

Law No. (13) of 2016
Concerning the
Judicial Authorities in the Emirate of Dubai¹

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

After perusal of:

The Constitution of the United Arab Emirates;

Federal Law No. (11) of 1992 Issuing the Civil Procedures Code and its amendments;

Federal Law No. (35) of 1992 Issuing the Criminal Procedures Code and its amendments;

Federal Law No. (7) of 1999 Issuing the Pension and Social Security Law and its amendments;

Law No. (2) of 1992 Concerning Judicial Inspection and its amendments;

Law No. (3) of 1992 Establishing 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;

Law No. (27) of 2006 Concerning Management of the Government of Dubai Human Resources and its amendments;

Law No. (27) of 2009 Concerning the Dubai Judicial Institute and its amendments;

Law No. (10) of 2009 Concerning Salaries and Benefits of Members of the Judicial Authorities in the Emirate of Dubai; and

Decree No. (26) of 2013 Concerning the Rental Disputes Settlement Centre in the Emirate of Dubai,

Do hereby issue this Law.

©2018 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.*

Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai

Chapter One
Title of the Law, Definitions, and General Principles

Title of the Law
Article (1)

This Law will be cited as “Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai”.

Definitions
Article (2)

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

UAE:	The United Arab Emirates.
Emirate:	The Emirate of Dubai.
Ruler:	His Highness the Ruler of Dubai.
Chairman:	The chairman of the Judicial Council.
Judicial Council:	The Judicial Council of the Emirate.
Courts:	The Dubai Courts, including the Court of Cassation, the Court of Appeal, and the Courts of First Instance.
Tribunal:	A special tribunal formed in the Emirate in accordance with this Law.
Public Prosecution:	The public prosecution of the Emirate.
JID:	The Judicial Inspection Department.
Judicial Authorities:	The Courts, the Public Prosecution, and the JID.
Attorney General:	The attorney general of the Emirate.
Judge:	A head of a Court, or a Court judge.
Member of the Public Prosecution:	The Attorney General; an advocate general; or a chief public prosecutor or a public prosecutor of any grade.
Judicial Inspector:	A member of the judicial inspection staff of the JID.

Member of a Judicial Authority: A Judge, a Member of the Public Prosecution, or a Judicial Inspector.

General Principles

Guaranteeing the Right to Litigate Article (3)

- a. The judiciary is the guardian of all rights. It guarantees the right of all persons to fair litigation. Any act that breaches this principle is hereby prohibited.
- b. The honour, integrity, conscience, and impartiality of Members of the Judicial Authorities are the guarantors of rights and liberties.

Delivery and Execution of Judgements Article (4)

- a. Judgements will be delivered and executed in the name of the Ruler as per the conditions, procedures, and formalities prescribed by law. A capital punishment judgement may be executed only if it is confirmed by the Ruler.
- b. The Ruler may grant pardons, mitigate punishments, or stay the execution of any criminal judgement.

Independence of the Judiciary Article (5)

Judges will act independently in performing their duties and will be answerable only to law. The independence of the judiciary may not be prejudiced.

Equality before the Judiciary Article (6)

The right to litigate is preserved for all. All persons are entitled to equitable treatment in judicial proceedings. Litigants are indiscriminately equal before the judiciary.

Right to Defense Article (7)

The right to defense is guaranteed to litigants in all stages of investigation and trial.

Suing Members of the Judicial Authorities
Article (8)

- a. No claim whatsoever may be filed against a Member of a Judicial Authority in relation to, by reason of, due to, or in the course of, performing his duties, except pursuant to the conditions and rules, and in the cases, stated in this Law.
- b. A civil claim may be filed to seek the annulment of a decision rendered by the Judicial Council or by a Judicial Authority only by way of appealing such a decision in the cases prescribed by law.

Chapter Two
Judicial Council

Applicability of this Law to the Judicial Council
Article (9)

- a. The provisions of this Law will apply to the Judicial Council established pursuant to the above-mentioned Law No. (6) of 1992.
- b. The Judicial Council will be comprised of a Chairman, a vice chairman, and a number of members, appointed pursuant to a decree of the Ruler. Members of the Judicial Council must include the Head of the Court of Cassation, the Attorney General, the Head of the Court of Appeal, the Head of the Courts of First Instance, and the Director of the JID.

Objectives of the Judicial Council
Article (10)

The Judicial Council will have the objectives to:

- 1. uphold the principles of justice, equality, and the rule of law;
- 2. contribute to the achievement of sustainable development in the Emirate by maintaining a fair, honest, advanced, and efficient judiciary;
- 3. implement the vision and strategic objectives of the Emirate in respect of developing the justice sector;
- 4. ensure the independence and development of the judiciary;
- 5. reinforce the values, ideals, and ethics of judicial work; and
- 6. ensure the dignity, integrity, and competency of Members of the Judicial Authorities.

Functions of the Judicial Council Article (11)

For the purpose of achieving its objectives, the Judicial Council will have the duties and powers to:

1. establish, and supervise the implementation of, a general policy for developing the administration of the affairs of the Judicial Authorities;
2. propose, consider, and provide opinion on draft laws and bylaws related to the Judicial Authorities;
3. approve the draft annual budget of the Judicial Council and the JID, and submit the same to the Ruler for final approval, in accordance with the procedures adopted in this respect;
4. supervise the affairs of, and ensure proper conduct of work at, the Courts, the Public Prosecution, and their supporting bodies; and supervise Members of the Judicial Authorities to the extent permitted by this Law;
5. take the necessary action in respect of judicial work progress reports submitted to it by the Courts and the Public Prosecution, and in respect of the reports submitted to it by the JID on judicial work progress at the Courts and at the Public Prosecution;
6. review, and take the necessary action on, the reports submitted to it regarding Members of the Judicial Authorities;
7. consider and determine all matters related to Members of the Judicial Authorities, including appointment, re-appointment, promotion, secondment, transfer, removal from post, retirement, and any other matters;
8. approve the bylaws related to the affairs of Members of the Judicial Authorities;
9. consider the complaints against Members of the Judicial Authorities referred to it by the Judicial Authorities; and issue the necessary decisions in this respect, including imposing disciplinary penalties;
10. take action on the reports submitted to it by the JID;
11. consider, and issue the necessary decisions on, the grievances submitted by Members of the Judicial Authorities;
12. establish the principles, rules, conditions, and requirements related to the appointment of Members of the Judicial Authorities;
13. prepare, at the end of each year, a comprehensive report that includes the achievements of the Judicial Authorities, the obstacles they encounter, and suggestions concerning their affairs; and submit the same to the Ruler;

