

Resolution No. (4) of 2022
Issuing the Bylaw Prescribing the Rules and Procedures
Regulating the Work of the Judicial Council in the Emirate of Dubai¹

**We, Maktoum bin Mohammed bin Rashid Al Maktoum, Deputy Ruler of Dubai,
Chairman of the Judicial Council,**

After perusal of:

Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai and its amendments; and

Resolution No. (14) of 2021 Approving the Functions of the General Secretariat and the Secretary General of the Judicial Council of the Emirate of Dubai,

Do hereby issue this Resolution.

Approval of the Bylaw
Article (1)

The Bylaw attached to this Resolution prescribes the rules and procedures regulating the work of the Judicial Council in the Emirate of Dubai.

Publication and Commencement
Article (2)

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

Maktoum bin Mohammed bin Rashid Al Maktoum
Deputy Ruler of Dubai

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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.

Chairman of the Judicial Council

Issued in Dubai on 17 February 2022

Corresponding to 16 Rajab 1443 A.H.

Rules and Procedures Regulating the Work of the Judicial Council in the Emirate of Dubai

Title of the Bylaw Article (1)

This Bylaw will be cited as the "Bylaw Prescribing the Rules and Procedures Regulating the Work of the Judicial Council in the Emirate of Dubai."

Definitions Article (2)

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

Emirate:	The Emirate of Dubai.
Ruler:	His Highness the Ruler of Dubai.
Law:	Law No. (13) of 2016 Concerning the Judicial Authorities in the Emirate of Dubai and its amendments.
Judicial Council:	The Judicial Council of the Emirate.
Chairman:	The chairman of the Judicial Council.
Resolution:	Resolution No. (14) of 2021 Approving the Functions of the General Secretariat and the Secretary General of the Judicial Council of the Emirate of Dubai.
Member:	A member of the Judicial Council.
Courts:	The Dubai Courts, including the Court of Cassation, the Court of Appeal, and the Courts of First Instance.
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:	The chief justice 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:	This includes the director of the JID and any member of the judicial inspection staff of the JID of any grade.
Member of a Judicial Authority:	A Judge, a Member of the Public Prosecution, or a Judicial Inspector.
General Secretariat:	The general secretariat of the Judicial Council.
Secretary General:	The secretary general of the Judicial Council.
Publication of Judicial Council Resolutions:	Making the resolutions accessible to the public.

Functions of the Judicial Council

Article (3)

The Judicial Council will exercise its functions as stipulated in the Law and this Bylaw, and will develop any procedural and substantive rules as required by the circumstances and nature of these functions.

Formation of the Judicial Council

Article (4)

- a. The Judicial Council will be comprised of a Chairman, a vice chairman, and a number of other Members, appointed pursuant to a decree issued by the Ruler upon the recommendation of the Chairman. Members must include the Chief Justice of the Court of Cassation, the Attorney General, the Chief Justice of the Court of Appeal, the Chief Justice of the Courts of First Instance, and the Director of the JID.
- b. The Secretary General will serve as the rapporteur of the Judicial Council, but may not vote on its resolutions and recommendations.

- c. A Member who is not appointed in his official capacity may submit a written request to the Chairman to be relieved from the membership of the Judicial Council. Relief from membership will be granted pursuant to a decree of the Ruler.

Chairman of the Judicial Council

Article (5)

- a. The Chairman will supervise the Judicial Council and exercise his functions as prescribed in the Law and other legislation in force in the Emirate.
- b. In the absence of the Chairman, the vice chairman will undertake the functions of the Chairman.

Convening Judicial Council Meetings

Article (6)

- a. The Judicial Council will convene at the invitation of the Chairman, at least four (4) times a year, at the head office of the Judicial Council or any other place. The invitation will specify the time and place of the meeting.
- b. The Judicial Council may, upon the approval of the Chairman, convene remotely using technological means.
- c. Two thirds (2/3) of the Members may request the Chairman to call a meeting of the Judicial Council where it is necessary to discuss an urgent and time-critical matter. Unless the Chairman decides otherwise, only the matter for which the meeting is convened may be discussed during that meeting.
- d. 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.
- e. Where the Chief Justice of the Court of Cassation, the Chief Justice of the Court of Appeal, or the Chief Justice of the Courts of First Instance is absent from a Judicial Council meeting, the most senior Judge of the Court he presides over will substitute for him. Where the Attorney General is absent, the assistant attorney general or, failing that, the most senior advocate general will substitute for him. Where the Director of the JID is absent, the most senior Judicial Inspector will substitute for him.
- f. For the purpose of exercising its duties and powers under the Law, the Judicial Council may invite any experts and specialists or any of the Members of the Judicial Authorities, as it deems appropriate, to attend its meetings. However, they may not vote in its

deliberations. Any person invited to these meetings must maintain the confidentiality of the discussions held during the meeting.

Presentation of Matters to the Judicial Council
Article (7)

- a. The Secretary General will prepare the meeting agendas of the Judicial Council based on any matters to be presented to the Judicial Council pursuant to the directives of the Chairman; any matters to be presented to the Judicial Council upon the written request of Members; any matters received by the General Secretariat from the Judicial Authorities; and any matters required to be presented to the Judicial Council in accordance with the exigencies of public interest.
- b. The Chairman will approve the meeting agenda; and may exclude or withhold any matter from the agenda, as he deems appropriate, before presentation of the same to the Judicial Council.
- c. Subject to the consent of the Chairman, the Secretary General may, after the approval of a meeting agenda, add one or more urgent matters to that agenda under the "Any Other Business" item.
- d. The Secretary General will determine the deadline for receiving matters for presentation to the Judicial Council to allow for the meeting agenda to be prepared sufficient time prior to the meeting.
- e. Any matters for presentation to the Judicial Council will be accompanied by the information and documents required for determining them.
- f. The Judicial Council may request from any Government Entity or other entity the information and documents it deems necessary for determining the matters presented to it.
- g. The Secretary General will send the Judicial Council the meeting agenda, accompanied by the relevant documents, at least five (5) days prior to the date scheduled for the meeting unless an urgency exists which requires sending the agenda on the same day of the meeting. Each Member must peruse the matters listed on the agenda prior to the meeting.

