

## **Federal Law No. 10**

Issued on 20/11/2014

Corresponding to 27 Muharram 1436 H.

### **On the Amendment of Certain Provisions of the Civil Procedures Law issued by virtue of Federal Law No. 11 of 1992**

**We Khalifa Bin Zayed Al Nahyan President of the United Arab Emirates State,**

Pursuant to the perusal of the Constitution;

- Federal Law No. 1 of 1972 on Competencies of the Ministries and Powers of the Ministers and its amendments;
- Federal Law No. 10 of 1973 on the Federal Supreme Court and its amendments;
- Federal Law No. 11 of 1973 on Judicial Relationships Amongst Emirates;
- Federal Law No. 6 of 1978 Concerning the Establishment of Federal Courts and the Transfer of the Jurisdictions of the Local Judicial Authorities in certain Emirates to said Courts and its amendments;
- Federal Law No. 17 of 1978 Regulating the Cases and Procedures of Appeal in Cassation before the Federal Supreme Court;
- Civil Transactions Law issued by virtue of Federal Law No. 5 of 1985 and its amendments;
- Federal Law No. 23 of 1991 Federal Law No. 23 of 1991 on the Regulation of the Legal Profession;
- Law of Evidence in Civil and Commercial Transactions issued by virtue of Federal Law No. 10 of 1992 and its amendments;
- Civil Procedure Law issued by virtue of Federal Law No. 11 of 1992 and its amendments;
- Federal Law No. 7 of 2012 on the Regulation of Expertise before the Judicial Authorities; and

Based on the proposal of the Minister of Justice and the approval of the Cabinet and the Federal National Council, and the ratification of the Federal National Council,

#### **Issued the following Law:**

##### **Article 1**

The following two expressions, wherever they appear in the Civil Procedures Law issued by virtue of Federal Law No. 11 of 1992 and its amendments, shall be replaced by the expressions assigned thereto:

Clerk's Office: Case Management Office.

Process server: Process server.\*

##### **Article 2**

The provisions of Articles No.: (5), (6), (7), (8), (9), (10), (11), (25), (30), (42), (44), (45), (46), (54), (71), (73), (94), (132), (144), (152), (153), (154), (155), (162), (174), (177), (180), (189), (217), (246), (252), (253), (254), (259), (260), (301), (304), (325), (326) of the Civil Procedures Law issued by virtue of Federal Law No. 11 of 1991 and its amendments shall be replaced by the following provisions:

##### **“Article 5**

---

\* The Arabic term was replaced by a synonym, thus the English was not affected; therefore a mention is in order.

1- The notice shall be served upon a party's request or a court's order by the process server or in in any other way prescribed by the Law.

2- The Court may authorise the plaintiff or his attorney to serve the notice.

3- Notice may be served through a company or one or more private offices.

The Cabinet shall issue the notice serving regulation through private companies and offices as well as the conditions required for the notice serving process to be carried out according to the provisions hereof.

Every person assigned to be in charge of the notice serving process shall be deemed a process server.

4- If it is impossible for the process server to serve the notice, the matter shall be referred to the Case Management Office, the competent judge or the head of circuit, according to the circumstances, to decide the appropriate modification to be made to the notice serving method.

#### **Article 6**

1- No notice may be served and no execution procedure may be undertaken by any of the process server or the executor, before seven o'clock in the morning or after six o'clock in the evening, or during the official holidays, except in case of necessity and under a written permission from the competent judge, the head of circuit or the magistrate of summary justice.

2- As for the government and the public legal persons, the date of notice serving or commencement of execution shall be set in accordance with their activities and their office hours.

#### **Article 7**

The notice paper shall include the following information:

a- The date of the day, month, year and hour when the notice has been served.

b- The notice applicant's name, title, profession or job, domicile, elected domicile and workplace, as well as the name of the applicant's representative, his title, profession or job, residence and workplace in case he works for others.

c- The name of the addressee, his title, profession or position and domicile or elected domicile. In case his domicile was unknown at the time when the notice was served, his last domicile and workplace should be specified.

d- The name of the process server, his position, the entity to which he belongs and his signature on both the original and the copy of the notice paper.

e- The subject of the notice.

f- The name of the person who received the notice, his title, signature, seal or fingerprint on the original paper as acknowledgment of receipt or for proving his abstention and the reason thereof.