14. nominate qualified persons for appointment as Members of the Judicial Authorities;
15. issue the Code of Judicial Conduct;
16. summon any person it deems appropriate to provide it with clarifications on matters referred to it;
17. request from Government Entities and non-government entities any information or documents which are relevant to its functions;
18. determine applications submitted to it by Members of the Judicial Authorities to engage in any other employment that does not conflict with their employment duties; and
19. perform any other duties assigned to it under the legislation in force or by the Ruler, or referred to it by the Chairman.

Meetings of the Judicial Council

Article (12)

- a. The Judicial Council will convene at least four (4) times a year at its head office or, where necessary, at any other venue determined by the Chairman.
- b. The Judicial Council will convene at the invitation of the Chairman. The invitation to a Judicial Council meeting must be accompanied by the meeting agenda and any other necessary documents.
- c. Meetings of the Judicial Council will be valid if attended by the majority of its members, provided that the Chairman or vice chairman is in attendance. Resolutions of the Judicial Council will be passed by majority vote of attending members, and in the event of a tie, the chair of the meeting will have the casting vote.
- d. In the absence of the Head of the Court of Cassation, Head of the Court of Appeal, or Head of the Courts of First Instance from a meeting of the Judicial Council, the most senior Judge at his respective Court will deputise for him. In the absence of the Attorney General from a meeting of the Judicial Council, the Assistant Attorney General, or the most senior Advocate General in case of absence of the Assistant Attorney General, will deputise for the Attorney General. In the absence of the Director of the JID from a meeting of the Judicial Council, the most senior Judicial Inspector will deputise for him.
- e. Deliberations of the Judicial Council will be held in camera. The Chairman may decide to disclose any Judicial Council meeting outcomes as he deems appropriate.
- f. For the purpose of exercising its duties and powers under this Law and under the resolutions issued in pursuance hereof, the Judicial Council may, as it deems

appropriate, invite experts and specialists to attend its meetings. However, they do not have the right to vote in its deliberations.

- g. The Chairman will issue a bylaw prescribing the rules and procedures regulating the work of the Judicial Council.

Formation of Committees Article (13)

The Judicial Council may form committees from among its members to perform certain duties determined or delegated by the Judicial Council. These may not include any of the Judicial Council duties relating to the appointment, promotion, transfer, or retirement of Members of the Judicial Authorities.

General Secretariat of the Judicial Council Article (14)

- a. The Judicial Council will have a General Secretariat to provide the administrative support services that enable the Judicial Council to perform its functions; and provide the information, data, and studies required by the Judicial Council.
- b. The Secretary General of the Judicial Council will be appointed from among Members of the Judicial Authorities pursuant to a decree of the Ruler, and will have the duties and powers assigned to him under this Law and the resolutions issued in pursuance hereof.
- c. The Secretary General of the Judicial Council will act as its rapporteur, and will not have the right to vote in its deliberations.
- d. The Secretary General of the Judicial Council will supervise the employees of the General Secretariat. The Judicial Council will determine the functions and organisational structure of the General Secretariat.
- e. The Chairman will issue the resolutions regulating the administrative, financial, and technical work of the General Secretariat, including the human resources regulations.
- f. The General Secretariat of the Judicial Council will have an administrative and technical body appointed by the Secretary General of the Judicial Council. The above-mentioned Law No. (27) of 2006 will apply to this body until the human resources regulations referred to in paragraph (e) of this Article are issued.

Chapter Three
Courts, Tribunals, and their Functions

Applicability of this Law to the Courts
Article (15)

The provisions of this Law will apply to the Dubai Courts established pursuant to the above-mentioned Law No. (3) of 1992.

Jurisdiction of the Courts
Article (16)

The Courts will have jurisdiction over all natural and legal persons in the Emirate, except persons who are excluded by a special law. This jurisdiction covers all civil and penal matters.

Composition of the Courts
Article (17)

- a. The Courts will comprise:
 1. the Court of Cassation;
 2. the Court of Appeal; and
 3. the Courts of First Instance.
- b. The Courts are ranked in the hierarchical order stated in paragraph (a) of this Article. Each Court will have jurisdiction over the matters referred to it in accordance with the law.
- c. The law will prescribe the rules governing the jurisdiction of the Courts, and the procedures to be followed therein.

Head Office of the Courts
Article (18)

The Courts will have a head office located in the Emirate. The head of each Court may establish divisions of that Court, which may hold hearings outside of the head office.

Court of Cassation Article (19)

- a. The Court of Cassation is the highest Court in the Emirate. It will be formed of a head and a sufficient number of Judges. In the absence of the Head of the Court of Cassation for any reason whatsoever, the most senior Judge of the Court of Cassation will deputise for him.
- b. The Court of Cassation will be comprised of a number of judicial divisions that consider applications and appeals submitted to them in accordance with the law. These divisions will be established and formed, and their jurisdiction determined, pursuant to a resolution of the Head of the Court of Cassation. The number of Judges in each division must not be less than five (5).
- c. The Court of Cassation will conduct judicial review of the judgements of other Courts by verifying whether these judgements are rendered in accordance with the law. It will consider the merits of any second cassation appeal regardless of its grounds.
- d. Where an appeal in the interest of the law is filed by the Attorney General in accordance with the federal Civil Procedures Code, the Court of Cassation will determine the validity of the grounds of that appeal.

