

Resolution No. (137) of 2022
Approving the Rules for Using Digital
Processes in Providing Notary Public Services¹

The Director General of the Dubai Courts,

After perusal of:

Federal Law by Decree No. (46) of 2021 Concerning Electronic Transactions and Thiqat Services;

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

Resolution No. (36) of 2014 Regulating the Practice of Private Notaries Public and Employees of Government Entities Commissioned as Notaries Public in the Emirate of Dubai;

Law No. (1) of 2021 Establishing the Dubai Digital Authority;

Law No. (9) of 2022 Regulating the Provision of Digital Services in the Emirate of Dubai;

Executive Council Resolution No. (4) of 2014 Approving the Fees and Fines Related to Notaries Public in the Emirate of Dubai; and

Resolution No. (19) of 2022 Concerning the Conditions and Rules Related to Notary Public Official Seals,

Does 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:

UAE: The United Arab Emirates.

Emirate: The Emirate of Dubai.

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

Courts: The Dubai Courts.

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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.*

Competent Directorate:	The Notary Public Directorate at the Courts.
Notary Public:	A Government Notary Public, a Private Notary Public, an employee of a Government Entity registered on the Roll, or the e-Notary Public.
Government Notary Public:	A public servant appointed at the Courts and assigned the functions stipulated in the Law.
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.
e-Notary Public:	An Electronic System that performs certain functions assigned to Government Notaries Public pursuant to the Law without any human intervention and without the need for the Concerned Parties to appear in person at the office of the Notary Public.
Roll:	The paper or Electronic record maintained by the Courts in which the Private Notaries Public and employees of Government Entities, who meet the conditions and requirements stipulated in the Law, are registered.
Concerned Party:	A person who requests a Notary Public to process an application in accordance with the provisions of the Law.
Digital Identity:	A digital identifier approved by the Dubai Digital Authority through which the Concerned Parties may use digital processes and affix Electronic Signatures to Electronic Documents.
Electronic Signature:	A signature comprising alphabets, numbers, symbols, a sound, a fingerprint, or an Electronic process attached to or logically associated with an Electronic Document to verify the identity of a signatory and ensure his approval and consent to the content of the Electronic Document.
Digital Channels:	Websites, smart applications, and other media through which the Notary Public services are provided.
Digital Processes:	Notary Public services provided to Concerned Parties through Digital Channels in accordance with the rules stipulated in this Resolution, without requiring these parties to appear in person to avail of these services.

Electronic Document: Any document or contract which is registered or attested by a Notary Public, or whose date is validated by a Notary Public, using Digital Processes.

Scope of Application

Article (2)

The provisions of this Resolution apply to the Notary Public services provided to the Concerned Parties through Digital Processes.

Functions of the Competent Directorate

Article (3)

For the purposes of this Resolution, the Competent Directorate will, in coordination with the concerned organisational units of the Courts, have the duties and powers to:

1. verify compliance with the conditions, procedures, and requirements regulating the Notary Public services to be provided using Digital Processes in accordance with the legislation in force in the Emirate;
2. satisfy all technical and regulatory requirements, including Electronic security requirements, for providing the Digital Channels through which Notary Public services will be provided;
3. ensure that the Electronic Documents related to the Notary Public services provided pursuant to the provisions of this Resolution are maintained;
4. re-devise, and continuously develop and enhance, the procedures for provision of Notary Public services using Digital Processes;
5. prescribe the Electronic forms required for requesting to avail of Notary Public services using Digital Processes; and
6. comply with the relevant privacy standards to ensure that the Information and Data of Concerned Parties are accessible only to the concerned Notary Public and competent employees.

Channels for Provision of Notary Public Services

Article (4)

Notary Public services will be provided using Digital Processes through:

1. the e-Notary Public; and
2. telecommunication.