#### **Article 8**

1- The notice paper copy shall be delivered to the addressee wherever found or at his domicile, residence, elected domicile or workplace. Should it be impossible to serve him the notice or should he abstain from the receiving such notice, the Case Management Office shall either serve him the notice or authorise same through registered mail, fax, email or similar modern technology means specified by virtue of a decision issued by the Minister of Justice, or by any means agreed upon by the parties.

2- If the process server was unable to find the addressee neither in his domicile nor in his residence, he shall deliver the copy of the notice to any of the persons living with said addressee including spouses, relatives, in-laws or servants. In case the process server was unable to find the addressee in his workplace, he shall deliver a copy of the notice to the chairman or to any manager or employee.

3- The process server shall make sure that the person to which the notice is served is at least 18 years old and that neither such person nor the person represented thereby have an apparent conflict of interests with the addressee.

4- If the Case Management Office, the competent judge or the head of circuit, as the case may be, was ascertained that the addressee has no domicile, residence, elected domicile, workplace, postal address, fax, or email address, or should the parties fail to agree on the means to serve the notice, it shall be posted on the notice board of the court or clearly on the door of the last place wherein he used to reside if any, or by publication in a widespread daily newspaper issued in Arabic in the State and in another newspaper issued in a foreign language, if needed, should the addressee be a foreigner. The posting or publication date shall be considered as the notice serving date.

5- The original notice paper shall be attached to the case file.

#### **Article 9**

With the exception of the provisions stipulated in special laws, the notice paper copy shall be delivered as follows:

1- As for ministries, governmental, federal, local departments and public authorities and institutions of all kind, the copy shall be delivered to their legal representative.

2- As for private companies, associations and institutions and all other private legal persons, the copy shall be delivered at their head office, to their legal representative or whoever acts in his stead. If they are not present, the copy shall be delivered to one of their office's employees. In case the aforementioned establishments have no head office, the copy shall be delivered to their representative personally or at his domicile. Should it be impossible to serve the notice, the procedure mentioned in Clause 4 of Article 8 of the present Law shall be applicable.

3- As for foreign companies that have a branch or an office in the State, the copy shall be delivered to the manager of the company's branch or office or whoever legally represents it in the State. In case of his absence, the copy shall be delivered to one of his office's employees.

4- As for the members of the armed forces, the police or the like, the copy shall be delivered to the competent department to deliver it to them.

5- As for prisoners, the copy shall be delivered to the head office of the place where they are imprisoned in order to serve it to them.

6- As for sailors of commercial vessels and their crews, the copy shall be delivered to the master in order to serve it to them. If the vessel has left the port, the copy shall be delivered to the shipping agent.

7- As for persons who have a known domicile abroad, the copy shall be delivered to the ministry of justice to communicate it to them by diplomatic means, unless the notice serving methods in such case are regulated under special agreements. However, notice may be served by any means agreed upon by the parties.

In such case, notice may be served through one or more companies or offices, in accordance with the controls set by virtue of a Cabinet Decision.

#### **Article 10**

The notice shall be considered effective according to the following:

1- From the date of receipt of a copy thereof in accordance with the preceding provisions.

2- From the date on which the letter is sent by the Ministry of Foreign Affairs or the Diplomatic Mission to indicate that the addressee has either received a copy of the notice or abstained from receiving same.

3- From the date of acknowledgment of receipt of the registered mail, fax or email.

4- From the date of posting or publication according to the provisions set forth in the present Title.

#### **Article 11**

1- If the law has set, for attendance or for the occurrence of procedures, a duration counted by days, months or years, the day on which the notice is served or the matter considered by the law as giving effect to the duration shall not be counted. The duration shall expire by the end of the office hours of the last day thereof.

2- If the duration was counted by hours, the hour on which the duration commences and on which it expires should be counted as mentioned.

3- In case the date should expire before the procedure, the procedure should not take place before the lapse of the last day of the duration.

4- The durations counted by month or year shall expire on the corresponding day of the following month or year.

5- In all cases, if the end of the duration falls in an official holiday, the duration shall be extended to the following working day.

6- The durations counted by month or year shall be set according to the Gregorian calendar where a month consists of 30 days, unless the law stipulates otherwise.

#### **Article 25**

The courts of first instance shall have jurisdiction to hear all civil, commercial, administrative, labour and personal status lawsuits with the exception of those to which the Federation is a party, since such lawsuits shall fall within the jurisdiction of Federal Courts.