General Panel of the Court of Cassation Article (20)

- a. An expanded judicial panel (the “**General Panel**”) will be formed at the Court of Cassation. The General Panel will comprise the Head of the Court of Cassation, or the most senior Judge thereof, and at least eight (8) Judges appointed pursuant to a resolution of the Chairman. The General Panel will have jurisdiction to consider and determine:
 1. lawsuits that involve a question of law which is raised for the first time, or that are of a complex nature or of critical importance;
 2. cases where a division of the Court of Cassation deviates from a legal principle which has been established by the Court of Cassation in a previous judgement;
 3. positive or negative conflicts of jurisdiction among the Courts or between the Courts and the Rental Dispute Settlement Centre in the Emirate;
 4. disputes arising from conflicting judgements rendered by the Court of Cassation;
and
 5. any other matters referred to it by the Judicial Council for consideration and determination.

- b. The General Panel will render its judgements by majority vote, and in the event of a tie, the chairman of the General Panel will have the casting vote.

Technical Office of the Court of Cassation Article (21)

The Court of Cassation will have a Technical Office comprised of a Court of Cassation Judge, as chairman, and a sufficient number of members, appointed pursuant to a resolution of the Head of the Court of Cassation.

Functions of the Technical Office of the Court of Cassation Article (22)

The Technical Office of the Court of Cassation will:

1. derive legal principles and judicial rules from the judgements rendered by the Court of Cassation; classify and index these principles and rules following their presentation to the Head of the Court of Cassation; and publish the same;
2. conduct legal and technical research and studies;
3. follow up the enactment of federal and local legislation on a monthly basis, and provide the Court of Cassation Judges with copies of the same;
4. draft the circulars and guidelines to be issued by the Head of the Court of Cassation to regulate judicial work at the Courts; and
5. perform any other duties assigned to it by the Head of the Court of Cassation.

Court of Appeal Article (23)

- a. The Court of Appeal will be formed of a head whose grade is not lower than cassation Judge, and a sufficient number of Judges. In the absence of the Head of the Court of Appeal, the most senior Judge of the Court of Appeal will deputise for him. The Court of Appeal will exercise the functions assigned to it by law.
- b. The Court of Appeal will be comprised of a number of judicial divisions that consider applications and appeals submitted to them in accordance with the law. These divisions will be established and formed, and their jurisdiction determined, pursuant to a resolution of the Head of the Court of Appeal. The number of Judges in each division must not be less than three (3).

Courts of First Instance
Article (24)

- a. The Courts of First Instance will be formed of a head whose grade is not lower than senior appellate Judge, and a sufficient number of Judges. In the absence of the Head of the Courts of First Instance, the most senior head of a specialised Court will deputise for him. The Courts of First Instance will exercise the functions assigned to them by law.
- b. The Courts of First Instance will comprise specialised courts. These specialised courts will be formed, and their heads appointed, pursuant to resolutions of the Judicial Council. The Courts of First Instance will have jurisdiction to consider applications and claims in accordance with the law.
- c. Each specialised Court will have a head whose grade is not lower than appellate Judge. In the absence of a head of a specialised Court, the Head of the Courts of First Instance will assign a Judge to deputise for him.
- d. A specialised Court will be comprised of divisions. These divisions will be formed, and their functions determined, pursuant to a resolution of the head of the specialised Court, subject to the approval of the Head of the Courts of First Instance.
- e. The Head of the Courts of First Instance may transfer Judges among specialised Courts.

Tribunals
Article (25)

A Tribunal will be formed pursuant to a resolution issued by the Ruler upon the recommendation of the Chairman to consider and determine certain legal matters, disputes, or legal proceedings. The resolution forming the Tribunal must determine its jurisdiction and the methods of appealing its judgements, and must contain any other relevant provisions.

Chapter Four
Public Prosecution and its Jurisdiction

Applicability of this Law to the Public Prosecution
Article (26)

The provisions of this Law will apply to the Public Prosecution established pursuant to the above-mentioned Law No. (8) of 1992.

**Jurisdiction of the Public Prosecution
Article (27)**

The Public Prosecution will have the jurisdiction vested in it by law. Unless otherwise stipulated by law, the Public Prosecution will have the exclusive power to initiate and prosecute penal proceedings, to enforce penal judgements, and to supervise places of detention, prisons, and other places where judgements, orders, and decisions of competent authorities are executed.

**Functions of the Public Prosecution
Article (28)**

- a. The functions of the Public Prosecution will be performed by the Attorney General, who will be appointed pursuant to a decree of the Ruler and assisted by a sufficient number of Members of the Public Prosecution.
- b. Pursuant to a decree of the Ruler, an assistant attorney general will be appointed from among senior Advocates General.
- c. Where the Attorney General is absent or his office falls vacant for any reason whatsoever, the assistant attorney general, or the most senior Member of the Public Prosecution, will perform all the functions of the Attorney General.

**Unity of the Public Prosecution
Article (29)**

The Public Prosecution is an indivisible entity that exercises the power to conduct investigations and charge persons. A Member of the Public Prosecution may act for any other member and may complete the procedures commenced by that other member without prejudice to any jurisdiction rules and provisions prescribed by law.

**Members of the Public Prosecution
Article (30)**

- a. Members of the Public Prosecution will exercise their functions under the supervision of their line managers according to their reporting lines. Members of the Public Prosecution will perform their duties as representatives of the Attorney General in accordance with the law, and will be bound to implement the Attorney General's orders with respect to their administrative affairs and with respect to instituting and following up legal proceedings.
- b. The Attorney General may serve a verbal or written notice on a Member of the Public Prosecution who commits a minor breach of his duties after hearing his statements. The Member of the Public Prosecution may submit a written grievance to the Judicial

Council against the notice served on him, within fifteen (15) days from the date of being notified of the decision of the Attorney General. The Judicial Council may uphold or quash the notice, and its decision in respect of the grievance will be final.

