Federal Law No. 11

Issued on 24/02/1992

Corresponding to 21 Sha'aban 1412 H.

On the Civil Procedures Law

Amended by
Federal Law no. 30/2005 - dated 30/11/2005; and
Federal Law no. 10/2014 – dated 20/11/2014
Federal Decree-Law no. 10/2017 – dated 18/09/2017
Federal Law no. 6/2018 – dated 03/05/2018
Federal Decree Law no. 18/2018 – dated 23/09/2018

We, Zayed Bin Sultan Al-Nahyan, President of the United Arab Emirates State,

Pursuant to the perusal of the provisional 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 the amended laws thereof,

Federal law No. 11 of 1973 on Juridical Relationships amongst,

Federal law No. 6 of 1978 on the Establishment of Federal Courts and The Transfer of the Jurisdictions of the Local Judicial Authorities in certain Emirates Thereto and its amendments,

Federal law No. 17 of 1978 on organizing the cases and procedures of appeal through cassation before the Federal Supreme Court and its amendments,

Law of Civil Transactions issued by Federal Law No. 5 of 1985 and its amendments, and

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

Have promulgated the following Law:

Article 1

As Amended by Federal Law no. 30 dated 30/11/2005:

The Law here-enclosed shall be applied in respect of civil proceedings before the courts and shall abrogate all laws, decrees, orders, measures and instructions in force regarding the civil procedures, except for the power of the competent authority in the Emirate which did not transfer its local judiciary to the federal judiciary, to form courts or judicial committees in charge of hearing and adjudicating any lawsuit or legal matter according to its law applicable at the time of issuance of this Law.

Article 2

The present Law shall be published in the official gazette and shall be effective three months following its publication.

.The present Federal Law was published in the Official Gazette, issue no. 235, p. 5

Issued by Us at the Presidential
Palace in Abu-Dhabi
.On 21 Sha'aban, 1412 H
Corresponding to 24 February 1992

FEDERAL LAW NO. 11 ON CIVIL PROCEDURES

Zayed Bin Sultan Al-Nahyan

President of the United Arab Emirates State

Introductory Chapter

General Provisions

Article 1

1- The laws of procedures shall be applied on actions which have not been adjudicated and proceedings which have not been executed prior to the date of their entry into force.

With the exception of:

a- The laws amending the jurisdictions, when the date of their entry into force is after closing the pleadings.

b- The laws amending the appointment dates, when the appointment starts prior to the date of their entry into force.

c- The laws regulating the methods of appeal with regard to judgments issued prior to the date of their entry into force, when such laws are abrogating or are constituting methods of appeal.

2- Any procedure valid under a law in force shall remain valid unless stipulated otherwise.

3- The dates introduced as regards the inadmissibility to hear the lawsuit, the lapse thereof or any other procedural dates shall start to run as of the date of entry into force of the law which specifies them.

Article 1 – bis

Article "1 bis" was added under Article 1 of Federal Law No. 10/2017 dated 18/09/2017, as follows:

Subject to the provisions of Article (1) hereof, the Cabinet shall, based on the proposal of the Minister of Justice, after taking the opinion of the Supreme Federal Judicial Council and following the coordination with the concerned competent entities in UAE, issue a regulation of the civil procedures for the following:

1- Process Service Methods and Procedures.

2- Filing of Lawsuit, Registry and Valuation thereof.

3- The Litigants' Appearance and Absence.

4- Session Procedures and Organisation.

5- Pronouncement of Judgments.

6- Actions' Expenses.

7- Orders on Petition.

8- Orders of Payment.

9- Execution, including General Provisions, Seizures, Allocation of the Execution Proceeds, Performance in Kind, Detention of the Debtor and Travel Ban thereon.

Article 2

No request or plea shall be admitted from anyone who does not have a manifest and legally recognised interest therein. Presumed interest shall however be sufficient if the object of the request is to take precautions against imminent injury or to seek confirmation of a right for which evidence might no longer exist when it comes into dispute.

Article 3

1- If the law stipulates an imperative date to take a measure that takes place through notification, the date shall not be considered unless the notification is carried out there within.

2- If the law stipulates that a procedure be effected by way of deposit, such deposit shall be made within the date set out in the law.

Article 4

The language of courts is Arabic, and the court shall hear the statements of the litigants, witnesses or others who have no knowledge of the Arabic language with the help of an interpreter after he/she has taken an oath, unless he/she did it prior to being appointed or prior to obtaining the interpretation licence.

Articles 5 to 19 have been cancelled by virtue of Cabinet Decision No. 57/2018 dated 09/12/2018 on the Implementing Regulation of this Law, pursuant to the provisions of Article 3 of Federal Law No. 10/2017 dated 18/09/2017.