#### **Article 30**

1- The minor circuits formed by a single judge shall issue first instance judgments in the following matters:

a- The civil, commercial and labour actions whose value does not exceed AED 500000 and counterclaims whatever was their value.

b- Personal status actions, actions for division of common property and the actions related to the claim and specification of wages and salaries whatever was their value.

In all cases, the minor circuits' judgments shall be final if the lawsuit's value does not exceed AED 20000.

2- The major circuits formed of three judges shall have jurisdiction over the following:

a- Deciding upon all civil, commercial and labour actions which do not fall within the jurisdiction of the minor circuits

b- Administrative and real estate actions, whether original or accessory, whatever was their value.

c- Deciding upon temporary or summary claims and all other counterclaims as well as the claims related to the original request, whatever was their value or type.

d- Bankruptcy and preventive composition lawsuits.

e- Lawsuits that fall within their jurisdiction as per the law.

#### **Article 42**

1- Lawsuits shall be filed to the court according to the plaintiffs' request by submitting the statements of claims to the Case Management Office or by creating electronic records for such lawsuits.

2- The statement of claim shall include the following details:

a- The plaintiff's name, title, ID number (if any), profession or job, domicile, workplace, phone number, as well as his representative's name, title, profession or job, domicile, residence, postal address, fax number or email address. If the plaintiff has no domicile in the State he shall elect one.

b- The Defendant's name, title, ID number (if any), profession or job, domicile or elected domicile, residence, workplace, phone number, as well as his representative's name, title, profession or job, domicile and workplace if he works for others. However, in case neither the defendant nor his representative have a known domicile or workplace, the last domicile, residence or workplace and postal address, fax number or email thereof shall be mentioned.

c- The subject-matter of the lawsuit, requests and grounds thereof.

d- The date of submission of the lawsuit to the Case Management Office.

e- The court before which the lawsuit is filed.

f- Signature of the plaintiff or his representative.

#### **Article 44**

1- After collecting the fees, the Case Management Office shall register the case in the relevant register, provided that the registration date is written down in said register, and in the presence of the plaintiff or his representative the date of the session set for hearing the case shall be written down on the original and copies of the statement of claim. The plaintiff, or his representative, shall sign to indicate that he was notified of the session.

2- The action shall be deemed filed and effective from the date of its registration.

#### **Article 45**

1- The plaintiff shall, upon the submission of the statement of claim, submit a number of copies thereof that shall be equal to the number of defendants. A copy to the Case Management Office shall be kept in a special file. Moreover, the plaintiff shall submit, with the statement of claim, copies of all the documents that support his lawsuit, in addition to any expertise reports, if any, prepared by registered experts.

2- The defendant shall submit a defense memorandum and copies of the relevant documents that shall be signed by said defendant, according to the dates set in the present Law.

3- Upon disagreement on the validity of the documents' copies, the court shall set the closest session possible for the submission of their originals.

4- The translated documents shall be legally certified if written in a foreign language.

#### **Article 46**

1-The Case Management Office shall, at most on the day following the date of registration of the statement of claim, deliver a copy thereof, with the copies, papers and documents attached, to the authority in charge of serving notice of said statement, in order for the notice serving procedure to be carried out in accordance with the form prepared for that purpose. The original notice document shall be returned to the Case Management Office.

2- The notice of the statement of claim shall be served within ten days at most from the date of its delivery to the process server. If a session, falling within such date, is set for hearing the case, the notice shall be served before the session.

3- The failure to comply with the time limit set in the preceding paragraphs shall not result in nullity.

#### **Article 54**

1- If the court finds, upon the absence of the defendant, that he was invalidly served notice of the statement of claim, it shall postpone the hearing of the case to a following session and the defendant shall be properly served notice of the statement of claim.

2- If the court finds, upon the absence of the plaintiff, that the latter was not duly notified of the session, it shall postpone the hearing of the case to a following session on which a notice shall be properly served to said plaintiff.

#### **Article 71**

1- The court shall impose upon every employee thereof or disputing party who fails to submit the relevant documents or to perform any of the lawsuit's procedures on the date set by said court or by the Case Management Office, a fine of no less than AED 1000 and no more than AED 10000, by virtue of a decision that shall be registered in the session's minutes. Said decision shall have the same binding force as the judgments, and may not be contested by any method whatsoever.