- c. Specialised prosecution units will be established within the Public Prosecution. The functions of these units and appointment of Members of the Public Prosecution therein will be determined pursuant to a resolution of the Attorney General.
- d. The Attorney General or his authorised representative will determine the work shift system of Members of the Public Prosecution in accordance with work requirements.

Law Enforcement Officers Article (31)

In pursuing crimes and their perpetrators and gathering the evidence required for investigations and indictment, and performing other duties that fall within their mandate, law enforcement officers will report to the Attorney General, and he will have the authority to oversee them.

Chapter Five Members of the Judicial Authorities

Appointment Requirements Article (32)

For a person to be appointed as a Court Judge, a Member of the Public Prosecution, or a Judicial Inspector, he must:

1. be a Muslim of full capacity;
2. be a UAE national. The Judicial Council may exempt any person from this requirement;
3. hold at least a bachelor's degree in law, or in Islamic Sharia and law, from an academic institution whose degrees are accredited by the competent federal or local government entity in the Emirate, whether such a degree is awarded within or outside of the UAE;
4. not be less than twenty-five (25) years of age at the time of appointment as a Court of First Instance Judge; or less than twenty-one (21) years of age at the time of appointment as an assistant public prosecutor at the Public Prosecution;
5. have at least six (6) years of work experience in a judicial or legal post, to be appointed as a Court of First Instance Judge; or have at least four (4) years of work experience or have attended the training course of the Dubai Judicial Institute, to be appointed as an assistant public prosecutor;

Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai

6. be of good conduct and repute;
7. be medically fit to perform his employment duties;
8. successfully pass the relevant interviews;
9. not have been convicted of any offence affecting honour or trustworthiness by a Court or disciplinary board, even if he has been rehabilitated or has been pardoned pursuant to an individual or general pardon, and even if the disciplinary penalty imposed on him has been forfeited; and
10. meet any other requirements determined pursuant to a resolution of the Judicial Council.

**Employment Designations and Grades
Article (33)**

Employment designations and grades of UAE national Members of the Judicial Authorities appointed at the Courts, the Public Prosecution, and the JID will be as stated in the following schedule:

Grade	Court Posts	Public Prosecution Posts	JID Posts
Senior Grade	Head of the Court of Cassation	Attorney General	
1	Senior Cassation Judge	Assistant Attorney General	
		Senior Advocate General	
2	Cassation Judge	Advocate General	Senior Judicial Inspector
	Head of the Court of Appeal		
3	Senior Appellate Judge	Senior Chief Prosecutor	Judicial Inspector
	Head of the Courts of First Instance		

4	Appellate Judge	Chief Prosecutor	
5	Senior First Instance Judge	Assistant Chief Prosecutor	
6	First Instance Judge	Senior Public Prosecutor	
7	First Instance Judge	Public Prosecutor	
8		Assistant Public Prosecutor	

**Salaries, Allowances, Increments, and
Benefits of Members of the Judicial Authorities
Article (34)**

The salaries, allowances, increments, and benefits of UAE and non-UAE national Members of the Judicial Authorities will be determined pursuant to a resolution of the Ruler.

**Assumption of Duties
Article (35)**

Subject to the requirements stipulated in Article (32) of this Law, before assuming his duties, an appointed Member of a Judicial Authority must complete the training or qualification programme approved by the Judicial Council in this respect.

**Appointment of Experienced Persons
Article (36)**

- a. A person who has, for at least the respective period stipulated below, occupied a judicial or legal post at the Courts or the Public Prosecution; worked as a law instructor after obtaining his master's or doctorate degree from an academic institution recognised in the UAE; served as an advocate or legal consultant at the Government of Dubai; or occupied a post which is determined by the Judicial Council as equivalent to any of the posts of Members of the Judicial Authorities may be appointed at the Courts or at the Public Prosecution in any of the corresponding posts:

1. twenty (20) years, for appointment as a Senior Cassation Judge or a Cassation Judge at the Court of Cassation; or as a Senior Advocate General or an Advocate General at the Public Prosecution;
 2. fourteen (14) years, for appointment as a Senior Appellate Judge or an Appellate Judge at the Court of Appeal; or as a Senior Chief Prosecutor or a Chief Prosecutor at the Public Prosecution;
 3. twelve (12) years, for appointment as a Senior First Instance Judge at the Courts of First Instance; or as an Assistant Chief Prosecutor at the Public Prosecution;
 4. eight (8) years, for appointment as a First Instance Judge on grade 6 at the Courts of First Instance; or as a Senior Public Prosecutor at the Public Prosecution;
 5. six (6) years, for appointment as a First Instance Judge on grade 7 at the Courts of First Instance; or as a Public Prosecutor at the Public Prosecution; or
 6. four (4) years, for appointment as an Assistant Public Prosecutor at the Public Prosecution.
- b. Notwithstanding the provisions of paragraph (a) of this Article, the Judicial Council may exempt any person from the requirement to work for the periods stipulated in this Article.

Competent Appointing Authority Article (37)

- a. The Head of the Court of Cassation, the Head of the Court of Appeal, and the Head of the Courts of First Instance will be appointed pursuant to a decree of the Ruler.
- b. A Member of a Judicial Authority will be appointed pursuant to a decree issued by the Ruler upon the recommendation of the Judicial Council.

Reappointment Article (38)

- a. Subject to the requirements stipulated in Article (32) of this Law, a person who has served as a Member of a Judicial Authority and whose service has ended for other than disciplinary reasons may be reappointed on the same grade he held before the end of his service pursuant to a decree issued by the Ruler upon the recommendation of the Judicial Council.
- b. The Judicial Council will issue a resolution to determine the rules of reappointment of Members of the Judicial Authorities.