Book 1

Litigation before Courts

Title 1

Jurisdictions of the Courts

Chapter 1

The Court’s International Jurisdiction

Article 20

With the exception of the real actions related to a real estate abroad, the courts shall have the jurisdiction to hear the actions filed against the citizen and those filed against the foreigner who has residence or domicile in the state.

Article 21

The courts shall have jurisdiction to hear the actions filed against the foreigner who has no residence or domicile in the state in the following cases:

1- If he had an elected domicile in the state.

2- If the action relates to real estates in the state, a citizen's heritage, or an estate opened therein.

3- If the action relates to an obligation concluded, performed or to be performed in the state or to a contract required to be authenticated therein or to an incident occurred therein or bankruptcy declared at one of its courts.

4- If the action is brought by a wife having a domicile in the state against her husband having had a domicile there.

5- If the action relates to an alimony of one of the parents or the wife or an interdicted person or a minor, or his next of kin or guardianship of a person or property, in case that the claimer of the alimony, the wife, the minor or the interdicted person has a residence in the state.

6- If the action relates to any matter of personal status and the plaintiff is a national or an alien having domicile in the state, where the defendant has no known foreign domicile, or if national law is applicable to the action.

7- If one of the defendants has a domicile or residence in the state.

Article 22

The courts shall have jurisdiction to decide on any preliminary issue and any claim incidental to the original action; and shall have competence to decide any claim related to such action where such claim requires it to be dealt with as part of such action if justice is to be properly done. The courts shall have competence to make summary and provisional orders to have effect in the state, even where there is no competence to hear the original action.

Article 23

If the defendant fails to appear and the court does not have jurisdiction to hear the action pursuant to the preceding Articles, the court shall sua sponte rule that it lacks jurisdiction.

Article 24

Any agreement which contradicts the articles of this section shall be considered null.

Chapter 2

Subject-Matter and Value-Based Jurisdictions of the Courts

Article 25

The text of Article 25 was amended by virtue of Article 1 of Federal Law no. 30/2005 dated 30/11/2005, then it was replaced by virtue of Article 1 of Federal Law no. 10/2004 dated 10/11/2014 to read as follows:

The First Instance Courts shall consider the civil, commercial, administrative, labour and personal status disputes. In case of any disputes in which the Federation is a part, the Federal Courts shall consider them.

Article 26

As Amended by Federal Law no. 30 - dated 30/11/2005:

With the exception of the provisions of the preceding article, each Emirate may form committees that have the sole competence to hear cases relating to leases between the lesser and the lessee and the authority to organise the procedures for executing the decisions of such committees.

Article 27

The appellate courts shall have jurisdiction to decide on the appeals lodged before them from the judgments delivered by the courts of first instance in the manner stipulated in the Law.

Article 28

As Amended by Article 1 of Federal Law no. 30/2005 - dated 30/11/2005:

1- There shall be appointed, at the seat of the court of first instance, one of its judges to decide temporarily, and with no prejudice to the original right, in the summary actions which it is feared will be affected by the elapse of time.

2- The trial court shall have the jurisdiction to hear such issues if they were filed consequently thereto.

3- As for in the out-sphere of the city, where the court of first instance is located, such jurisdiction shall be conferred upon to the penal court.

Article 29

The summary judiciary shall be competent to rule the imposition of a judicial custody on movables, real estate, or a set of assets in respect of which a dispute has arisen or the right thereto is established, in case the stakeholder has plausible reasons to fear he would an urgent risk that the property would remain in the hands of its possessor.

Article 30

The text of Article 30 was amended by virtue of Article 1 of Federal Law no. 30/2005 dated 30/11/2005, then it was replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, then it was replaced by virtue of Article 1 of Federal Decree Law No. 18/2018 dated 23/09/2018, to read as follows:

1- Minor circuits formed by a single judge shall be competent to issue first instance judgments in the following matters:

a- Civil, commercial and labour actions, and counterclaims regardless of their value.

b- Personal status actions, actions for division of common property, claims on the validity of a signature, and actions related to claims of wages and salaries and the like regardless of their value.

The Regulation of this Law shall specify the pecuniary jurisdiction of these circuits, and the pecuniary jurisdiction of final judgments.

The Minister of Justice or the president of the local judicial authority, as the case may be, may allocate one or more circuits of those set out in this Paragraph to hear lawsuits submitted thereto during one session only. The Regulation of this Law shall regulate the procedures to be adopted before said circuits, and judgements issued thereby, cases of appeals against them and enforcement thereof.

