

Decree No. (49) of 2024
Regulating the Appointment of Employees of
Government Entities in the Emirate of Dubai as
Members of Judicial Authorities¹

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

After perusal of:

Federal Law No. (7) of 1999 Issuing the Pensions and Social Security Law, and its amendments;

Federal Law by Decree No. (57) of 2023 Concerning Pensions and Social Security;

Law No. (21) of 2008 Concerning Pensions and Social Security of Local Paramilitary Personnel of the Government of Dubai and its amendments;

Law No. (27) of 2009 Concerning the Dubai Judicial Institute and its amendments;

Law No. (6) of 2012 Concerning Management of the Human Resources of Local Paramilitary Personnel in the Emirate of Dubai and its amendments;

Law No. (8) of 2013 Concerning Human Resource Management of Directors General in the Government of Dubai and its amendments;

Law No. (1) of 2016 Concerning the Financial Regulations of the Government of Dubai, its Implementing Bylaw, and their amendments;

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

Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources and its amendments;

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

Law No. (8) of 2021 Concerning Human Resources Management of Executive Directors/ Chief Executive Officers in the Government of Dubai;

Law No. (7) of 2022 Concerning the Pensions and Social Security Fund of Local Paramilitary Personnel in the Emirate of Dubai;

Decree No. (60) of 2023 Regulating the Transfer of Employees in the Government of Dubai;

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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.*

Executive Council Resolution No. (12) of 2020 Approving the Code of Ethics and Professional Conduct of Dubai Government Employees; and

The human resources legislation applicable to the Government Entities affiliated to the Government of Dubai and the free zones not governed by the above-mentioned Law No. (8) of 2018 Concerning Management of the Government of Dubai Human Resources,

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.
Judicial Council:	The Judicial Council of the Emirate.
Chairman:	The Chairman of the Judicial Council.
Judicial Authority:	This refers to the Courts, the Public Prosecution, and the Judicial Inspection Authority in the Emirate.
Government Entity:	Any of the Government departments; public agencies or corporations; Government councils; public authorities, including the authorities supervising Special Development Zones and free zones, such as the Dubai International Financial Centre; or other public entities affiliated to, and included in the General Budget of, the Government.
General Secretariat:	The general secretariat of the Judicial Council.
DJI:	The Dubai Judicial Institute.
Member of a Judicial Authority:	A Judge, a Member of the Public Prosecution, or a Judicial Inspector.
Employee:	A male or female civilian Employee or paramilitary Staff Member who occupies a budgeted civil post or holds a paramilitary rank in a Government Entity, and who is appointed on a full-time basis and enrolled in a Training Course.
Training Course:	A training course conducted at the DJI to qualify and prepare candidates for appointment as Members of the Judicial Authorities. This includes the

Judicial and Legal Studies Programme for Judges and the Diploma in
Legal and Judicial Studies for Members of the Public Prosecution.

Scope of Application
Article (2)

- a. The provisions of this Decree apply to civilian Employees and paramilitary Staff Members employed by the Government Entities governed by the human resources legislation, including the above-mentioned Law No. (6) of 2012 and Law No. (8) of 2018, who are admitted to a Training Course.
- b. The provisions of this Decree do not apply to the Directors General governed by the above-mentioned Law No. (8) of 2013, or to the Executive Directors/ Chief Executive Officers governed by the above-mentioned Law No. (8) of 2021.

Objectives of the Decree
Article (3)

This Decree aims to:

1. ensure the attraction of qualified UAE Nationals for appointment as Members of the Judicial Authorities;
2. protect the legal status, employment rights, and financial entitlements of the Employees for the duration of their attendance on a Training Course; and
3. ensure business continuity at the Government Entities whose Employees are enrolled in a Training Course.

Rights of Employees Enrolled in Training Courses
Article (4)

- a. A Government Entity must grant an Employee who meets the admission requirements for a Training Course full-time paid leave for the duration of that Training Course.
- b. For the duration of the Training Course, an Employee will:
 1. continue to receive his monthly Total Salary, in accordance with the human resources legislation applicable to the Government Entity for which he works, excluding any allowances or other benefits related to his post in that entity;
 2. continue to pay his monthly contributions to the General Pensions and Social Security Authority, in accordance with the above-mentioned Federal Law No. (7) of 1999 and

Federal Law by Decree No. (57) of 2023, or to the Pensions and Social Security Fund of Local Paramilitary Personnel in the Emirate, in accordance with above-mentioned Law No. (21) of 2008, as the case may be;

3. have the duration of the Training Course counted towards his actual period of service with the Government Entity; and
 4. continue to be entitled to the medical insurance together with his eligible family members, in accordance with the human resources legislation applicable to the Government Entity for which he works.
- c. An Employee will not, for the duration of a Training Course, be entitled to any employment benefits related to study leave under the human resources legislation applicable to the Government Entity for which he works.