Taking the Oath Article (39)

- a. Upon appointment and before commencing his duties, a Judge must take the following oath:

“I swear by Allah the Almighty to administer justice, to perform my duties with honesty and integrity, and to respect the legislation in force”.

- b. Upon appointment and before commencing his duties, a Member of the Public Prosecution or a Judicial Inspector must take the following oath:

“I swear by Allah the Almighty to perform my duties with honesty and integrity and to respect the legislation in force.”

- c. A Member of a Judicial Authority will take the oath before the Ruler or his authorised representative.

Continuing Training and Qualification Article (40)

- a. Continuing training and qualification is required for the promotion of Members of the Judicial Authorities to higher judicial posts.
- b. The concerned Court or the Public Prosecution, as the case may be, will determine the training and qualification programmes of Members of the Judicial Authorities.
- c. Based on the findings of a judicial inspection report, the JID may require a Member of a Judicial Authority to undergo training and qualification.
- d. The Judicial Council will approve the annual training and qualification plan of Members of the Judicial Authorities.

Promotion Article (41)

- a. A Member of a Judicial Authority will be promoted to the next higher grade pursuant to a decree issued by the Ruler upon the recommendation of the Judicial Council.
- b. Promotion of Members of the Judicial Authorities will be considered once a year at the time prescribed by the Judicial Council. Notwithstanding the foregoing, the Judicial Council may consider the promotion of Members of the Judicial Authorities at other than the prescribed time.
- c. A Member of a Judicial Authority may be promoted to the next higher grade if he meets the conditions and requirements determined pursuant to the resolution issued by the Judicial Council in this respect, provided that he completes the minimum

Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai

period of service in his current grade and receives no less than a “Very Good” performance rating. In case of equal performance ratings, seniority will be taken into consideration. The Judicial Council may exempt a Member of a Judicial Authority from the requirement to complete the minimum period of service in his grade.

**Denial of Promotion
Article (42)**

A Member of a Judicial Authority may be denied promotion if a disciplinary action is taken against him, in which case, he must be notified of the same in writing. The Member of the Judicial Authority may submit to the Judicial Council a grievance against the denial of his promotion, within thirty (30) days from the day following such notification. The decision of the Judicial Council on the grievance will be final.

**Seniority of Members of the Judicial Authorities
Article (43)**

The Judicial Council will issue a resolution prescribing the rules, standards, and regulations concerning seniority of Members of the Judicial Authorities, and all relevant provisions.

**Transfer, Assignment, and Secondment
Article (44)**

Notwithstanding the provisions of any other legislation, a Member of a Judicial Authority may be transferred, assigned the duties of another post, or seconded only in accordance with the conditions and provisions stated in this Law.

**Transfer between Judicial Authorities
Article (45)**

A Member of a Judicial Authority may be transferred to a post of the same grade as his original post at the Courts, the Public Prosecution, or the JID pursuant to a decree of the Ruler.

**Transfer to Posts outside of the Judicial Authorities
Article (46)**

- a. A Member of a Judicial Authority may be transferred to a post outside of the Judicial Authorities.
- b. Transfer of the Member of the Judicial Authority to a post outside of the Judicial Authorities will be pursuant to a decree of the Ruler.

**Assignment
Article (47)**

- a. A Member of a Judicial Authority may be assigned the judicial or legal duties of another post within or outside of the Judicial Authorities, whether in addition to, or to the exclusion of, his original duties.
- b. Assignment of the duties of another post within the Judicial Authorities will be pursuant to a resolution of the Head of the Court of Cassation, the Head of the Court of Appeal, or the Head of the Courts of First Instance at which the Judge serves, pursuant to a resolution of the Attorney General in case of Members of the Public Prosecution or pursuant to a resolution of the Director of the JID in case of Judicial Inspectors.
- c. A Member of a Judicial Authority may be assigned to perform the non-judicial or non-legal duties of another post.
- d. A Member of a Judicial Authority will be assigned the duties of a post outside of the Judicial Authorities pursuant to a resolution of the Judicial Council.

**Secondment
Article (48)**

- a. A Member of a Judicial Authority may be seconded to a post outside of the Judicial Authorities.
- b. Pursuant to a decree issued by the Ruler upon the recommendation of the Judicial Council, a Member of a Judicial Authority may be seconded to a post at a federal or local government entity, at a company in which that government entity holds a percentage of the share capital, or at a corporation owned by it; and may be seconded to any foreign government or international or regional organisation or agency.
- c. The period of secondment of a Member of a Judicial Authority may exceed five (5) years only if he is seconded to perform judicial duties.
- d. The period of secondment will be deemed part of the period of service of the Member of the Judicial Authority and will not affect his seniority or promotion.

**Health Insurance
Article (49)**

A Member of a Judicial Authority and his eligible family members will be entitled to healthcare in accordance with the health insurance policy adopted by the Judicial Council.

Retirement Entitlements

Article (50)

The retirement entitlements of Members of the Judicial Authorities will be regulated pursuant to a special law. The above-mentioned Federal Law No. (7) of 1999 will continue to regulate these entitlements until that special law is issued.