2- The court may exempt the convict from all or part of the fine should the latter provide an acceptable excuse, and the court may, unless the defendant objects, decide the interruption of the case proceedings for a period not exceeding three months instead of imposing the fine on the plaintiff.

3- If the interruption period lapses without that the prosecutor requests the continuation of proceedings within the thirty days following the end of said period or should the court's decisions not be executed, the court shall rule that the case shall be considered as void ab initio.

#### **Article 73**

1- The court may allow the disputing parties, during the course of the case proceedings, to submit documents, pleas or new evidence, or to amend their requests, or submit counter-claims that they were unable to submit to the Case Management Office. The court may decide not to allow such submission should it realize that such documents could have been submitted to the Case Management Office, and the memorandums of the disputing parties shall be served by submission to the Case Management Office or by exchange provided that the concerned disputing party indicates same on the original copy of the relevant memorandum.

2- The court may *sua sponte* ask the disputing parties to provide explanations for any deficiency found in the lawsuit or its documents.

3- The court may, upon setting a date for adjudication, allow the exchange of closing arguments on the dates set thereby.

#### **Article 94**

A disputing party may join in the lawsuit any party against whom claims could validly be brought upon the filing of said lawsuit. The defendant may, should he/she claim having the right to recourse, as to the claimed right, against a person who is not a party to the lawsuit, submit a written request to the Case Management Office or to the court, to explain the substance and grounds of the claim and request the joinder of such person as a party to the lawsuit, according to the usual lawsuit filing procedures. Moreover, the defendant may attend the session if the person required to be joined attends and agrees on such procedure before the court.

#### **Article 132**

1- The judgment's copy, by virtue of which the execution shall take place, shall be stamped with the court's seal and signed by the clerk, after attaching the executory formula to it. The aforementioned copy shall only be delivered to the disputing party who has an interest in the execution of the judgment, provided that the decision is executable.

2- No other executory copy may be delivered to the same party unless the first copy is lost or it was impossible to use it, by virtue of an order issued by the judge or the head of circuit as the case may be.

3- A certified copy of the judgment's original copy may be given to any concerned person who would request it and it shall not be given to other than them unless under a permission from the judge or the head of circuit according to the circumstances.

#### **Article 144**

1- The creditor shall first require the debtor to pay the amount due within a time-limit of five days at least, then he shall apply for, and receive, a payment order from the judge of the court in whose district the debtor's domicile is located. The amount of the right required to be paid may not be less than the one required in the petition filed for the obtainment of payment order. It shall be sufficient that the payment be required by virtue of registered letter with acknowledgment of receipt, or by any method agreed upon by the parties.

2- The payment order shall be issued based upon a petition submitted by the creditor. The debenture and evidence of requirement of payment shall be attached to the petition. The debenture shall remain at the Case Management Office until the grievance period expires.

3- The petition shall be made in two identical copies and shall include the information to be included in the statement of claim as stipulated in Article 42 of the present Law.

4- The order shall be issued based on one of the petition's two copies within three days at most from its submission and the amount of money due or the movables ordered to be paid, as the case may be shall be mentioned in said order. Moreover, it shall be mentioned in said order whether it was issued on commercial matter.

5- The aforementioned petition shall be considered as having the same effects of the filing of lawsuit from the date of its submission, even if the court was incompetent.

#### **Article 152**

1- The time-limit of appeal against the judgment shall start from the day following the date of its issuance, unless the law stipulates otherwise. The aforementioned time-limit shall start from the date on which the judgment is served to the convict in the cases where the latter fails to appear in all the sessions set for the hearing of the case and to submit a defense memorandum, as well as the cases where the convict fails to appear and submit the relevant memorandums in all the following sessions, for the expedition of proceedings after their interruption for any reason whatsoever.

2- The time-limit shall start from the date on which the judgment is served, should any reason for the interruption of the proceedings occur and should the judgment be issued without the involvement of the representative of a deceased, a party who lost his competency, or a party who lost his capacity.

3- A judgment shall be served according to the conditions set in Article 8 of the present Law.

4- The failure to observe the time-limits of appeal in the judgments shall result in the extinguishment of the right of appeal, and the court shall *sua sponte* rule the extinguishment of such right.

