

Decree No. (32) of 2020

Concerning Ownership of Educational Land in the Emirate of Dubai¹

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

After perusal of:

Law No. (7) of 2013 Concerning the Land Department;

Law No. (12) of 2017 Regulating Civil Society Organisations in the Emirate of Dubai;

Law No. (16) of 2017 Concerning the Knowledge Fund Establishment and its amendments;

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

The Order of 1961 Establishing the Dubai Municipality;

The Order Transferring the Ownership of Educational Land to the Knowledge Fund Establishment, issued on 18 March 2007; and

The legislation establishing and 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:

Emirate: The Emirate of Dubai.

Government: The Government of Dubai.

DLD: The Land Department.

DM The Dubai Municipality.

KFE: The Knowledge Fund Establishment.

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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.

Educational Land:	Land which is granted by the competent authority in the Emirate; for which site plans are issued; and which is classified under a planning scheme as land allocated for educational purposes, whether academic or professional.
Developer:	Any entity, whether wholly or partially owned by the Government, that is licensed to conduct real property development business in the Emirate and that is granted by the competent authority in the Emirate a land plot which includes Educational Land, for the purpose of real property development.
Government Entity:	Any of the departments, public agencies and corporations, councils, authorities, or other public entities affiliated to the Government, including the authorities supervising Special Development Zones and free zones.

Transferring the Ownership of Educational Land Article (2)

- a. In addition to the Educational Land to which the above-mentioned order issued on 18 March 2007 applies, the ownership of the following land is hereby transferred to the KFE:
 1. the Educational Land granted to Government Entities, including the land these entities lease out or authorise third parties to use or develop;
 2. the Educational Land granted to Developers, including the land these Developers lease out or authorise third parties to use or develop;
 3. the vacant Educational Land granted to individuals and private entities, where five (5) years has lapsed from the date on which this land is granted without being used, where the educational activities in the land are permanently ceased, or where the purpose of designating the land is fulfilled;
 4. the Educational Land granted to federal government entities, foreign communities, Civil Society Organisations, or other entities, where five (5) years has lapsed from the date on which this land is granted, where the educational activities in the land are permanently ceased, or where the purpose of designating the land is fulfilled;
 5. the Educational Land allocated for Civil Society Organisations, where these organisations cease to be non-profit entities; and

6. the vacant land designated for educational purposes by the concerned entities in the Emirate after the effective date of this Decree. This includes the land which fall under the supervision of Developers.
- b. The provisions of paragraph (a) of this Article do not apply to the following:
1. the Educational Land granted to educational Government Entities;
 2. the Educational Land located within education districts, such as the Dubai Academic City and the Knowledge Village;
 3. the Educational Land encumbered by mortgages or other financial liabilities whose value exceeds the benefit to be derived from transferring the land to the KFE, unless the KFE demands the transfer of the same; and
 4. the mixed-use land of which any part is designated for educational purposes.

Educational Land Granted to Developers

Article (3)

- a. Notwithstanding the provisions of sub-paragraph (a)(2) of Article (2) hereof, a Developer may retain the Educational Land granted to him prior to the effective date of this Decree, provided that he pays the KFE seventy-five percent (75%) of the market value of that land.
- b. The Developer must pay the value stated in paragraph (a) of this Article in annual instalments throughout a period not exceeding thirty-four (34) years.
- c. The DLD will, within a period not exceeding three (3) months from the date on which this Decree comes into force, determine the market value of the Educational Land referred to in paragraph (a) of this Article. The percentage stated in paragraph (a) of this Article will be collected based on that market value until it is fully paid in full.
- d. Where a Developer fails to pay the percentage stated in paragraph (a) of this Article, the ownership of the Educational Land referred to in that paragraph will be transferred to the KFE. In this case, the amounts that have been paid by the Developer to the KFE may not be refunded.
- e. Developers must not change the use of the Educational Land referred to in paragraph (a) of this Article without first obtaining the relevant approval of the KFE and the concerned Government Entities, in accordance with the relevant adopted planning standards.

Procedures for Transferring the Ownership of Educational Land

Article (4)

- a. The KFE will, in coordination with the DM, the DLD, and the authorities supervising Special Development Zones and free zones, determine the Educational Land to which the provisions of Articles (2) and (3) of this Decree apply.
- b. The Government Entities to which the provisions of Articles (2) of this Decree apply must, within thirty (30) days from the date on which this Decree comes into force, provide the KFE with the lease and land use agreements entered into with third parties.
- c. Developers to whom the provisions of Article (2) of this Decree apply must, within thirty (30) days from the date on which this Decree comes into force, provide the KFE and the DM with the technical data and information related to their Educational Land, including the maps and plans of that land.
- d. Developers to whom the provisions of Article (3) of this Decree apply must, within six (6) months from the date on which the DLD determines the market value of the Educational Land, inform the KFE of their intention to retain this land, failing which the KFE may take the actions required for acquiring the ownership of the land.
- e. At the expense of the KFE, the DLD will:
 1. transfer the ownership of the Educational Land to which the provisions of Article (2) of this Decree apply; and
 2. transfer the ownership of the Educational Land to which the provisions of Article (3) of this Decree apply where the Developer fails to pay in full the percentage referred to in paragraph (a) of Article (3) of this Decree.

Concluding Agreements

Article (5)

For the purpose of implementing the provisions of this Decree, the KFE will conclude agreements with Developers in which the rights and obligations of their parties are stated. In particular, these agreements must state:

1. the method of determining the market value of the Educational Land;
2. the method of providing the KFE with the technical data and information related to the Educational Land;
3. the method of payment by the Developer of the percentage prescribed in paragraph (a) of Article (3) of this Decree, where the Developer decides to retain the Educational Land;

4. the method of enforcing the rights and performing the obligations related to the Educational Land, if any. This includes the method for payment of the service charges owed to the Developer in respect of the Educational Land, the rules governing the lease and land use agreements concluded by the Developer in respect of the Educational Land, and the rules governing any other related matters;
5. the method of dealing with the Educational Land of Developers in respect of which development contracts are concluded with other Developers;
6. the method of settlement of the charges owed to the Developer in respect of transfer of ownership of the same to the KFE;
7. the method of maintaining the Infrastructure of the Educational Land transferred to the KFE and the costs of this maintenance;
8. the method of development of Educational Land. This includes determining the educational institution to occupy the land and the targeted persons and nationalities, and any other relevant regulatory matters; and
9. any other matters related to the Educational Land and agreed on between the KFE and the Developer.

Succession in Lease and Land Use Agreements

Article (6)

As of the date on which this Decree comes into force and upon transferring the ownership of the Educational Land governed by the provisions hereof to the KFE, the KFE will succeed Government Entities and Developers in all lease and land use agreements concluded in respect of that Educational Land.

Publication and Commencement

Article (7)

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 24 November 2020

Corresponding to 9 Rabi al-Thani 1442 A.H.