Training Leave Requirements Article (5)

- a. To be granted training leave to attend a Training Course while retaining his rights under this Decree, an Employee must:
1. be a national of the United Arab Emirates;
 2. meet the requirements for admission to the Training Course, in accordance with the above-mentioned Law No. (13) of 2016 and the resolutions issued in pursuance thereof;
 3. have successfully completed the probation period prescribed under the human resources legislation applicable to the Government Entity for which he works, and have completed at least one (1) Year of continuous service;
 4. have completed at least one (1) Year of service with the Government Entity from the date on which he obtained his last academic qualification, if he was granted study leave by the Government Entity for which he works;
 5. have completed at least one (1) Year of service with the Government Entity from the date on which the previous Training Course concluded, if he failed to successfully complete that Training Course for any reason whatsoever;
 6. have successfully completed National Service, unless exempted in accordance with the relevant applicable legislation, if the Employee is male; and
 7. meet any other requirements prescribed by the Judicial Council under the relevant resolutions issued by the Chairman.

- b. Notwithstanding the provisions of sub-paragraphs (a)(3), (a)(4), and (a)(5) of this Article, the Judicial Council may, in coordination with the Government Entity for which the Employee works, exempt the Employee from the service period requirements stipulated in these sub-paragraphs.

Obligations of Employees

Article (6)

- a. An Employee attending a Training Course must:
 - 1. comply with the DJI bylaws and regulations applicable to Employees enrolled in Training Courses and other training and qualifying courses designated for Members of the Judicial Authorities;
 - 2. comply, for the duration of the Training Course, with the Code of Ethics and Professional Conduct of Dubai Government Employees approved pursuant to the above-mentioned Executive Council Resolution No. (12) of 2020;
 - 3. comply with the Training Course schedule set by the DJI and refrain from any absence without prior permission or a valid reason;
 - 4. remain in service with the Government Entity for a period equivalent to the duration of the Training Course, if he fails to successfully complete, or satisfy the requirements of, the Training Course;
 - 5. commence service with the Judicial Authority in the designated position upon successful completion of the Training Course and the issuance of a resolution by the Judicial Council approving his appointment. The Employee must remain in service with the Judicial Authority for a minimum period of five (5) Years from the date of appointment, unless the Judicial Council resolves to shorten this period or waive this requirement; and
 - 6. fulfil any other obligations prescribed by the Judicial Council pursuant to the relevant resolutions issued by the Chairman.
- b. Subject to the provisions of sub-paragraph (a)(5) of this Article, where an Employee fails to fulfil any of the obligations stipulated in sub-paragraphs (a)(4) and (a)(5) of this Article, he will be required to reimburse the Government Entity for which he works the Total Salaries he has received during the Training Course.

Reimbursement of Total Salaries

Article (7)

An Employee will be required to reimburse the monthly Total Salaries disbursed to him by a Government Entity, as stipulated in paragraph (b) of Article (6) of this Decree, upon the request of:

1. the Government Entity for which he works, if he fails to comply with the provisions of sub-paragraph (a)(4) of Article (6) hereof; or
2. the Judicial Authority, if the Employee fails, after commencing service with the Judicial Authority, to comply with the provisions of sub-paragraph (a)(5) of Article (6) hereof. In this case, the Judicial Authority must transfer the reimbursed amounts to the Government Entity with which the Employee was previously employed.

Rights of Employees who Fail to Successfully Complete or Satisfy the Requirements of Training Courses

Article (8)

- a. An Employee will retain the post he held in the Government Entity prior to his enrolment in a Training Course, should he fail to successfully complete or satisfy the requirements of the Training Course.
- b. Notwithstanding the provisions of paragraph (a) of this Article, a Government Entity may transfer an Employee enrolled in a Training Course to another post therein, on a grade equivalent to his previous grade, while retaining his Total Salary. In this case, the Employee's competencies and qualifications must be commensurate with the post to which he is transferred. In case of unavailability of a post that matches the competencies and qualifications of the Employee, the Government Entity may transfer him to another post in which he is able to perform his employment duties.
- c. Reinstating the Employee to his previous post, or transferring him to another post in accordance with this Article, will not prejudice any of his rights under the human resources legislation applicable to the Government Entity for which he works. This includes entitlement to promotions, employment benefits, and bonuses.

