

Decree No. (29) of 2024
Concerning the Judicial Tribunal for Resolving
Jurisdictional Conflicts between the Dubai International Financial Centre
Courts and Judicial Bodies 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 by Decree No. (42) of 2022 Issuing the Civil Procedure Code;

Law No. (12) of 2004 Concerning the Dubai International Financial Centre Courts and its amendments;

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

Law No. (5) of 2021 Concerning the Dubai International Financial Centre;

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

Decree No. (19) of 2016 Forming the Judicial Committee of the Dubai Courts and the Dubai International Financial Centre Courts;

Decree No. (33) of 2020 Concerning the Special Tribunal for Unfinished and Cancelled Real Property Projects in the Emirate of Dubai; and

Resolution No. (14) of 2023 Forming the Tribunal for Settlement of the Disputes of Family Companies and Family Property in the Emirate of Dubai,

Do hereby issue this Decree.

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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.

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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.
Ruler:	His Highness the Ruler of Dubai.
Chairman:	The Chairman of the Judicial Council.
Judicial Council:	The Judicial Council of the Emirate.
Judicial Body:	The Dubai Courts, the Rental Disputes Settlement Centre in the Emirate, any tribunal formed pursuant to a decree or resolution of the Ruler or the Chairman, or any other entity in the Emirate whose establishing or regulating legislation stipulates that it is a Judicial Body.
Dubai Courts:	These include the Court of Cassation, the Court of Appeal, the Courts of First Instance, and any other court to be established therein.
DIFC Courts:	The Dubai International Financial Centre Courts.
Judicial Tribunal:	The Judicial Tribunal for Resolving Jurisdictional Conflicts between the Dubai International Financial Centre Courts and Judicial Bodies in the Emirate of Dubai, which is formed and regulated as an independent judicial tribunal pursuant to the provisions of this Decree.

Scope of Application

Article (2)

- a. The provisions of this Decree apply to the Judicial Committee of the Dubai Courts and the Dubai International Financial Centre Courts established pursuant to the above-mentioned Decree No. (19) of 2016.
- b. The name "Judicial Committee of the Dubai Courts and the Dubai International Financial Centre Courts", wherever mentioned in any legislation in force in the Emirate, is hereby replaced by the name "Judicial Tribunal for Resolving Jurisdictional Conflicts between

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the Dubai International Financial Centre Courts and Judicial Bodies in the Emirate of Dubai”.

Formation of the Judicial Tribunal Article (3)

- a. The Judicial Tribunal is hereby formed as follows:
 1. the Chief Justice of the Court of Cassation of the Dubai Courts, as chairman;
 2. the Deputy Chief Justice of the DIFC Courts, as vice chairman;
 3. the Secretary General of the Judicial Council, as member;
 4. the Chief Justice of the Court of Appeal of the Dubai Courts, as member;
 5. the Chief Justice of the Courts of First Instance of the Dubai Courts, as member;and
 6. two (2) judges from the DIFC Courts, nominated by the Chief Justice of the DIFC Courts, as members.
- b. A secretary will be nominated to the Judicial Tribunal by its chairman from among the employees of any of the Judicial Bodies, in coordination with the head of that Judicial Body. The secretary will be appointed at the first meeting of the Judicial Tribunal.

Functions of the Judicial Tribunal Article (4)

The Judicial Tribunal will have the duties and powers to:

1. determine the competent Judicial Body having jurisdiction over any claim or application in respect of which a jurisdictional conflict arises between the DIFC Courts and any of the Judicial Bodies;
2. determine the enforceable judgement in the event of delivery of conflicting judgements by the DIFC Courts and any Judicial Body in respect of claims that involve the same litigants and subject matter; and
3. exercise any other duties or powers assigned to it by the Ruler or the Chairman.