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

a- 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, regardless of their value.

c- Temporary or summary claims and all other incidental pleas, as well as the claims related to the original request, regardless of their value or type.

d- Bankruptcy and preventive composition lawsuits.

e- Lawsuits that fall within their jurisdiction as provided by the Law.

Article 30 – bis

New provisions were added under Article "30 bis" by virtue of Article 1 of Federal Law No. 10/2017 dated 18/09/2017, as follows:

1- The Minister of Justice or the president of the local judicial authority – each within his own competencies– may refer all or some of the proceedings - that fall within the jurisdiction of the major circuits – set forth under Clause (2) of Article (30) hereof, to one circuit or more presided by a single judge assisted by two of the local or international experts. Judgments shall be pronounced according to the same procedures and controls provided for under Chapter 1 of Title 9 hereof. The Judge shall solely sign the judgment and the experts shall sign the draft thereof.

2- The judgments pronounced by the circuits referred to under Clause (1) hereof before the appellate circuits mentioned in the present Decree-Law.

Article 30 – bis 1

New provisions were added under Article "30 bis 1" by virtue of Article 1 of Federal Law No. 10/2017 dated 18/09/2017, as follows:

1- The Minister of Justice or the president of the local judicial authority – each within his own competencies – shall issue the regulatory decisions concerning the following:

a- Controls for the referral of proceedings before the circuits mentioned under Article (30) bis of the present Decree-Law.

b- Controls for the selection of the specialised experts, their appointment, the determination of their remunerations or salaries and their assignment to the circuits formed pursuant to Article (30) bis of the present Decree-Law.

2- The experts referred to under Clause (1) of Article (30) bis of the present Decree-Law shall, prior to assuming their duties, take legal oath before the Minister of Justice or the president of the local judicial authority – each within his own competencies – as follows:

"I swear by Almighty God that I shall rule fairly, respect the laws and carry out my mission with honesty and sincerity".

3- The experts referred to under Clause (1) of Article (30) bis of the present Decree-Law shall be subject to the same provisions governing the incompetence, recusal and dismissal of judges set forth herein. They shall also be bound by the same duties imposed on judges and shall be subject to the same disciplinary procedures and inspection measures, as provided for under the relevant Judiciary laws.

Chapter 3

The Courts' Territorial Jurisdiction

Article 31

1- The court, in whose jurisdiction the defendant's domicile exists, shall have the jurisdiction unless the law stipulates otherwise, in case he had not a domicile in the state, the jurisdiction shall be conferred upon the court in which circuit his residence or his workplace exists.

2- It is possible to institute proceedings at the court in which circuit the prejudice has taken place, and that is to be in case of the actions of indemnity for the occurrence of damage on a person or a property.

3- The jurisdiction shall be in the commercial matters of the court in which circuit the defendant’s residence exists or be given to the court in which circuit the agreement has been concluded, totally or partially executed or to the court in which circuit the agreement shall be executed.

4- If there are more than one defendant, the jurisdiction shall be conferred upon the court in which circuit the domicile of one of them exists.

5- In other than the cases stipulated in Article 32 and Articles 34 to 39, it is possible to agree on the jurisdiction of a certain court to hear the dispute, and in such case the jurisdiction shall be conferred upon such court or the court in which circuit of the defendant’s domicile, residence or workplace exists.

Article 32

1- In real estate actions and possessory actions, jurisdiction shall be conferred upon the court in which circuit the real property is located, or one of the parts thereof , if these parts are located in more than one court's circuit.

2- In personal real estate actions jurisdiction shall be conferred upon the courts in which circuit the real property or the domicile of the defendant is located.

Article 33

In actions related to existing or liquidated companies or associations, or private institutions the jurisdiction shall be conferred upon the court in which circuit its headquarters exists, and it is possible to take legal action before the court in whose jurisdiction the branch of the company, association, or institution is located on matters that related to such branch.

Article 34

The actions related to inheritance, which are instituted prior to the division by the estate creditor or by some of the heirs against each other, fall under the jurisdiction of the court in whose jurisdiction is located the domicile of the deceased.

Article 35

1- The actions concerning commercial bankruptcy fall under the jurisdiction of the court in whose jurisdiction is located the bankrupt business concern, and in case of numerous branches, the court of the branch which was used as a headquarter for its commercial activities should have jurisdiction.

2- If the tradesman retires from the trade, the actions should be brought before the court in which the domicile of the defendant falls under.

3- Actions arising out of bankruptcy shall be instituted before the court which declared the bankruptcy.

Article 36

Jurisdiction in disputes related to supplies, contracting works, rent of houses, wages of employees and manufacturers and wage earners shall be conferred upon the court of the domicile of the defendant or to the court in which circuit the agreement has been concluded or executed.

