

Decree No. (26) of 2023
Establishing the Commissioners' Panel at the
Court of Cassation of the Dubai Courts¹

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

After perusal of:

Federal Law by Decree No. (38) of 2022 Issuing the Criminal Procedure Code;

Federal Law by Decree No. (42) of 2022 Issuing the Civil Procedure Code; and

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

Do hereby issue this Decree.

Definitions
Article (1)

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

Emirate: The Emirate 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.

Courts: The Dubai Courts.

Court: The Court of Cassation of the Courts.

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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.

Commissioners' Panel: The panel of commissioners established pursuant to this Decree.

Establishment of the Commissioners' Panel

Article (2)

Pursuant to this Decree, a judicial panel named (the "**Commissioners' Panel**") is established at the Court.

Commissioners' Panel Formation and Member Appointment

Article (3)

The Commissioners' Panel will be formed of a chairman, whose grade is not lower than Cassation Judge, and a sufficient number of Judges whose grades are not lower than Appellate Judge. The chairman and members of the Commissioners' Panel will be appointed by the Judicial Council based on the recommendation of the Chief Justice of the Court. In the absence of the chairman of the Commissioners' Panel for any reason whatsoever, the most senior Judge of the Commissioners' Panel will deputise for him.

Objectives of the Commissioners' Panel

Article (4)

The Commissioners' Panel will have the following objectives:

1. to boost trust in the judicial system of the Emirate with a view to contributing to the administration of justice by assisting the Court in preparing and considering cases, and providing the relevant legal opinions;
2. to contribute to developing and expediting litigation proceedings of the cases being heard by the Court, without compromising the principles of integrity, justice, and equity; and
3. to improve and optimise the performance of the judicial system; and ensure implementation of the vision and strategic objectives of the Emirate in respect of developing the justice sector.

Functions of the Commissioners' Panel

Article (5)

The Commissioners' Panel will have jurisdiction to:

1. examine the applications and appeals filed with the Court in accordance with the Law and the legislation in force in the Emirate; and prepare, and present to the competent judicial divisions of the Court, legal opinion memoranda on the grounds of these appeals or applications in terms of form and merits, supported by the judicial precedents established by the Court in its previous rulings issued in respect of similar cases;
2. propose conciliation to parties to appeals, where necessary;
3. consider and verify any impediments to litigation that may impact hearing or determining appeals;
4. provide legal opinions on the applications referred to it by the Chief Justice of the Court or the heads of the competent Court divisions, as the case may be;
5. propose any amendment to or deviation from the legal principles and judicial rules derived from previous appeal rulings; and
6. perform any other functions assigned to it by the Chief Justice of the Court, subject to compliance with the provisions of the Law and the legislation in force in the Emirate.

Terms of Reference of the Commissioners' Panel Article (6)

The work of the Commissioners' Panel, the type of appeals and applications that fall within its jurisdiction to examine and provide opinion on cases, the procedures and administration of the Commissioners' Panel, and all other matters related to its governance will be governed by the relevant terms of reference approved by the Chief Justice of the Court in coordination with the chairman of the Commissioner's Panel.

Inspection of the Performance of Commissioners' Panel Judges Article (7)

Based on a proposal by the Chief Justice of the Court, the Chairman will issue a regulation concerning inspection of the performance of the Commissioners' Panel Judges.

Legal Effect of Applications, Appeals, and Legal Opinions Article (8)

- a. Non-submission of any appeals or applications to the Commissioners' Panel for legal opinion will not result in the nullity of proceedings.

- b. A legal opinion issued by the Commissioners' Panel is deemed advisory and non-binding to the Court. The Court will have the discretion to act upon that opinion in whole or in part.

Discussion of Legal Opinions Article (9)

The Court division having jurisdiction over an appeal or application may invite the Judge who has provided legal opinion in respect of that appeal or application for a discussion in the consultation chamber, without having the right to attend the Court deliberations.

Providing Support to the Commissioners' Panel Article (10)

The Courts will provide the administrative and financial support required to enable the Commissioners' Panel to exercise its functions under this Decree, the resolutions issued in pursuance hereof, and other legislation in force in the Emirate.

Issuing Implementing Resolutions Article (11)

The Chairman or his authorised representative will issue the resolutions required for the implementation of the provisions of this Decree.

Publication and Commencement Article (12)

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 14 June 2023
Corresponding to 25 Thu al-Qidah 1444 A.H.