#### **Article 153**

1- The time-limit of appeal shall be interrupted by the death of the convicted, the loss of his capacity to sue or be sued or by the loss of capacity of the person who was undertaking the proceedings on behalf of said convict.

2- The time-limit does not continue unless after the judgment is served to all the heirs without mentioning their names and capacities, at the last domicile of their legator should the heir be unknown or after it is served to the person who acts on behalf of the party who have lost his capacity or his ability to sue and be sued.

3- In case the inheritors are known, the judgment shall be served according to the conditions set forth in Article 8 of the present Law.

#### **Article 154**

1- If the prevailing party dies during the period of appeal, his adversary may file the appeal and serve same to all the inheritors without mentioning their names nor their capacities, at the last domicile of their legator. The appeal shall be thereafter served to all the inheritors while their names and capacities shall be mentioned, before the session set for hearing the appeal or on the date set by the court for

serving notice to the heirs who were not served such notice in the first session. In case of summary lawsuit, it shall be sufficient to serve notice to the appearing heirs.

2- If the prevailing party has lost the ability to sue and be sued during the appeal period, or if the person undertaking the proceedings on his behalf has lost his capacity, the appeal may be filed and served to the aforementioned persons. The appeal shall be re-served thereafter to the person acting on behalf of the disputing party before the session set for hearing the appeal or the date set by the court based on the aforementioned.

3- In Paragraphs 1 and 2 of the present Article, notice shall be served according to the conditions specified in Article 8 of the present Law.

#### **Article 155**

1- The appeal shall be served according to the conditions set in Article 8 of the present Law.

2- If the respondent is the plaintiff or the appellant, and neither the statement of claim nor the appeal memorandum have contained the address whereat the notice is to be served, and should no other documents of the lawsuit contain such address, notice shall be served according to the conditions set in Article 8 of the present Law.

#### **Article 162**

1- The appeal shall be filed by virtue of a memorandum submitted to the Case Management Office at the competent court of appeal. The memorandum shall be immediately registered either in the relevant register or electronically and shall indicate the appealed judgment, its date, the grounds of appeal, the requests as well as the information related to the disputing parties' names, capacities, domiciles of each one of them and the domicile elected by the appellant in the country where the competent appellate court is located, as well as the signature of the appellant or his representative.

2- The appellant shall submit a sufficient number of copies of the memorandum of appeal that corresponds to the number of respondents in addition to a copy to be submitted to the Case Management Office. The appeal supporting documents shall be attached to each copy.

3- However, the appellant shall be allowed to submit the grounds of his appeal until the date of the first session set for hearing the appeal, otherwise the appeal shall be dismissed.

#### **Article 174**

The attorney general may, *sua sponte* or upon a written request from the Minister of Justice, file an appeal in cassation against any final judgment regardless of the court that has issued it, should such judgment be based on a breach of the law or an error in its application or interpretation, in the following cases:

1- The judgments that may not be contested by the parties under the Law.

2- The judgments whose appeal deadlines are missed by the parties, those against which appealing is relinquished by the parties, or those against which the parties have filed an appeal that has been rejected.

Such appeal shall be filed by virtue of a memorandum to be signed by the attorney general within one year from the date on which the judgment was issued. The court shall hear the appeal in the deliberation room without summoning the parties, while they shall benefit therefrom.

#### **Article 177**

1- The appeal in cassation shall be filed by virtue of a memorandum submitted to the Case Management Office at the court that has issued the judgment, the Federal Supreme Court, or the Court of Cassation, as the case may be. Such memorandum shall be signed by a judge admitted to hear the pleading and shall be enclosed with evidence of payment of the entire fees in addition to the guarantee. The appeal shall be immediately registered in the relevant register.

2- Upon the submission of the memorandum, the appellant shall submit a number of copies thereof that correspond to the number of respondents, in addition to a copy to be submitted to the Case Management Office.

3- Before setting a date for adjudication, the appellant shall submit the power of attorney of the attorney in charge of undertaking the appeal proceedings.

4- In addition to the information related to the names, capacities and addresses of the disputing parties, the memorandum shall indicate the contested judgment, the date of its issuance as well as the date on which it was served (if already served) and shall also contain the appeal grounds and the appellant's requests.

5- Should the appeal not be filed as mentioned above, it shall be deemed rejected, and the court shall sua sponte rule its dismissal.