Duties of Members of the Judicial Authorities

Article (51)

A Member of a Judicial Authority must perform his employment duties and uphold the integrity of his profession, and must not act in a manner that would discredit this profession. He must conduct himself in an ethical and respectful manner and preserve his dignity and reputation. In particular, he must:

1. perform his duties honestly and diligently, and be committed to justice, integrity, and equal treatment of litigants;
2. not use his authority or powers to bring benefit, or prevent harm, to himself or any member of his family;
3. not accept, or allow any member of his family to accept, any gift from litigants or their relatives or representatives;
4. not purchase, whether in his name or the name of any of his family members or under any assumed name, the object of the right disputed before the Courts;
5. not disclose, except in the cases prescribed by law, any confidential information to which he has gained access by reason of or in the course of performing his employment duties, even after the end of his service;
6. not consider any dispute in which he, or any of his relatives up to the fourth degree, has an interest; which he has previously considered; or in respect of which he has provided opinion, pleaded, or acted as an attorney for any party.
7. wear official uniform where applicable or wear an appropriate attire, while on duty;
8. not become a member of the board of directors of any public-benefit association or establishment except with the approval of the Judicial Council;
9. not conduct business, become a member of the board of directors of any company or private establishment, or engage in any other profession or work which would reflect adversely on the independence and dignity of the judiciary, whether with or without consideration;
10. not engage in any political activity, provide opinion on political matters, or stand for general elections, throughout his period of service;

Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai

11. not engage in sports professions, become a member of sports juries, or stand for elections for any sports position, throughout his period of service;
12. not provide any entity whatsoever with opinion on the disputes referred to him;
13. not be absent from work or fail to report to work without notifying his line manager;
14. not act as an arbitrator, with or without consideration, in any dispute, whether pending determination by the judiciary or not, without obtaining the approval of the Judicial Council; and
15. comply with the resolutions issued by the Judicial Council in respect of performing the obligations and observing the professional ethics of Members of the Judicial Authorities.

Formation of the Judicial Accountability Board Article (52)

- a. A Member of a Judicial Authority will be accountable to the Judicial Accountability Board formed by the Judicial Council. Unless otherwise determined by the Judicial Council, the Judicial Accountability Board will be comprised of three (3) Judges from the Court of Cassation and will be chaired by the most senior Judge among them.
- b. The Judicial Accountability Board will issue its resolutions by majority vote.

Investigating Members of the Judicial Authorities Article (53)

Judicial accountability proceedings may be instituted against a Member of a Judicial Authority only with the permission of the Judicial Council and after conducting an initial investigation into the incident subject of the accountability proceedings by a member of the JID assigned by the Judicial Council for this purpose. Where practicable, the member conducting the investigation must be higher in seniority or grade than the investigated Member of the Judicial Authority.

Procedure for Conducting Judicial Accountability Proceedings Article (54)

- a. Judicial accountability proceedings against a Member of a Judicial Authority will be instituted by the Attorney General or his authorised representative by submitting to the Judicial Accountability Board a statement describing the violation attributed to the Member of the Judicial Authority, together with supporting evidence. The Judicial Accountability Board will then issue a decision to serve the statement and evidence on the Member of the Judicial Authority and summon him to appear before the board.

- b. The Judicial Accountability Board will commence the accountability proceedings within a period not exceeding fifteen (15) days from the date of receiving the statement.
- c. The Judicial Accountability Board may investigate a Member of a Judicial Authority referred to it as it deems necessary. The Judicial Accountability Board may assign any of its members to conduct the investigation. The Judicial Accountability Board or its assigned member will have the same powers vested in the Courts in this respect.
- d. The Judicial Accountability Board will summon the Member of the Judicial Authority. The period between issuing the summons and the date of considering the case must not be less than seven (7) days. The summons must contain sufficient information on the subject matter of the proceedings and supporting evidence.
- e. The Judicial Accountability Board may order the suspension of the duties of the Member of the Judicial Authority or place him on compulsory leave until conclusion of the proceedings.
- f. The Judicial Council may suspend the payment of up to one half of the salary and allowances of the Member of the Judicial Authority. It may, at any time whether of its own accord or upon request of the Member of the Judicial Authority, reconsider the decision suspending his duties, placing him on compulsory leave, or suspending the payment of his salary.
- g. Where the investigation fails to prove that the Member of the Judicial Authority has committed the violation, or where the Judicial Accountability Board closes the investigation, the suspended salary and allowance payments will be released.
- h. The acquittal of a Member of a Judicial Authority of a crime attributed to him and related to the subject matter of the judicial accountability proceedings will not preclude taking the necessary disciplinary action and imposing the appropriate disciplinary penalty against him where it is proven that he has committed a violation.

Judicial Accountability Hearings Article (55)

- a. Judicial accountability hearings will be held in camera.
- b. The Attorney General or his authorised Member of the Public Prosecution, whose grade is not lower than Advocate General, will attend the judicial accountability proceedings. The concerned Member of the Judicial Authority may appear in person before the Judicial Accountability Board or appoint a Member of a Judicial Authority to defend him, and may present his defence in writing. Where both the Member of the Judicial Authority and his authorised representative fail to appear, a judgement may be rendered in absentia upon verifying that a notification has been duly served on him.

- c. A judgement rendered by the Judicial Accountability Board in presence of the concerned Member of the Judicial Authority will be final and non-appealable.
- d. A Member of a Judicial Authority may challenge a judgement rendered in absentia within fifteen (15) days from the day following the date of being notified of the judgement by the Judicial Accountability Board. The judgement will be challenged by submitting an application to the Judicial Accountability Board, which will schedule a hearing to consider the challenge.
- e. A challenge to a judgement rendered in absentia will result in re-conducting the judicial accountability proceedings. In any event, the Member of the Judicial Authority may not be harmed by his challenge.
- f. Where the challenging Member of the Judicial Authority fails to appear in the hearing scheduled for considering his challenge, the challenge will be deemed void ab initio.
- g. The judgement rendered in respect of the challenge, or the decision declaring the challenge as void ab initio pursuant to paragraph (e) of this Article, will be final and non-appealable.
- h. The judgement rendered in the judicial accountability proceedings must state the reasoning of that judgement, and that reasoning must be recited upon the pronouncement of the judgement in a hearing held in camera.
- i. The Judicial Accountability Board will notify the Judicial Council of the final judgement rendered by it in respect of the judicial accountability proceedings once it is rendered.