Article 37

In the disputes related to the claim of the insurance value, the jurisdiction shall be conferred upon the court in whose jurisdiction the domicile of the beneficiary or the location of the insured property is located.

Article 38

1- Actions which include a request for a temporary or summary measure shall fall under the jurisdiction of the competent court of first instance in whose jurisdiction the domicile of the defendant is located or the court in whose jurisdiction the measure is requested to take place.

2- In summary disputes related to the execution of decisions and legal instruments, the jurisdiction shall be conferred upon the court in whose jurisdiction the execution will take place.

Article 39

The court considering the original claim, shall have jurisdiction to decide upon incidental pleas provided that the defendant in a surety claim may uphold the lack of jurisdiction of the court if proven that the original claim is instituted with the intent of bringing him forth before a court other than the competent one.

Article 40

If the defendant has no domicile or residence in the state and it is not possible to determine the competent court based on the previous provisions, the jurisdiction shall belong to the court in whose jurisdiction is located the plaintiff’s domicile or residence , and should the plaintiff not have a domicile or residence in the state, jurisdiction shall belong to the capital court.

Article 41

In the undertakings in which there had been an agreement on an elected domicile for its execution, the court in whose jurisdiction the domicile of the defendant is located or in which he elected a domicile for the execution shall have jurisdiction.

Title 2

Filing of Lawsuits, Registry and Valuation

Chapter 1

Filing of Lawsuits and Registry

Articles 42 to 54 (bis) have been cancelled by virtue of Cabinet Decision No. 57/2018 dated 09/12/2018 on the Implementing Regulation of this Law, pursuant to the provisions of Article 3 of Federal Law No. 10/2017 dated 18/09/2017.

Chapter 2

The litigation proxy

Article 55

1- The court shall accept from the parties whoever they shall appoint as proxy according to the law.

2- The proxy must establish his appointment as proxy for his client by an official document.

3- The proxy may be done through a declaration recorded in the session's minutes.

Article 56

1- Where a proxy is issued by one of the parties to the litigation, the domicile of the proxy shall be considered for notification purposes of all papers required for proceeding with the case at the degree of litigation to which he is appointed as proxy. The party who has no proxy in the country where the tribunal’s venue is located, has to elect a domicile therein.

2- The attorney's resignation or dismissal shall not prevent the progress of the procedures in his presence unless the other party is notified of the replacement or of the decision of the principal to proceed with the case by himself.

3- The attorney may not resign from such appointment at an inconvenient time and without permission from the court.

Article 57

The litigation proxy empowers the attorney with the authority to perform the necessary acts and procedures in order to file the legal action, follow it up, defend and to take precautionary measures until the decision on its merits is rendered, in the degree of prosecution to which he was entrusted, and to notify such decision, without prejudice to the matters to which the law requires a special authorization.

Article 58

1- All that the attorney decides at the session in the presence of his principal shall be equivalent to what the principal himself would decide unless he has disclaimed it during the examination of the case at the same session.

2- It is not valid, without a special authorization, to declare a right of thedefendant, disclaim it, reconcile or arbitrate therein, approve the oath, or direct or challenge it, abandon the litigation, renouncing the judgment entirely or partially , relinquishing one of the channels of appeal therein, releasing the attachment (seizure), relinquishing the insurances with the continuation of the debt, claiming the falsification, recusing the judge or the expert or the real petition, or accepting it, or any other disposition that the law requires therein a special authorization.

Article 59

The text of Article 59 was replaced by virtue of Article 1 of Federal Decree Law No. 18/2018 dated 23/09/2018 to read as follows:

No judge, attorney general, member of the prosecution or any of the courts’ employees may act as a representative of litigants, in attendance or prosecution, whether verbally or in writing, even if the lawsuit were submitted before a court other than that to which he affiliates, subject to nullity. However, they are allowed to act as such regarding the persons whom they legally represent, their spouses, ascendants and their descendants up to the second degree.

Title 4

The intervention of the public prosecution

Article 60

The public prosecution may prosecute the action in the circumstances which the law stipulates, and it shall have in such circumstances the same rights which the litigant parties have.

Article 61

With the exception of the summary actions, the public prosecution should intervene in the following circumstances, otherwise the decision shall be null:

1- The actions which it has been allowed to prosecute by itself.

2- The appeals and the requests submitted before the supreme federal court, with the exception of the appeals of cassation in the civil matters.

3- The actions related to the incapacitated, those whose capacity is defective, the absentees and the missing persons.

4- The actions related to the charitable endowments, donations, wills devoted to benefaction.

5- The actions for the recusals of judges and the prosecution members and for litigating them.