#### **Article 180**

1- The Case Management Office at the appellate court shall serve the memorandum of appeal to the respondent within ten days from the date on which the appeal was filed. The Case Management Office shall request joining the file of the case that the judgment issued on it is contested, within three days from the date of submission of the memorandum.

The Case Management Office at the court that has issued the judgment shall send the case file within ten days, at most, from the date on which the file was requested.

The Case Management Office at the court that has issued the judgment shall send the appeal with the case file, within ten days from the date of submission of the judgment thereto.

2- The court may decide to content with the certified copy of the judgment, that is submitted by the appellant, instead of requesting the case file.

3- The respondent may submit a defense memorandum within fifteen days from the date on which the notice is served.

4- The court may allow the disputing parties to submit new information to support their defenses, and it may also undertake every procedure it deems useful for it to decide upon the appeal.

#### **Article 189**

The debtor may, if he wishes to pay the amount due, offer the creditor the money, documents or movables he undertakes to provide to him at the debtor's domicile.

The offer shall be provided based on an application submitted to the Case Management Office or to the president of the Court of First Instance, as the case may be, and it shall be served on the creditor by the process server, then a report shall be prepared thereon including the subject-matter of the offer, the conditions of the offer its acceptance or its rejection. The offer may be provided at the session before the court without the need to take any procedures should the party to whom the offer was offered be present.

#### **Article 217**

1- Arbitration awards may not be contested in any method of cassation.

2- As for the judgment confirming or invalidating the arbitration award, it may be contested in the prescribed cassation methods.

3- By way of exception from the provisions of the preceding paragraph, the judgment may not be appealable if the conciliating arbitrators or the disputing parties have expressly relinquished the right to appeal, or the litigation value was not exceeding AED 20000.

#### **Article 246**

1- If the judge has ruled the write-off of the lawsuit, the effect suspending the execution as a result of the elimination of the lawsuit shall no more exist.

2- If the plaintiff loses the lawsuit that was suspending the execution, he may be subject to a fine amounting to no less than AED 5000 at most, without prejudice to the indemnities if there were validly due.

#### **Article 252**

Without prejudice to any provisions of any other law, the creditor may request from the court which examines the action or from the judge of summary matters, according to the circumstances, to impose provisional attachment on the real properties and the movables of his adversary in the following circumstances:

1- Each case in which he would be afraid to lose the security of his right, as the following cases:

a- If the debtor is not a settled resident of the State.

b- If the creditor was afraid that the debtor escapes, smuggles his money or hide it.

c- If the securities of the debt were at risk of being lost.

2- To the lessor against the original lessee and the sub-lessee on the movables, fruits and yields existing in the leased premises, as a guarantee for the lien to which he is entitled according to the law, and that shall also be allowed to him, if the movables, fruits and yields were transferred without his knowledge, unless thirty days have lapsed since their transmission, or assets sufficient to secure the lien prescribed for him have remained in the leased premises.

3- If the creditor was bearer of an official document or ordinary debenture for an unconditionally payable debt.

4- In all circumstances, the court may, before responding to the attachment request, require any information or affidavits when it finds that necessary.

#### **Article 253**

The owner of a movable property and whoever has a real right related to it or a right to withhold same may request the imposition of provisional attachment on such property with the party holding it, by virtue of a memorandum containing sufficient details on the property to be subject to attachment.

#### **Article 254**

1- Should the debtor not have any writ of execution or should the value of his debt not be specified, the magistrate of summary justice may order the imposition of sequestration and temporarily estimate the sequestrator's debt based on a well-grounded petition submitted by the sequestration applicant. Before issuing the order, the judge may carry out a summary investigation should he deem that the documents supporting the application are insufficient.

In case of sequestration of a real estate, a certified copy of the real estate's title deed shall be submitted with the petition.

2- The magistrate of summary justice shall order sequestration if the debtor has obtained a judgment even if it was inapplicable, should the value of debt be specified.

3- If the lawsuit was previously filed before the competent court, the sequestration order mentioned in the first paragraph may be requested from the court that is hearing the case.