Discussion of Matters Presented to the Judicial Council
Article (8)

- a. The Chairman will moderate discussions on the matters presented to the Judicial Council.
- b. The Judicial Council will discuss the matters listed on the agenda in their order of appearance therein. Matters which are not listed on the agenda may not be discussed without the approval of the Chairman.
- c. A Member who is concerned with the matter presented to Judicial Council will have the right to speak first.
- d. Where the Judicial Council discusses a matter in which a Member, or any of his relatives up to the fourth degree, is personally involved, that Member must withdraw from the meeting until the discussion of the matter ends.

Issuance of Judicial Council Resolutions
Article (9)

- a. The Judicial Council will issue its resolutions by majority vote of attending Members; and in the event of a tie, the chair of the meeting will have a casting vote.
- b. Deliberations of the Judicial Council will be held in camera. Judicial Council resolutions may be disclosed or divulged only after they are communicated to the competent entities.
- c. The chair of the meeting will determine the voting method.
- d. Judicial Council resolutions may be passed by circulation in cases of urgency or where deliberations are not required.
- e. Judicial Council resolutions will not be reasoned unless otherwise deemed appropriate by the Judicial Council in relation to specific matters.

Ratification of Judicial Council Minutes of Meetings
Article (10)

- a. The General Secretariat will prepare the Judicial Council minutes of meetings and send them to the Members for feedback and signing.

- b. The minutes of a meeting will be ratified in the following meeting. Upon approval of the Chairman, minutes of meetings may be ratified electronically.

Principles Established by the Judicial Council

Article (11)

- a. The principles established by the Judicial Council in its resolutions are those provisions prescribing general rules for the Judicial Authorities and the Members of the Judicial Authorities.
- b. The General Secretariat will compile the Judicial Council resolutions that include the principles to which the definition set forth in paragraph (a) of this Article applies.
- c. The General Secretariat will present to the Judicial Council the resolutions referred to in paragraph (b) of this Article for adoption of the principles contained therein as established principles of the Judicial Council.
- d. The General Secretariat will document and publish all the principles established by the Judicial Council.
- e. The General Secretariat will ensure that the resolutions of the Judicial Council do not contradict any of its previously established principles.
- f. The Judicial Council may not renege on any rules or principles previously established by it unless at least two thirds of its Members, including the Chairman, approve reneging on the same.

Implementation of Judicial Council Resolutions

Article (12)

- a. Judicial Council resolutions will be implemented immediately upon issuance.
- b. The General Secretariat will send the resolutions of the Judicial Council to the entities in charge of their implementation. No document of the Judicial Council, except the resolutions of the Judicial Council, may be sent to any entity without the approval of the Chairman.
- c. The General Secretariat will present to the Judicial Council periodic reports on the implementation of the Judicial Council resolutions.

Archiving Judicial Council Resolutions
Article (13)

The General Secretariat will archive Judicial Council resolutions electronically, and will maintain all records and files that make these resolutions readily accessible for reference.

Publication of Judicial Council Resolutions
Article (14)

- a. Upon ratification of the minutes of a Judicial Council meeting, the Chairman will determine which of the resolutions contained therein will be published.
- b. The General Secretariat will publish the aforementioned resolutions electronically.

Formation of Committees
Article (15)

- a. The Judicial Council may form one or more permanent or temporary committees from among its Members to perform certain duties assigned or delegated to them by the Judicial Council. These duties may not include any of the Judicial Council duties related to the appointment, promotion, transfer, or retirement of Members of the Judicial Authorities.
- b. The Judicial Council may form permanent or temporary committees comprised of Members of the Judicial Authorities or administrative staff to consider certain matters or perform specific duties.
- c. The aforementioned committees will convene at the invitation of their chairmen. The rules applicable to the Judicial Council will apply to the meetings, deliberations, and resolutions of these committees.

General Secretariat
Article (16)

- a. The Judicial Council will have a General Secretariat. The General Secretariat will be formed, its functions will be determined, and it will perform its duties pursuant to the provisions of the Law, the Resolution, and this Bylaw.

- b. The employees of the General Secretariat must maintain the confidentiality of all the documents and resolutions that are related to the work of the Judicial Council and to which they have access by virtue of their employment.

Secretary General Article (17)

- a. The Secretary General will preside over the General Secretariat and will exercise his duties and functions pursuant to the provisions of the Law, the Resolution, and this Bylaw.
- b. The assistant secretary general will substitute for the Secretary General where the Secretary General is absent.

Forms and Records Article (18)

The General Secretariat will prepare the forms and records that ensure work flow efficiency at the Judicial Council.

Remuneration of Members Article (19)

A Member will be entitled to a remuneration payment as determined by the resolutions and regulations in force in the Emirate.

Interpretation of the Bylaw Article (20)

The Judicial Council has exclusive jurisdiction over the interpretation of the provisions of this Bylaw.

Review and Amendment Article (21)

The General Secretariat will review the provisions of this Bylaw every three (3) years, and will submit any recommendations for amendment of the same to the Judicial Council to take the appropriate action in this regard.