6- Any other circumstance in which the law stipulates the necessity of the public prosecution intervention.

Article 62

Except the summary actions, the public prosecution may intervene in the following circumstances:

1- Absence of jurisdiction for lack of the judicial body's rule.

2- The reconciliation which is preventive from the commercial bankruptcy.

3- The actions which it shall consider intervening therein because they are related to the public order and morals.

4- Any other case which the law stipulates that it may intervene therein.

Article 63

The court, in any of the action's circumstances, may order to forward the case's file to the public prosecution if a matter related to the public order or morals has been exposed therein, and the intervention of the public prosecution in such case shall be obligatory.

Article 64

1- The public prosecution shall be considered representative in the action when it submits a pleading with its opinion therein and it shall not be bound to attend unless the law stipulates that.

2- And in all circumstances, the public prosecution shall not be bound to attend the judgment's delivery.

Article 65

In all the cases in which the law stipulates the intervention of the public prosecution, the Case Management Office at the Court should inform the prosecution in writing as soon as the action has been recorded, and if a matter, in which the prosecution intervenes, has been submitted during the examination of the action, the notification thereof should be on the basis of the court's order.

Article 66

The public prosecution shall accord, on the basis of a request submitted thereto, a period of seven days, at least, for submitting a brief with its opinion, and such period shall commence from the day on which the case's file has been sent thereto.

Article 67

The intervention of the public prosecution shall be in any circumstance which the action has been in before closing the pleading therein.

Article 68

In all the actions in which the public prosecution is a joined party, the litigant parties, after the prosecution has given its opinion, may not request the speech nor submit new pleadings, however, they shall be allowed to submit to the court a written statement in order to amend the facts which the prosecution has mentioned, nevertheless, the court, in the exceptional circumstances in which it shall decide to accept new documents and complimentary briefs, may permit their submission and rehearing the pleading, and the prosecution shall be the last to speak.

Article 69

The public prosecution may appeal the decision in the circumstances in which the law binds or allows it to intervene if the decision has contradicted one of the rules of the public order or if the law stipulated that.

Title 5

The session procedures and its regularity

Chapter 1

Procedures

Articles 70 to 83 have been cancelled by virtue of Cabinet Decision No. 57/2018 dated 09/12/2018 on the Implementing Regulation of this Law, pursuant to the provisions of Article 3 of Federal Law No. 10/2017 dated 18/09/2017.

Title 6

The Pleas, Insertion, Intervention- and Interlocutory requests

Chapter 1

The Pleas

Article 84

1- The plea to local jurisdiction and the plea to forward the action to another court for setting the same litigation there before, or for engagement, and the refutation of nullity which is not related to the public order, and all of the pleas related to the discontinuing procedures, should be revealed together before presenting any other procedural plea, request, defense in the action, or disapproval, otherwise the right of what hasn't been revealed thereof shall be extinguished, and also the right of the appellant shall be extinguished in such pleas if he hasn't revealed them in the appeal initiatory pleading.

2- It shall be imperative to exhibit together all the aspects on which the plea, related to the procedures which are not connected to the public order, shall be based, otherwise the right to what hasn't been revealed thereof shall be extinguished.

A new Article was added under No. (84) bis by virtue of Article 3 of Federal Law No. 10/2014 dated 20/11/2014 to read as follows:

Article 84 bis

1- The actions for the cancellation of administrative decisions shall not be heard after the lapse of (60) days from the date of publication of the contested administrative decision, notification of the concerned person, or his proven definitive knowledge thereof.

2- This deadline may be interrupted by a grievance submitted before the administrative entity that issued the decision or the entity to which it reports. The grievance shall be settled within 60 days from the date of its submittal. If a rejection was issued, it should be justified. The lapse of 60 days since the submittal of the grievance without any reply from the competent authorities shall be considered as a rejection. The deadline for filing the lawsuit shall be computed start from the date of explicit or implicit rejection, as the case may be.

Article 85

As Amended by Federal Law no. 30 dated 30/11/2005:

1- The plea against the court's jurisdiction for lack of its authority or because of the action's type, or its value may be exhibited in any of the action's circumstances, and the court shall automatically decide it.

2- If the court has judged its lack of jurisdiction it should give orders to forward the action, as is, to the authorized court, and the court's clerk office should notify the litigant parties with the decision.

Article 86

If the litigant parties have agreed on the prosecution before a court other than the court before which the action has been brought, the court may decide to forward the action to the court which they have agreed on.

Article 87

If the litigation have been brought before two courts the plea should be exhibited by forwarding it to the court before which the last litigation has been brought for deciding thereon.