Leave Entitlement for Employees Enrolled in Training Courses

Article (9)

- a. An Employee will, for the duration of a Training Course, retain his annual leave balance with the Government Entity for which he works. However, he may not utilise this balance while attending the Training Course.

- b. The annual leave accrued by an Employee while attending a Training Course will be carried forward to the following Year if he is reinstated to his previous post or transferred to another post within his Government Entity, in accordance with the provisions of Article (8) of this Decree.
- c. While attending a Training Course, an Employee will be subject to the leave regulations of the DJI applicable to participants enrolled in Training Courses.

Performance Appraisal of Employees

Article (10)

An Employee attending a Training Course will receive a "Meets Expectations" or equivalent performance rating, unless the Government Entity for which he works has awarded him a higher performance rating for the Year preceding his enrolment in the Training Course. In this case, he will retain the higher performance rating unless he is appointed as a Member of the Judicial Authority.

Suspension of Payment of Benefits

Article (11)

The Government Entity for which the Employee works will suspend the disbursement of his employment allowances and benefits under the human resources legislation applicable to that Government Entity, as of the date on which the resolution approving the transfer and appointment of the Employee as a Member of the Judicial Authority is issued by the Judicial Council. The Judicial Authority to which the Employee is appointed must commence the disbursement of the Employee's employment entitlements, including allowances and benefits, in accordance with the human resources legislation applicable to Members of the Judicial Authorities, with effect from the date specified in the legislation issued on the transfer and appointment of Members of the Judicial Authorities.

Employment Responsibilities and Instructions

Article (12)

An Employee will, for the duration of a Training Course, be relieved of all employment responsibilities and will be exempt from complying with any instructions relating to the performance of his duties at the Government Entity for which he works.

Duties of the General Secretariat

Article (13)

For the purposes of this Decree, the General Secretariat will:

1. notify a Government Entity, at least two (2) months prior to the commencement of a Training Course, of the names of its Employees nominated for enrolment in that course, following the issuance of the Judicial Council's resolution approving their enrolment. The notification must include detailed information about the duration of the course. The Government Entity must issue the necessary administrative resolutions to grant those Employees training leave in accordance with the provisions of this Decree and the human resources legislation applicable thereto;
2. coordinate with the Government Entity for which an Employee works to facilitate his attendance on the Training Course and fulfilment of its requirements;
3. notify a Government Entity of the names of its Employees who have either successfully completed or failed to complete a Training Course, along with the dates on which they have joined the Judicial Authority, in order for the Government Entity to suspend the disbursement of their employment entitlements, including allowances and benefits, in accordance with Article (11) of this Decree;
4. provide the Judicial Authority to which an Employee is appointed, and the Government Entity for which he works, with a monthly report on the Employee's attendance and fulfilment of the requirements of the Training Course, as per the schedule set by the DJI; and
5. perform any other duties determined by the Judicial Council pursuant to the relevant resolutions issued by the Chairman.

Duties of the DJI **Article (14)**

For purposes of this Decree, the DJI will:

1. provide the General Secretariat with a monthly report on each Employee's attendance and fulfilment of the requirements of the Training Course;
2. provide the General Secretariat with periodic reports on Employees' performance evaluations during Training Courses, including any recommendations for terminating an Employee's enrolment in the Training Course in the event of a breach of any of his obligations under Article (6) of this Decree; and
3. perform any other duties determined by the Judicial Council or the Board of Directors of the DJI pursuant to the relevant resolutions issued by the Chairman or the Chairman of the Board of Directors, as the case may be.

Cooperation with the General Secretariat, the DJI, and the Judicial Authorities
Article (15)

All Government Entities must fully cooperate with the General Secretariat, the DJI, and the Judicial Authorities; and must provide them with the required support to achieve the objectives of this Decree and to enable the General Secretariat and the DJI to perform their duties and functions under this Decree, the resolutions issued in pursuance hereof, and other legislation in force in the Emirate.

Issuing Implementing Resolutions
Article (16)

The Chairman will issue the resolutions required for the implementation of this Decree. This includes issuing any amendments to the provisions hereof.

Repeals
Article (17)

Any provision in any other legislation is hereby repealed to the extent that it contradicts the provisions of this Decree.

Commencement and Publication
Article (18)

This Decree comes into force on the day on which it is issued, and will be published in the Official Gazette.

Mohammed bin Rashid Al Maktoum
Ruler of Dubai

Issued in Dubai on 4 September 2024
Corresponding to 1 Rabi al-Awwal 1446 A.H.