

Law No.12 of 2004
in respect of
The Judicial Authority at Dubai International Financial Centre
as amended.

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

After perusal of the Constitution, Federal Law No. (11) of 1992
Concerning Civil Procedure and its amendments, [16/2011 wef 31/10/2011]

Federal Law No. (8) of 2004 Concerning Financial Free Zones, [16/2011 wef 31/10/2011]

Federal Decree No. (35) of 2004 Establishing a Financial Free Zone in the Emirate of Dubai, [16/2011 wef 31/10/2011]

Law No. (3) of 1992 Establishing the Courts of the Emirate of Dubai and its amendments, [16/2011 wef 31/10/2011]

Law No. (1) of 1994 Concerning Courts Fees and its amendments, [16/2011 wef 31/10/2011]

Law No. (9) of 2004 Concerning Dubai International Financial Centre and its amendments, [16/2011 wef 31/10/2011]

DIFC Law No. (10) of 2004 Concerning Dubai International Financial Centre Courts, and [16/2011 wef 31/10/2011]

Law No. (12) of 2004 Concerning Dubai International Financial Centre Courts (the “**Original Law**”), [16/2011 wef 31/10/2011]

Do hereby issue the following law: [16/2011 wef 31/10/2011]

Article 1

The provisions of Articles (2), (4), (5) and (7) of the Original Law shall be superseded by the following provisions: [16/2011 wef 31/10/2011]

Article 2

Definitions

The following words and expressions, wherever mentioned in this law, shall have the meaning indicated opposite each of them unless the context implies otherwise:

State:	The United Arab Emirates.	[16/2011 wef 31/10/2011]
Emirate:	The Emirate of Dubai.	[16/2011 wef 31/10/2011]
Ruler:	His Highness the Ruler of Dubai.	[16/2011 wef 31/10/2011]
DIFC:	Dubai International Financial Centre.	[16/2011 wef 31/10/2011]
President:	The President of DIFC.	[16/2011 wef 31/10/2011]
DIFC Bodies:	The bodies established pursuant to Article (3) of the aforementioned Law No. (9) of 2004 and any other body established pursuant to the DIFC Laws or pursuant to approval of the President.	[16/2011 wef 31/10/2011]

Dubai Courts:	Courts of the Emirate established pursuant to the aforementioned Law No. (3) of 1992. <i>[16/2011 wef 31/10/2011]</i>
DIFC Establishments:	Any entity or enterprise established, licensed, registered or authorised to carry on business or conduct any activity within the DIFC pursuant to DIFC Laws, including Licensed DIFC Establishments. <i>[16/2011 wef 31/10/2011]</i>
Licensed DIFC Establishments:	Any entity or enterprise licensed, registered or authorised by the Dubai Financial Services Authority to provide financial services, or conduct any other activities in accordance with the DIFC Laws. <i>[16/2011 wef 31/10/2011]</i>
DIFC Laws:	Any laws issued by the Ruler in relation to DIFC. <i>[16/2011 wef 31/10/2011]</i>
DIFC Regulations:	Any rules, regulations, bylaws or orders relating to DIFC issued by the President or by DIFC Bodies. <i>[16/2011 wef 31/10/2011]</i>
Courts:	The Court of First Instance and the Court of Appeal established pursuant to this Law, and any tribunals established by the Chief Justice of the Courts pursuant to the DIFC Laws.
Arbitral Award:	Any arbitration award recognised by the DIFC Laws or any foreign arbitration awards that satisfies the requirements of the DIFC Laws.
Rules of the Courts:	The rules regulating litigation procedure before the Courts. <i>[16/2011 wef 31/10/2011]</i>

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

Duties and Powers of the Chief Justice of the Courts

[16/2011 wef 31/10/2011]

- (1) The Courts shall have a Chief Justice and a Deputy Chief Justice appointed pursuant to a decree issued by the Ruler. *[16/2011 wef 31/10/2011]*
- (2) In addition to the powers and duties granted to the Chief Justice of the Courts by the DIFC Laws, the Chief Justice of the Courts shall undertake general supervision of the Courts, and for this purpose he shall have the following duties and powers: *[16/2011 wef 31/10/2011]*

I. Administrative Duties and Powers:

[16/2011 wef 31/10/2011]

- (a) To set up the different Courts' circuits and divisions; *[16/2011 wef 31/10/2011]*
- (b) To determine the infrastructures, buildings, administrative services and any other services necessary to achieve the objectives of the Courts, and to submit recommendations in this respect to the President to take the necessary action as he deems appropriate; *[16/2011 wef 31/10/2011]*
- (c) To enter into contracts, agreements and memoranda of understanding with third parties within or outside of the Emirate in order to achieve the objectives of the Courts, and to acquire, own and dispose of movable property pursuant to DIFC Laws.