Article 88

It shall be possible to exhibit the plea by forwarding for the engagement before one of the two courts, and the court to which the action has been forwarded shall be committed to examine it.

Article 89

1- As long as the court has decided in the cases presented there before by forwarding, it may appoint for the litigant parties the session at which they should appear before the court to which the action has been forwarded, and the Case Management Office should notify the absentees from the parties thereof.

2- If the court hasn't appointed a session for the litigant parties, the court to which the action has been forwarded should appoint it and notify the parties thereof.

3- The court to which the action has been forwarded shall be committed to examine it unless it was not adherently or qualitatively authorized to examine it.

Article 90

The nullity of the notification of the actions' declaration and the summoning papers as a result of a defect in such notification in the court's statement, or in the date of the session, shall be extinguished by the appearance of the notified persons at the session appointed in such notification or by depositing a brief with his defense, and that without prejudice to his right to the postponement for the completion of the time-limit of attendance.

Article 91

1- The plea for the rejection of the action may be presented in any of the action's circumstances.

2- If the court has found that the plea to reject the action for lack of the defendant capacity was based on valid grounds, it shall postpone the action in order to notify the one who has the capacity according to the plaintiff's request.

3- If the action has been prosecuted against a governmental authority or a public legal person, the amendment effect shall extend to the day of prosecuting the action even if the amendment has taken place after the date decided for its prosecution.

Article 92

The plea against the illegality of examining the action because of a prior decision therein may be manifested in any of the action's circumstances, and the court shall automatically decide therein.

Article 93

The court shall decide in the pleas independently unless it has ordered to merge them into the matter, by then, the court shall expose what it has decided in both the plea and the matter.

CHAPTER 2

The insertion and the intervention

Article 94

The provisions of Article 94 were replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, to read as follows:

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 95

Everyone who has interest may intervene in the action joining one of the opposing parties or asking the judgment for himself with a request related to the action, and that shall be through the usual procedures of the action's prosecution, or with a request presented verbally at the session in the presence of the litigant parties and shall be recorded in its minutes, and the intervention shall not be accepted after closing the pleading.

Article 96

1- The court may automatically decide the inclusion of anyone whose inclusion it would consider to be beneficiary to the justice or bring to light the truth, and the court shall appoint the session of which he shall be notified, and it shall also determine his position in the litigation giving orders to notify him for such a session, and that shall be through the usual procedures of the action's prosecution.

2- The court may charge the Case Management Office to notify, with a sufficient synopsis of the litigant parties' requests in the action, anyone whose notification it considers to be beneficiary to the justice or shall bring to light the truth.

Chapter 3

The Interlocutory requests

Article 97

1- The plaintiff and the defendant may submit any of the interlocutory requests which are relevant to the original request in a way that shall help the progression of justice if both shall be examined together.

2- Such requests shall be submitted to the court through the usual procedures of the action's prosecution, or with a request presented verbally at the session, in the presence of the litigant party, and shall be recorded in its minutes.

Article 98

The plaintiff may submit any of the interlocutory requests:

1- Which include the amendment of the original request or the amendment of its facts in order to cope with the circumstances which have emerged or have been observed after the action's prosecution.

2- Which are complementary to the original request, consequent, or indivisibly connected thereto.

3- Which include addition or change to the reason of the action provided that the request's facts shall remain as they are.

4- Requesting an order with a precautionary procedure.

5- Which the court shall allow to be submitted and connected to the original request.

Article 99

The defendant may submit any of the interlocutory requests:

1- Which ask for the judicial compensation and the decision in his behalf for the amends of damage occurred to him from the principal action or from a procedure therein.

2- Any request to which response all or some of the plaintiff's requests shall not be fulfilled, or shall be decided for him but bound with a restriction which shall be beneficiary to the prosecuted.

3- Any request which is indivisibly connected to the original request.

4- Whatever the court shall allow to be submitted and is connected to the principal action.

Article 100

1- The Interlocutory requests shall not be accepted after closing the defense.

2- The court shall decide on the requests mentioned with the principal request as long as it is possible or, otherwise, it shall retain the interlocutory request to decide thereon after verifying it.

Title 7

Cessation of the litigation, the severance of its progress, its extinguishment

Chapter 1

Cessation of the litigation

Article 101

1-The action may be ceased if the litigant parties has agreed on the discontinuation of the progression therein for a period of six months, maximum, from the date of the court's statement of their agreement, and such cessation shall not have influence on any determined time-limit which the law had appointed for some procedure.

It shall not be legal to any of the two litigant parties to urge the action during such time-limit except with the consent of his litigant party.