Disciplinary Penalties
Article (56)

- a. The Judicial Accountability Board may impose on the Member of the Judicial Authority referred to it any of the following disciplinary penalties:
 - 1. notice;
 - 2. reprimand;
 - 3. denial of periodic salary increment for two (2) years, or denial of the next promotion;
 - 4. transfer to a non-judicial post, in which case, the Member of the Judicial Authority will be paid the benefits of the new post; and/or
 - 5. removal from his post without prejudice to the retirement pension or gratuity; or removal from the post and deprivation of a part, not exceeding one quarter, of the retirement pension or gratuity.

- b. Disciplinary penalties will be enforceable upon confirmation of the same by the Judicial Council. In all events, the Judicial Council may amend the disciplinary penalty imposed on a Member of a Judicial Authority, in which case, the decision of the Judicial Council in this respect must be reasoned.
- c. Where a decision removing a Member of a Judicial Authority from his post or transferring him to a non-judicial post becomes final, that decision will be enforced by a decree issued by the Ruler. In either case, the Member of the Judicial Authority will cease to have jurisdiction as from the date of issuance of the decree.

**Cessation of Judicial Accountability Proceedings
Article (57)**

Judicial accountability proceedings will be ceased upon the acceptance of the resignation, the retirement, or the death of the concerned Member of the Judicial Authority. Judicial accountability proceedings will have no effect on any penal or civil proceedings arising from the incident(s) in respect of which the judicial accountability proceedings were instituted.

**Immunity of Members of the Judicial Authorities
Article (58)**

- a. A Member of a Judicial Authority may not be arrested, remanded in custody, subjected to any investigation procedure, or prosecuted through penal proceedings, without a permission granted by the Ruler based on the request of the Attorney General.
- b. Notwithstanding the provisions of paragraph (a) of this Article, where a Member of a Judicial Authority is caught in the act of committing a crime, he may be arrested or remanded in custody pursuant to a decision of the Attorney General. In this case, the Attorney General must present the matter to the Ruler to issue the appropriate decision within twenty-four (24) hours.
- c. The remand in custody or any other custodial penalties imposed on a Member of a Judicial Authority will be executed at a designated place separated from the places allocated to other detainees.

**Custodial Measures against Members of the Judicial Authorities
Article (59)**

- a. Imposing a custodial measure against a Member of a judicial Authority in accordance with Article (58) of this Law will result in his suspension from work throughout the period of the custodial measure.

- b. The Judicial Council may, of its own accord or upon the request of the Attorney General, suspend a Member of a Judicial Authority from work during investigations or criminal proceedings.
- c. Suspension of a Member of a Judicial Authority from work will not result in deprivation of his salary during the suspension period. Notwithstanding the foregoing, the Judicial Council may suspend the payment of up to one half of the salary and allowances of the suspended member. It may at any time, whether of its own accord or upon the request of the Member of the Judicial Authority, reconsider the decision suspending him from work or suspending the payment of his salary and allowances.

**In-Camera Trial of Members of the Judicial Authorities
Article (60)**

A trial of a Member of a Judicial Authority for a crime he has committed will be held in camera.

**Disciplinary Penalty File
Article (61)**

The decisions imposing disciplinary penalties against a Member of a Judicial Authority will be lodged in a special confidential file.

**End of Service of Members of the Judicial Authorities
Article (62)**

- a. The service of a Member of a Judicial Authority will end if:
 - 1. he dies;
 - 2. he resigns;
 - 3. he reaches the retirement age, unless his service is extended pursuant to a resolution of the Judicial Council;
 - 4. he is removed from his post pursuant to a disciplinary decision in accordance with this Law;
 - 5. he is retired or transferred to a non-judicial post in accordance with this Law;
 - 6. his employment contract expires or is terminated, in case he is a non-UAE national; or
 - 7. he becomes medically unfit, as proven by a medical report issued by the competent medical committee in the Emirate.

- b. The resignation of a Member of a Judicial Authority will be accepted pursuant to a resolution of the Judicial Council. Where the period of service of that Member of the Judicial Authority is not less than fifteen (15) years, the resignation will be approved pursuant to a decree issued by the Ruler.
- c. The entitlements of a Member of a Judicial Authority who resigns pursuant to paragraph (b) of this Article will be settled in accordance with the legislation in force on the date of accepting the resignation.
- d. The service of a Member of a Judicial Authority will be terminated in the cases stated in paragraphs (a)(4), (a)(5), and (a)(7) of this Article pursuant to a decree of the Ruler.

Chapter Six Judicial Inspection

Applicability of this Law to the JID Article (63)

- a. The provisions of this Law will apply to the JID established pursuant to the above-mentioned Law No. (2) of 1992. The JID is hereby affiliated to the Judicial Council.
- b. The JID will be comprised of a director and a sufficient number of qualified and experienced Judicial Inspectors who have practised judicial professions. They will be appointed pursuant to a decree of the Ruler.
- c. The Chairman will issue the bylaws and regulations governing the administrative, financial, and technical work of the JID, including human resources regulations.
- d. The JID will have an administrative body appointed by the Director of the JID. The above-mentioned Law No. (27) of 2006 will apply to the administrative body of the JID until the human resources regulations referred to in paragraph (c) of this Article are issued.

Functions of the JID Article (64)

The JID will:

- 1. inspect the work of Judges of the Court of Appeal and the Courts of First Instance, and the work of Members of the Public Prosecution of the same grade or lower grades, in order to assess their competency and ability to perform their employment duties and prepare the relevant reports that include appropriate proposals and recommendations.
- 2. receive and investigate complaints, filed by individuals or referred to it by the Judicial Council, against Members of the Judicial Authorities with respect to their employment

Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai

- duties and conduct, and submit the necessary recommendations to the Judicial Council to take the appropriate action in this respect;
3. propose training and qualification programmes for Members of the Judicial Authorities;
 4. compile statistics and data concerning the work of Members of the Judicial Authorities, and submit these to the Judicial Council;
 5. provide opinion and advice as requested by the Judicial Council;
 6. prepare periodic reports on work progress and work flow at the Courts and the Public Prosecution, and submit these to the Judicial Council; and
 7. perform any other duties assigned to it by the Chairman.