#### **Article 259**

The provisional attachment shall be imposed- with no need to a prior notification to the debtor- by virtue of an order issued by the judge. The order shall be notified to the garnishee with the knowledge of the enforcement officer, and it shall include the following information:

a- A statement of the principal sum for which the attachment has been imposed in addition to the expenditures.

b- A clear specification of the sequestrated thing if the attachment covers a certain property and the garnishee fails to pay or deliver the property owed.

c- The number of the lawsuit or the attachment application, the sequestrator's name, domicile and workplace in the State. Should he have no domicile or workplace in the State, he shall elect a domicile at the district of the court wherein execution is taking place.

c- The order imposing upon the garnishee to determine the property owed and a statement from the court that imposed attachment, within 14 days from the date on which the attachment notice is served.

#### **Article 260**

Should the order not include the information mentioned in Clauses (a) and (b) of Article 259 the sequestration shall be deemed null, and every concerned party shall adhere to such nullity.

#### **Article 301**

1- The concerned parties should present the invalidation grounds in the notice mentioned in Articles 294 and 295 by a request submitted to the execution judge three days at least before the session set for the sale otherwise the right to present them lapses.

2- The execution judge shall decide upon the aforementioned invalidation grounds on the day specified for the sale. The decision issued by said judge may not be contested by any method. If the notice serving procedures are decided to be invalid the sale shall be postponed to a day specified by the judge, and the procedures shall be repeated.

3- If the invalidation request is decided to be rejected, auction shall be decided to be carried out immediately.

4- The creditor, the possessor, the surety and the debtors referred to in Article 293 shall present the other invalidation grounds related to the procedures preceding the sale session, as well as the grounds of objection against the sale conditions, 10 days at least before the date of said session, otherwise the right to present same lapses. Said grounds shall be presented by virtue of an application submitted to the competent execution judge. The latter shall rule, based on the aforementioned application, either the suspension or the continuation of sale, depending on the extent of seriousness of such grounds. If the judge rules the continuation of sale, auction shall take place immediately.

#### **Article 304**

1- The party whose bid is accepted by the execution judge shall deposit, within ten days following the sale session, the full price accepted and the expenditures. In case the price is paid by said party, the judge shall rule awarding the auction to him.

2- Should the successful bidder fail to pay the price in full, the execution judge shall offer the real estate to the following bidder at the price proposed thereby. Should he accept, the judge shall accept his bid and he shall deposit the price within the period specified in Paragraph 1. However, should the following bidder reject the offer, the execution judge shall repeat the auction within 15 days and with the same procedures, then the judge shall rule awarding the auction to the highest bidder.

3- Every person who is not prohibited from bidding may increase the price, within 10 days following the date on which the auction was awarded, provided that such increase is equal to one tenth of the price at least. In such case, the bidder shall deposit the full price offered along with the expenses at the court treasury. In such case the auction shall be repeated within 7 days. Should no higher bid be offered, the judge shall rule awarding the auction to said person.

4- The bidder who fails to pay the amount owed shall be bound to pay the lacking amount of the real estate price. The auction awarding ruling shall include imposing upon the party who fails to pay

amount owed to pay the price difference if any. He may not be entitled to any price increase but it shall be rather received by the debtor, possessor or surety as the case may be.

5- In all cases, the provision of a guarantee from an accredited bank in the State or the provision of a payable cheque shall have the same effect of deposition. In case the depositor is a debtor and the value and degree of his debt justify his exemption from deposition, the judge shall exempt him from depositing a part or all of the amount, including the price and the expenditures, imposed by the law.

6- It may not be stipulated otherwise in the sale conditions in any case whatsoever.

7- If, for a reason not involving the purchaser, it was impossible to complete the procedure of sale and registration, at the auction value, within 30 days from the date on which the auction is awarded, the purchaser may request termination of the auction and recovery of the cash amount paid. When such request is accepted, the execution judge shall repeat the auction.

8- At any time prior to the completion of the procedure of transfer of ownership and registration of the real estate for the purchaser as a result of the auction, the debtor may pay the debt, interests, fees and expenses or sell the real estate with the approval of the execution judge and under his supervision at a higher price and with an increase equal to no less than 10 % of the price at which the auction was awarded.

### **Article 325**

1- The Execution judge shall, before issuing the detention order, undertake a summary investigation if he hasn't been satisfied with the documents supporting the request.

2- The judge may give the debtor a period of 6 months at most to pay the debt or to pay the amount, for which execution has been imposed, in appropriate installments with guarantees or precautionary measures set by the judge should he fear the debtor's escapes from the State.