2- If no one of the litigant parties has urged the action during the eight days following the termination of the period, the plaintiff shall be considered relinquishing his action and the appellant relinquishing his appeal.

Article 102

The court shall give order to cease the action if it sees better to suspend the decision in its merits than to arbitrate in another matter on which the decision would depend, and as soon as the reason for the cessation has extinguished, any of the litigant parties may urge the action.

Chapter 2

The severance of the litigations progress

Article 103

1- The litigation's progress shall be severed by the law's decision by the death of one of the litigant parties or because of his legal incapacity of the litigation or the incapacity of any of the attorneys proceeding the litigation for him, unless any of such things have occurred after closing the pleading in the action, and if there were many litigant parties the court shall decide considering the litigation severed with regard to the one by whom the severance reason has occurred and it shall postpone its examination with regard to the others.

2- The litigation shall not be severed by the decease of the action's attorney nor by the expiry of his proxy through retirement or dismissal, and the court may allow a convenient time-limit to the litigant, whose attorney has deceased or terminated his proxy, in order that he would appoint another attorney if he wants.

3- The severance of the litigation shall have as a consequent the cessation of all the dates of the procedures which have been running to the advantage of the litigant by whom the reason of the severance has taken place, and the nullity of all the procedures which occur during the severance.

Article 104

The action shall continue its progress in regard to the litigant party by whom the reason of the severance has occurred, and that by charging for attendance the person who takes the place of the deceased, or the place of the one whose capacity for the litigation has been lost or the place of that whose capacity has extinguished, on the grounds of the other opposing party's request, or with an assignment declared to such party on the grounds of the request of those. Likewise, the action shall appeal its progress if the heirs of the deceased or those who have taken the place of the one who lost the litigation capacity or the place of the one whose capacity has extinguished and undertook its progress.

Article 105

If one of the severance reasons has occurred after closing the defense in the action the court may decide therein according to the final statements and requests or may open the pleading on the grounds of the request of that who took the place of the deceased, the place of the one who lost the litigation capacity or the place of the one whose capacity has extinguished or on the basis of the other opposing party's request.

Chapter 3

The litigation extinguishment by prescription – and its relinquishment

Article 106

1- Each one of the litigant parties who have interest, in case of the failure to progress in the action because of the plaintiff's action or because of his abstention, may request the decision for the litigation extinguishment when six months have passed since the last valid procedure of the judiciary procedures.

2- The period of the litigation extinguishment shall not start in the cases of severance except from the day in which the person, who requested the decision for the litigation extinguishment, has notified the heirs of his deceased party or the one who substituted that who had lost his capacity for the litigation, or substituted that whose capacity has extinguished, with the existence of the action between him and his principal litigant party.

3- The decided period for the litigation extinguishment shall be applied in favor of everybody, even if they were lacking the capacity or deficient thereof, and that shall not breach their right to claim indemnity from their agents for their negligence in following up the action, the thing that has resulted in its extinguishment.

Article 107

1- The request for the decision of the litigation extinguishment shall be submitted to the court before which the action for the litigation extinguishment has been prosecuted.

2- It shall be possible to insist on the litigation extinguishment in the form of a plea if the plaintiff has urged his action after the termination of six months.

3- Submitting the request or the plea shall be against all the plaintiffs or the appellants otherwise it shall be unaccepted.

Article 108

As a consequent to the decision of the litigation extinguishment, the extinguishment of the decisions issued therein with the probative procedure and the invalidation of all the litigation procedures, including the initiatory pleading, shall take place. But neither the right to prosecute it, nor the right in the final decisions issued therein, nor the right in the precedent procedures of such decisions, nor the right in the statements issued from the litigants nor the oaths they took shall be extinguished. However, that shall not prevent the litigants from adhering to the interrogation procedures and the works of expertise which have been accomplished unless they were void in themselves.

Article 109

Once the litigation extinguishment has been decided in the appeal, the appealed decision shall be considered final in all circumstances, and once the litigation extinguishment has been decided in a petition for retrial before the decision with the acceptance of the petition, the petition request shall be extinguished. However, after the decision with the acceptance of petition, the precedent rules concerning the appeal or the first degree, shall be in operation, depending on the circumstances.

Article 110

1- In all circumstances, the litigation shall be expired when two years shall have passed from the last valid procedure there within, and the effects consequent to its expiry shall be the same as the effects consequent to its extinguishment.

2- The content of the precedent clause shall not be applied on the appeal by means of cassation.

Article 111

1- The plaintiff may relinquish the litigation with a notification to his litigant party or with an explicit statement in a brief, signed by him or by whoever represents him legally, informing his party there about or stating it verbally at the session and he shall record it in the minutes.