**Functions of the Director of the JID
Article (65)**

- a. The Director of the JID will have the duties and powers to:
 1. prepare the strategic plan of the JID, submit it to the Judicial Council, and follow up its implementation;
 2. submit periodic reports to the Judicial Council on work progress and work flow at the Courts and the Public Prosecution;
 3. submit periodic reports to the Judicial Council on the competency and performance assessment of Members of the Judicial Authorities;
 4. prepare the draft annual budget of the JID, and submit the same to the Judicial Council for approval;
 5. supervise Judicial Inspectors and JID employees and ensure proper performance of their duties;
 6. issue implementing resolutions concerning the work and human resources of the JID, and regulating its work procedures;
 7. establish the rules and procedures for inspecting the work of Members of the Judicial Authorities, investigating complaints filed against them, and assessing their competency; and submit these to the Judicial Council for approval;
 8. represent the JID before third parties, and conclude the contracts and agreements required for achieving its objectives and performing its functions; and
 9. perform any other duties assigned to him by the Chairman.

- b. Where the Director of the JID is absent, his post falls vacant, or he becomes unable to perform his duties for any reason whatsoever, the most senior Judicial Inspector reporting for duty at the JID will act as the Director of the JID.

Facilitating the Duties of Judicial Inspectors
Article (66)

Inspection of the work of Members of the Judicial Authorities will be conducted in coordination with their line managers. Members of the Judicial Authorities and their line managers must facilitate the performance by JID Judicial Inspectors of the duties assigned to them by this Law.

Measurement of the Performance of
Members of the Judicial Authorities
Article (67)

- a. The performance of a Member of a Judicial Authority will be measured on an annual basis in accordance with the relevant standards approved by the Judicial Council.
- b. The performance of a Member of a Judicial Authority will be rated on the following scale:
 - 1. Excellent;
 - 2. Very Good;
 - 3. Good;
 - 4. Average; or
 - 5. Below Average.

Judicial Inspection Reports and Relevant Grievances
Article (68)

- a. The JID will prepare a report on the findings of the judicial inspection of the work of each Member of a Judicial Authority. This report will be lodged in a special confidential file maintained by the JID, and may be accessed exclusively by the concerned Member of the Judicial Authority, his line manager, the Members of the Judicial Council, and the Director of the JID.
- b. The Director of the JID will notify each Member of a Judicial Authority in writing of his performance assessment rating within fifteen (15) days from lodging the same in his file.

- c. A Member of a Judicial Authority may submit to the Judicial Council a grievance in respect of his performance assessment rating within thirty (30) days following the date of being notified of the same. The grievance will be filed by submitting a statement of grievance.
- d. The Judicial Council will determine the grievance after considering the statement of grievance, the report of the JID, and any other information or documents requested by or submitted to the Judicial Council; and after hearing the grievant's statements where required. The Judicial Council may form a committee of Members of the Judicial Authorities to consider all grievances submitted to the Judicial Council and provide it with its recommendations. The decisions of the Judicial Council on these grievances will be final and may not be appealed before any other entity.

**Unsatisfactory Performance
Article (69)**

- a. The Director of the JID will refer to the Judicial Council, for consideration, the case of any Member of a Judicial Authority who receives two (2) consecutive final annual "Below Average" performance assessment ratings. The Judicial Council may accordingly take any action it deems appropriate against the Member of the Judicial Authority, including retiring him, terminating his contract, or transferring him to a non-judicial post. The decision of the Judicial Council in this respect will be final and may not be appealed before any other entity.
- b. The Judicial Council will notify the Member of the Judicial Authority of the decision referred to in paragraph (a) of this Article once it is issued.
- c. Where the Judicial Council decides to transfer the Member of the Judicial Authority to a non-judicial post in accordance with this Article, he will be paid only the benefits of the post to which he is transferred.

**Chapter Seven
Final Provisions**

**Non-prejudice to Existing Rights
Article (70)**

In implementing the provisions of this Law and the resolutions issued in pursuance hereof, all existing rights of Members of the Judicial Authority will not be prejudiced.

Administrative and Technical Support Bodies
Article (71)

The entities constituting the Judicial Authorities will have supporting administrative and technical bodies. These supporting bodies will be formed and regulated, and their functions determined, in accordance with the legislation and conditions applicable to the relevant entities.

Supplementary Provisions
Article (72)

Where this Law, the resolutions issued in pursuance hereof, and other legislation governing the work of Members of the Judicial Authorities in the Emirate are silent, the provisions of the above-mentioned Law No. (27) of 2006, or any superseding legislation, will apply to the Members of the Judicial Authorities.

Issuing Implementing Resolutions
Article (73)

Except for the resolutions and instructions that the Ruler has exclusive authority to issue under this Law or any other legislation, the Judicial Council will issue the resolutions and instructions required for the implementation of the provisions of this Law.

Repeals
Article (74)

- a. This Law supersedes the following legislation:
 1. Law No. (2) of 1992 Concerning Judicial Inspection and its amendments;
 2. Law No. (3) of 1992 Establishing the Dubai Courts and its amendments;
 3. Law No. (6) of 1992 Establishing the Judicial Council and its amendments; and
 4. Law No. (8) of 1992 Establishing the Public Prosecution and its amendments.
- b. Any provision in any other legislation will be repealed to the extent that it contradicts the provisions of this Law.
- c. The legislation issued in implementation of the laws stated in paragraph (a) of this Article will remain in force until new legislation is issued to implement this Law.
- d. Law No. (10) of 2009 Concerning Salaries and Benefits of Members of the Judicial Authorities in the Emirate of Dubai and the bylaws issued in pursuance thereof will remain in force until the resolution mentioned in Article (34) of this Law is issued.

Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai

**Publication and Commencement
Article (75)**

This Law 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 1 November 2016
Corresponding to 1 Safar 1438 A.H.