3- A grievance against the order mentioned in Clauses 1 and 2 of the present Article shall be filed according to the procedures prescribed for grievance against petition orders.

### **Article 326**

1- An order of detention of the debtor may not be issued in the following cases:

a- If he/she is aged less than 18 or more than 70.

b- If he/she has a child aged less than 15 and his spouse is deceased or imprisoned for any reason whatsoever.

c- If he/she was a spouse of the creditor or one of his ascendants, unless the debt is a prescribed alimony.

d- If he had submitted a sufficient bank guaranty or a solvent guarantor accepted by the execution judge, to pay the debt in a timely manner or provided statements of funds, belonging to him in the State, on which execution may be imposed and which are sufficient to cover the debt.

d- Should it be proven, according to a certified medical statement, that the debtor suffers from an incurable chronic disease with which the debtor cannot tolerate imprisonment.

e- If the debt subject of execution is less than AED 10000, unless it is a fine, a prescribed alimony or a work remuneration.

2- The execution judge may postpone the issuance of the order of detention of the debtor in the following cases:

a- Should the debtor be a pregnant woman.

b- Should it be proven, by a certified medical statement, that the debtor suffers from a temporary disease with which he does not tolerate imprisonment until cured.

### Article 3

New Articles shall be added to the Civil Procedures Law issued by virtue of Federal Law No. 11 of 1992 and its amendments, under No. 42 (bis), 54 (bis) and 84 (bis) as follows:

#### **“Article 42 (bis)**

1- By virtue of a decision issued by the Minister of Justice or the chairman of the local judicial authority – each within the competence thereof – , an office called “Case Management Office” shall be established at the headquarters of the competent court. The decision shall specify the working system of the Office.

2- The Case Management Office shall be formed of a chairman and a sufficient number of the court’s employees including those working in the legal field or others, under the supervision of the chairman of the competent court.

3- The Case Management Office shall be in charge of preparing and managing cases, including registering the cases, serving notices, and exchanging memorandums, documents and expertise reports among the disputing parties.

4- The competent judge may impose a fine upon the defaulting party as specified in Article 71 of the present Law.

5- Should the lawsuit involve a preliminary motion filed by any of the disputing parties, an urgent request or a request of joinder of a party against whom the lawsuit was not filed, or should the defendant fail to appear after being summoned in person or the litigation proceedings be interrupted ipso jure by the death of one of the disputing parties or by their loss of capacity to sue or be sued or by the loss of capacity of the attorney who was undertaking the proceedings before the referral of the case, the Case Management Office shall refer the case to the competent judge after setting a date for a session to settle all the aforementioned matters. The judge may return the case to the Case Management Office to complete the case preparation procedures according to the circumstances.

#### **Article 54 (bis)**

A party who is served a notice of the claim, shall follow up the postponements, session dates and procedures related to the case, and the court decisions issued after the commencement of the litigation procedures shall be deemed effective without the need for serving any notice.

#### **Article 84 (bis)**

1- Lawsuits for annulment of administrative decisions shall not be accepted after the lapse of 60 days from the date of publication of the contested administrative decision or the date on which the concerned party is notified of said decision or the date on which said party is proved to have admittedly been informed thereof.

2- The abovementioned time-limit shall be interrupted when a grievance is submitted to the administrative entity that issued the decision or a superior entity, and such grievance shall be decided-upon within 60 days from the dated of submission thereof. If the administrative entity decides to reject the grievance, its decision shall be justified, and if 60 days lapse from the date of submission of the grievance without a reply from the competent authorities, the grievance shall be deemed rejected. The time-limit for filing the lawsuit shall be counted starting from the date of explicit or implicit rejection as the case may be.

#### **Article 4**

Articles No. 12 and 47 of the Civil Procedures Law issued by virtue of Federal Law no. 11 of 1992 and its amendments.

#### **Article 5**

Every provisions contravening or contradicting the provisions of the present Law shall be abrogated.

**Article 6**

The present Law shall be published in the Official Gazette and shall come into force 3 months from the date of its publication.

Issued by Us in the Presidential Palace in Abu Dhabi

On 27 Muharram 1436 H

Corresponding to 20/11/2014

**Khalifa Bin Zayed Al Nahyan**

**President of the United Arab Emirates State**

The present Federal Law was published in the Official Gazette issue no. 572, p. 11.