[16/2011 wef 31/10/2011]

II. Technical Duties and Powers:

[16/2011 wef 31/10/2011]

- (a) To propose and submit to the President the draft DIFC Laws concerning any matter falling within the Courts' jurisdiction; *[16/2011 wef 31/10/2011]*
- (b) To approve and issue the Rules of the Courts and the DIFC Regulations falling within the Courts' jurisdiction; *[16/2011 wef 31/10/2011]*
- (c) To carry out public consultation on any draft DIFC Laws or draft DIFC Regulations falling within the Courts' jurisdiction. *[16/2011 wef 31/10/2011]*

(3) The Chief Justice of the Courts may delegate any of his administrative powers to his deputy, to any of the judges of the Courts or to the Registrar of the Courts.

[16/2011 wef 31/10/2011]

(4) In addition to the duties and powers assigned to him by the Chief Justice of the Courts, the Deputy Chief Justice of the Courts shall undertake all the duties and powers of the Chief Justice of the Courts in the event of his absence.

[16/2011 wef 31/10/2011]

Article 5

Jurisdiction

[16/2011 wef 31/10/2011]

(A) The Court of First Instance:

(1) The Court of First Instance shall have exclusive jurisdiction to hear and determine:

[16/2011 wef 31/10/2011]

- (a) Civil or commercial claims and actions to which the DIFC or any DIFC Body, DIFC Establishment or Licensed DIFC Establishment is a party; *[16/2011 wef 31/10/2011]*
- (b) Civil or commercial claims and actions arising out of or relating to a contract or promised contract, whether partly or wholly concluded, finalised or performed within DIFC or will be performed or is supposed to be performed within DIFC pursuant to express or implied terms stipulated in the contract; *[16/2011 wef 31/10/2011]*
- (c) Civil or commercial claims and actions arising out of or relating to any incident or transaction which has been wholly or partly performed within DIFC and is related to DIFC activities; *[16/2011 wef 31/10/2011]*
- (d) Appeals against decisions or procedures made by the DIFC Bodies where DIFC Laws and DIFC Regulations permit such appeals; *[16/2011 wef 31/10/2011]*

- (e) Any claim or action over which the Courts have jurisdiction in accordance with DIFC Laws and DIFC Regulations. *[16/2011 wef 31/10/2011]*
- (2) The Court of First Instance may hear and determine any civil or commercial claims or actions where the parties agree in writing to file such claim or action with it whether before or after the dispute arises, provided that such agreement is made pursuant to specific, clear and express provisions. *[16/2011 wef 31/10/2011]*
- (3) The Court of First Instance may hear and determine any civil or commercial claims or actions falling within its jurisdiction if the parties agree in writing to submit to the jurisdiction of another court over the claim or action but such court dismisses such claim or action for lack of jurisdiction. *[16/2011 wef 31/10/2011]*
- (4) Notwithstanding Clause (2) of Paragraph (A) of this Article, the Court of First Instance may not hear or determine any civil or commercial claim or action in respect of which a final judgment is rendered by another court. *[16/2011 wef 31/10/2011]*
- (B) The Court of Appeal:**
- (1) The Court of Appeal shall have exclusive jurisdiction to hear and determine: *[16/2011 wef 31/10/2011]*
- (a) appeals filed against judgments and decisions made by the Court of First Instance; *[16/2011 wef 31/10/2011]*
- (b) request of interpretation by the Chief Justice of the Courts of any article of the DIFC Laws and DIFC Regulations upon an application submitted to him from any DIFC Body, DIFC Establishment or Licensed DIFC Establishment; such interpretation shall have the same authority as the interpreted legislation. *[16/2011 wef 31/10/2011]*
- (2) Judgments rendered by the Court of Appeal shall be final and conclusive, and shall not be subject to appeal by any means of appeal. *[16/2011 wef 31/10/2011]*
- (C)** The procedure prescribed in the Rules of the Courts shall apply to all civil and commercial claims and actions heard by DIFC Courts. *[16/2011 wef 31/10/2011]*
- (D) DIFC Execution Judge** *[16/2011 wef 31/10/2011]*
The Chief Justice of the Courts shall assign one or more of the Courts' judges as execution judge(s). *[16/2011 wef 31/10/2011]*

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

Execution

- [16/2011 wef 31/10/2011]*
- (1) The execution judge assigned pursuant to Paragraph (D) of Article (5) of this Law shall have jurisdiction over execution of the judgments, decisions and orders rendered by the Courts and the Arbitral Awards

ratified by the Courts if the subject matter of execution is situated within DIFC, and such execution shall be in accordance with the Rules of the Courts.

