stay of execution of conflicting judgements until the enforceable judgement is determined pursuant to a relevant resolution issued by the Judicial Committee.

### **Suspension of Legally-prescribed Periods**

#### **Article (6)**

The legally-prescribed periods and the limitation periods stipulated in the legislation in force will be suspended from the date of submission of a relevant application to the Judicial Committee.

## **Legal Effect of the Judicial Committee Decisions**

### **Article (7)**

The decisions issued by the Judicial Committee determining the competent court or the enforceable judgement will be final and non-appealable.

## **Commencement and Publication**

### **Article (8)**

This Decree 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 9 June 2016

Corresponding to 4 Ramadan 1437 A.H.