Sessions of the Judicial Tribunal

Article (5)

- a. Sessions of the Judicial Tribunal will convene at the invitation of its chairman, or vice chairman where the chairman is absent, and will be valid if attended by the majority of the Judicial Tribunal's members, provided that its chairman or vice chairman is in attendance. Decisions of the Judicial Tribunal will be passed unanimously or by majority vote of attending members; and in the event of a tie, the chair of the session will have the casting vote.
- b. Proceedings of the Judicial Tribunal and its decisions on the applications referred to it will be recorded in minutes signed by the chair of the session and attending members of the Judicial Tribunal.
- c. Deliberations of the Judicial Tribunal will be held in camera; and its decisions must be reasoned.

Establishing the Judicial Tribunal's Authority over Applications and their Determination

Article (6)

- a. In case of a jurisdictional conflict between the DIFC Courts and any Judicial Body, in which neither or both of them relinquish jurisdiction over a claim or an application, or in which they deliver conflicting judgements on the same, litigants may submit an application to the Judicial Tribunal to determine the competent Judicial Body having jurisdiction over the claim, or to determine the enforceable judgement.
- b. The Judicial Tribunal will determine the applications submitted to it in the cases stipulated in this Decree in accordance with the rules of jurisdiction prescribed by the legislation in force.

Effects of Establishing the Judicial Tribunal's Authority over Applications

Article (7)

Establishing the Judicial Tribunal's authority over an application will result in:

1. a stay of proceedings of the claims or applications in respect of which a jurisdictional conflict exists, pending the issuance of the Judicial Tribunal's decision determining the competent Judicial Body having jurisdiction to hear and determine these claims or applications;

2. a stay of enforcement proceedings, pending the issuance of the Judicial Tribunal's decision determining the enforceable judgement; and
3. suspension of the limitation periods and time-bar periods prescribed by the applicable legislation. This suspension will take effect from the date of submitting the application to the Judicial Tribunal.

Security Deposit Payment Article (8)

- a. A security deposit in the amount of three thousand dirhams (AED 3,000.00) will be collected in respect of an application that falls within the jurisdiction of the Judicial Tribunal. Failure to pay the security deposit will render the application non-admissible but will not preclude its resubmission.
- b. The security deposit referred to in paragraph (a) of this Article will be refunded to the applicant where the Judicial Tribunal rules in favour of the application. Otherwise, the security deposit will be forfeited where the Judicial Tribunal rules in favour of lack of jurisdiction of the Judicial Body asserted by the applicant as having jurisdiction, in which case the security deposit will be paid to the Judicial Body that has been determined to have jurisdiction over the application.

Issuance and Legal Effect of Judicial Tribunal's Decisions Article (9)

- a. The Judicial Tribunal will issue its decisions in the name of the Ruler.
- b. The decisions issued by the Judicial Tribunal determining the competent Judicial Body or an enforceable judgement will be final and not subject to any form of appeal.
- c. The rules of law established by the Judicial Tribunal in the decisions issued pursuant to this Decree will be deemed judicial precedents. All Judicial Bodies at all levels, including the DIFC Courts, will be bound by these precedents. Any conflict of a subsequent judicial ruling with any of these rules will provide grounds for challenging that ruling through any legally prescribed means of appeal.

Terms of Reference of the Judicial Tribunal Article (10)

The terms of reference of the Judicial Tribunal; the procedures for registering, hearing, and determining the applications over which it has jurisdiction under this Decree; as well as the

financial remuneration of its chairman, members, and secretary, will be determined pursuant to a resolution issued by the Chairman.

Pending Applications

Article (11)

The Judicial Tribunal will consider and determine the applications that have not been determined by the effective date of this Decree, unless they are reserved for decision.

Issuing Implementing Resolutions

Article (12)

The Chairman will issue the resolutions required for the implementation of the provisions of this Decree.

Supersession and Repeals

Article (13)

- a. This Decree supersedes the above-mentioned Decree No. (19) of 2016.
- b. Any provision in any other legislation is hereby repealed to the extent that it contradicts the provisions of this Decree.
- c. The resolutions issued in implementation of the above-mentioned Decree No. (19) of 2016 will continue in force to the extent that they do not contradict this Decree, until new superseding resolutions are issued.

Publication and Commencement

Article (14)

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

Mohammed bin Rashid Al Maktoum
Ruler of Dubai

Issued in Dubai on 3 April 2024
Corresponding to 24 Ramadan 1445 A.H.