Rules and Procedures for Availing of e-Notary Public Services
Article (5)

The rules and procedures for availing of e-Notary Public services are as follows:

1. A Concerned Party will:
 - a. create an account on any of the Digital Channels adopted by the Courts using his Digital Identity, if he is a UAE national or a UAE resident, or using the unified number of his entry permit to the UAE, if he is a non-UAE resident;
 - b. sign in to the Courts' website using his username and select the e-Notary Public system;
 - c. select the required service from the available services;
 - d. enter the Data, and upload the documents, required for the requested service; and
 - e. pay the fees prescribed for the Notary Public service.
2. The e-Notary Public will provide the required service and send a copy of the Electronic Document to the personal email of the Concerned Party.

Rules and Procedures for Availing of Notary Public Services through Telecommunication
Article (6)

The rules and procedures for availing of Notary Public services, excluding e-Notary Public services, through telecommunication, are as follows:

1. A Concerned Party will:
 - a. create an account on any of the Digital Channels adopted by the Courts using his Digital Identity, if he is a UAE national or a UAE resident, or using the unified number of his entry permit to the UAE, if he is a non-UAE resident;
 - b. sign in to the Courts' website using his username and select the Notary Public service;
 - c. select the required service;
 - d. enter the Data, and upload the documents, required for the requested service; and
 - e. pay the fees prescribed for the Notary Public service.
2. The service request submitted by the Concerned Party will be forwarded to the concerned Notary Public, who will:
 - a. review the request for Notary Public service submitted by the Concerned Party and the uploaded documents to ensure compliance with the applicable legislation;

- b. contact the Concerned Party using the videoconferencing programmes approved by the Courts for this purpose, during the period from 07:00 a.m. to 9:00 p.m., to verify his identity and capacity and ensure his consent to the content of the requested Electronic Document;
- c. send a one-time password (OTP) to the Concerned Party through the Digital Channels approved by the Courts;
- d. receive the one-time password (OTP) and proceed with providing the requested service using his Electronic Signature and digital seal; and
- e. send a copy of the completed Electronic Document to the personal email of the Concerned Party.

Obligations of Concerned Parties

Article (7)

In addition to his obligations under the Law and the applicable legislation, a Concerned Party must:

- 1. accept the conditions prescribed for availing of the Notary Public services using Digital Processes, as stated in the Digital Channels adopted by the Courts;
- 2. observe the timings set by the Notary Public for the videoconference call and not miss the call on more than two (2) occasions;
- 3. use the suitable electronic devices that enable him to answer the videoconference call of the Notary Public;
- 4. use the Electronic Signature assigned to him on the Digital Identity, upon request;
- 5. comply with the rules of public order and morals when answering the videoconference call of the Notary Public;
- 6. not provide or upload any incorrect or false Data to avail of any of the Notary Public services;
- 7. not act or behave in a way that may affect the Digital Channels used for providing the Notary Public services; and
- 8. comply with the instructions for availing of the Notary Public services using Digital Processes, as stated in the Digital Channels adopted by the Courts.

Rejecting Digital Applications to Notaries Public

Article (8)

Without prejudice to the cases stipulated in the Law and other legislation in force in the Emirate that warrant refusing to provide a requested Notary Public service, a Notary Public service request submitted by a Concerned Party using Digital Processes under this Resolution will be deemed rejected in any of the following cases:

1. where the registration in the Digital Channels adopted by the Courts for availing of the Notary Public services is not completed within five (5) working days;
2. where it is impossible to verify the identity or capacity of the Concerned Party or his legal representative, or his consent to the content of the Electronic Document subject of the relevant digital transaction;
3. in case of failure to enter the Data, or upload the documents, required for completing the relevant digital transaction, within sixty (60) days from the date of registration of the transaction;
4. in case of failure to answer the Notary Public's call on more than two (2) occasions; or
5. where the prescribed fee is not paid.

Publication and Commencement

Article (9)

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

Taresh Eid Al Mansouri
Director General of the Dubai Courts

Issued in Dubai on 26 October 2022
Corresponding to 1 Rabi al-Thani 1444 A.H.