[16/2011 wef 31/10/2011]

- (2) Where the subject matter of execution is situated outside the DIFC, the judgments, decisions and orders rendered by the Courts and the Arbitral Awards ratified by the Courts shall be executed by the competent entity having jurisdiction outside DIFC in accordance with the procedure and rules adopted by such entities in this regard, as well as with any agreements or memoranda of understanding between the Courts and these entities. Such execution shall be subject to the following conditions:

[16/2011 wef 31/10/2011]

(a) The judgment, decision, order or ratified Arbitral Award to be executed is final and executory;

[16/2011 wef 31/10/2011]

(b) The judgment, decision, order or ratified Arbitral Award is translated into the official language of the entity through which execution is carried out;

[16/2011 wef 31/10/2011]

(c) The Courts affix the executory formula on the judgment, decision, order or ratified Arbitral Award.

[16/2011 wef 31/10/2011]

- (3) In addition to Paragraphs (a), (b) and (c) of Clause (2) of this Article, when executing the judgments, decisions and orders issued by the Courts or Arbitral Awards ratified by the Courts through Dubai Courts, the following must be observed:

[16/2011 wef 31/10/2011]

(a) the Courts shall issue an execution letter to the Chief Justice of the Court of First Instance of Dubai Courts stating the procedure to be carried out;

[16/2011 wef 31/10/2011]

(b) the person requesting execution shall submit to the execution judge of Dubai Courts an application accompanied by a copy of the judgment, decision or order, legal translation of the same, and the execution letter;

[16/2011 wef 31/10/2011]

(c) the execution judge of Dubai Courts shall apply the execution procedure and rules stipulated in the aforementioned Federal Civil Procedure Code, including any objections to the execution; the execution judge may not reconsider the merits of the judgment, decision or order;

[16/2011 wef 31/10/2011]

(d) Dubai Courts shall collect the execution fees for each execution request submitted to them in accordance with the aforementioned Dubai Courts Fees Law.

[16/2011 wef 31/10/2011]

- (4) Where the subject matter of execution is situated in DIFC, the judgments, decisions and orders rendered by Dubai Courts or Arbitral Awards ratified by Dubai Courts shall be executed by the execution judge of the Courts subject to the following conditions:

[16/2011 wef 31/10/2011]

(a) The judgment, decision or order to be executed is final and executory;

[16/2011 wef 31/10/2011]

(b) The judgment, decision or order is translated into English by the person requesting execution;

[16/2011 wef 31/10/2011]

(c) Dubai Courts affix the executory formula on the judgment, decision or order.

[16/2011 wef 31/10/2011]

- (5) In addition to Paragraphs (a), (b) and (c) of Clause (4) of this Article, when executing, through the Courts, the judgments, decisions or orders issued by Dubai Courts and Arbitral Awards ratified by Dubai Courts, the following must be observed:

[16/2011 wef 31/10/2011]

- (a) the Dubai Courts shall issue an execution letter to the Chief Justice of the Courts stating the procedure to be carried out; *[16/2011 wef 31/10/2011]*
 - (b) the person requesting execution shall submit to the execution judge of the Courts an application accompanied by a copy of the judgment, decision or order, legal translation of the same, and the execution letter; *[16/2011 wef 31/10/2011]*
 - (c) the execution judge of the Courts shall apply the execution procedure and rules stipulated in the Rules of the Courts, including any objections to execution. The execution judge may not reconsider the merits of the judgment, decision or order; *[16/2011 wef 31/10/2011]*
 - (d) the Courts shall collect the execution fees for each execution request submitted to them in accordance with their applicable fees law. *[16/2011 wef 31/10/2011]*
- (6) The judgments, decisions, orders and ratified Arbitral Awards rendered outside DIFC by any court other than Dubai Courts shall be executed within DIFC in accordance with the procedure prescribed in the Rules of the Courts. *[16/2011 wef 31/10/2011]*

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

Legislative History

Law No. 12 of 2004

This Legislative History is provided for the convenience of users. It is not part of this Law.

1. Law No. 12 of 2004

Date of commencement: 2004

2. Law No. 16 of 2011

Amendments to: Articles (2), (4), (5) and (7)
Date of commencement: 31 October 2011