

Law No.12 of 2004

in respect of

The Judicial Authority at Dubai International Financial Centre

We, Maktoum Bin Rashid Al Maktoum, Ruler of Dubai;

After having reviewed;

The Constitution of the United Arab Emirates and its amendments;

Federal Law No. (11) of 1992 in respect of Civil Procedures;

Federal Decree No. (35) of 2004 Establishing Dubai International Financial Centre;

Law No. (3) of 1992 in respect of the Formation of the Courts in Dubai;

Law No. (9) of 2004 in respect of Dubai International Financial Centre;

Issue the following law:

Article 1

This Law will be cited as "The Law of the Judicial Authority at Dubai International Financial Centre, Law No.12 of 2004."

Article 2
Definitions

The following words and expressions shall have the meanings assigned to each of them, unless the context otherwise mandates:

The State:	United Arab Emirates.
The Emirate:	Emirate of Dubai.
The Ruler:	H.H. Ruler of the Emirate of Dubai.
The Centre:	Dubai International Financial Centre.
The President:	The President of the Centre.
The Centre's Bodies:	Those bodies established pursuant to paragraph 3 of Article 3 of the Centre Law and any other bodies created by those bodies or by the President.

Dubai Courts	The Emirate of Dubai courts established pursuant to Law No. (3) of 1992
Licensed Centre Establishments:	Any entity licensed, registered or otherwise authorised to carry on financial or banking business including those activities and businesses referred to in Article 9 of the Centre Law.
Centre's Regulations:	Any rules, bylaws, or orders relating to the Centre issued by the President or the Centre's Bodies.
Centre Establishments:	Any entity or business duly established or carrying on business in the Centre, including any Licensed Centre Establishments.
The Courts:	The Court of First Instance and the Court of Appeal at the Centre established pursuant to this Law.
Arbitral Award	Any arbitration award recognised by the Centre's Laws or foreign arbitration awards that satisfy the requirements of the Centre's Laws.
The Rules of the Courts	The rules organising the proceedings adjudicated by the Courts.

Article 3

The Dubai International Financial Centre Courts

- (1) ~~The Courts of the Centre are hereby established and shall carry out their functions in an independent manner, in accordance with the provisions of this Law and the provisions of the other Centre's Laws and Regulations. The Courts shall be of two ranks; The Court of First Instance and the Court of Appeal.~~
- (2) The Courts shall be situated in the Centre, and may, when necessary, hold hearings anywhere else in the Emirate.
- (3) The Court of First Instance shall be composed of a single judge and the Court of Appeal of a presiding judge and two judges. The Court of First Instance and the Court of Appeal shall have one or more circuits. The Chief Justice, or the most senior of the judges when necessary, shall preside over the Court of Appeal.
- (4) The judges, including the Chief Justice, shall be appointed by a decree issued by the Ruler.
- (5) Judgements of the Courts shall be issued in the name of the Ruler.
- (6) The judgement of the Court of Appeal shall be unanimous or rendered by the majority and the minority shall note a dissenting judgement next to the judgment of the majority.

Article 4

Administration of the Courts

- (1) The Chief Justice shall constitute the different Courts' circuits and supervise their administrative affairs.
- (2) The Chief Justice may delegate all or any of his administrative powers to any of the judges of the Courts in accordance with the provisions of the Centre's Laws and Regulations.

Article 5

The Jurisdiction of the Courts

(A) The Court of First Instance:

- (1) Without prejudice to paragraph 2 of this Article, the Court of First Instance shall have the exclusive jurisdiction over:
 - (a) civil or commercial cases and disputes involving the Centre or any of the Centre's Bodies or any of the Centre's Establishments.
 - (b) civil or commercial cases and disputes arising from or related to a contract that has been executed or a transaction that has been concluded, in whole or in part, in the Centre or an incident that has occurred in the Centre.
 - (c) objections filed against decisions made by the Centre's Bodies, which are subject to objection in accordance with the Centre's Laws and Regulations.
 - (d) any application over which the Courts have jurisdiction in accordance with the Centre's Laws and Regulations;
- (2) Parties may agree to submit to the jurisdiction of any other court in respect of the matters listed under paragraphs (a), (b) and (d) of this Article.

(B) The Court of Appeal:

- (1) the Court of Appeal shall have the exclusive jurisdiction over:
 - (a) appeals filed against judgments and awards made by the Court of First Instance;
 - (b) interpretation of any article of the Centre's Laws based upon the request of the Courts in a claim that the Courts adjudicate or the request of any of the Centre's Bodies or the request of any of the Centre Establishments provided that the establishment obtains the leave of the Chief Justice in this regard. Such interpretation shall have the power of law.
- (2) Judgements issued by the Court of Appeal shall be final and shall not be subject to appeal by any means of appeal.

(C) **The Executive Judge at the Centre:**

The Chief Justice shall appoint one of the judges of the Court of First Instance as an executive judge with the jurisdiction to issue execution orders within the Centre.

Article 6

Governing Law

The Courts shall apply the Centre's Laws and Regulations, except where parties to the dispute have explicitly agreed that another law shall govern such dispute, provided that such law does not conflict with the public policy and public morals.

Article 7

The Enforcement

- (1) Should the subject of execution fall within the Centre, judgements, awards and orders issued by the Courts and Arbitral Awards ratified by the Courts shall be enforced by the executive judge at the Centre.
- (2) Should the subject of execution fall outside the Centre, judgements, awards and orders issued by the Courts and Arbitral Awards ratified by the Courts shall be enforced by an executive judge at Dubai Courts, subject to the following:
 - (a) ~~The judgement, award or order is final and is appropriate for enforcement; and~~
 - (b) The judgment, award or order has been translated into Arabic.
- (3) The executive judge at Dubai Courts has no jurisdiction to review the merits of a judgement, award or order of the Courts.
- (4) Judgements, awards and orders of any court outside the Centre may be enforced within the Centre in the manner prescribed in the Centre's Laws.

Article 8

Liability of Judges

Judges at the Courts shall not be held liable for anything done or omitted to be done in the performance of their functions unless proven that the same has been in bad faith.

Article 9

The management of the Courts affairs, the prosecution proceedings and the enforcement shall be regulated by virtue of a special law.

Article 10

Any text in any other law to the extent that it contradicts this Law shall be repealed.

Article 11

This Law shall be published in the Official Gazette and shall become effective from the date of publication.

Maktoum Bin Rashid Al Maktoum

Ruler of Dubai