2- The relinquishment shall not be fulfilled after statement of the defendant with his requests unless with his acceptance. However, his objection against the relinquishment shall not be considered if he has taken a plea against the court's jurisdiction, forwarding the case to another court, the nullity of the initiatory pleading, its illegality for a prior decision therein or because of other matters by which there has been intention to prevent the court from its continuation to examine the action.

Article 112

All the effects consequent to the extinguishment of the litigation shall be consequent to its relinquishment and the relinquishing party shall be committed to pay the action costs (fees).

Article 113

1- If the litigant party, by the occurrence of the litigation, renounced, a procedure or one of the papers of the procedures expressly or implicitly the procedure or the paper shall be considered null and void.

2- Relinquishing the judgment shall be followed by the relinquishment of the right inherent therein.

Title 8

The Incompetence, Recusal and Dismissal of Judges

Article 114

The text of Article 114 was replaced by virtue of Article 1 of Federal Decree Law No. 18/2018 dated 23/09/2018, to read as follows:

1- The judge shall not be competent to examine the lawsuit, and be prohibited from hearing it, even if not challenged by any of the litigants, in the following circumstances:

a- If he was a husband of one of the litigants or related to him by blood or marriage up to the fourth degree.

b- If he or his spouse had been in litigation with one of the litigants.

c- If he was a representative of one of the litigants in his private businesses or if he was his guardian or custodian, or a probable heir, or a spouse of the guardian or the custodian of any litigant, if there exists a relationship of blood or marriage up to the fourth degree between himself and said guardian or custodian, or any of the members of the board of directors of the competent company or any of its directors, where said member or director has a personal interest in the lawsuit.

d- If he himself, his spouse or any of his lineal relatives or in-laws or the person which he represents or be his guardian or custodian has a personal interest in the existing lawsuit.

e- If he himself is related by blood or marriage up to the fourth degree to any judge in the circuit, and in this case the youngest judge shall recuse himself.

f- If he himself is related by blood or marriage up to the second degree to the public prosecution’s representative or the defender of one of the litigants.

g- If he advised or was the legal advisor of any litigant in the lawsuit or wrote any statements even if before working in the judiciary, or if he previously examined it as a judge, expert or arbitrator or gave his testimony therein.

h- If he has filed an action for indemnity against the recusal claimant or filed a report against him with the competent authority.

2- The act or decision given by the judge in the previous cases, even if agreed upon by the litigants, shall be null and void.

3- If such nullity has taken place in a judgment issued in an appeal in cassation, the litigant may ask the court for the cancellation of such judgment and for rehearing the appeal before a circuit in which the judge, who was the reason for such nullity, does not affiliate.

Article 115

The text of Article 115 was replaced by virtue of Article 1 of Federal Decree Law No. 18/2018 dated 23/09/2018, to read as follows:

The judge may be recused for any of the following reasons:

1- If he himself or his wife had a lawsuit similar to the action he examines, or if either one of them is proceeding against any of the litigants or his spouse after the lawsuit is brought up before the judge, unless this lawsuit was filed with intention to prevent him for examining the lawsuit brought before him.

2- If there exists a litigation brought before the courts between his divorced wife from whom he has a child, or any of his lineal relatives or in-laws and any of the litigants or his wife, unless such litigation has been brought after the lawsuit is referred to the judge with the intention to recuse him.

3- If any of the litigants is employed for him or if he is used to eating and lodging with him, or has received a gift from him before or after filing the lawsuit.

4- If there is an enmity or notorious friendship between him and one of the litigants which prevails that he shall not rule without bias.

5- If one of the litigants has chosen him as arbitrator in a previous case.

Article 116

1- If the judge was incompetent to examine the action or some reason has emerged to recuse him, he shall have to tell the court president there about, and in case of the emergence a recusal reason, the court president may permit the judge to retreat and all that shall be recorded in a special report to be kept at the court.

2- Even if the judge has been competent to examine the action and no reason has emerged to recuse him, and he feels disconcerted to examine the action for any reason, he may expose his retreat order to the court president to examine his declaration of retreat.

3- If one of the precedent cases has been actualized on the court president, he shall expose the matter to his substitute.

Article 117

As Amended by Federal Law no. 30 dated 30/11/2005:

1- If a reason to recuse the judge has emerged and he hasn't retreated the litigant party may recuse him and the recusal shall occur through a request submitted to the president of the court to which the judge belongs and the requester, himself or his appointed attorney, shall sign it and the proxy shall be attached to the request, and the request of the recusal should include its reasons and the papers supporting it should be attached thereto.

2- The recusal requester should deposit, by the request submission, an amount of five thousand Dirham as an insurance, and the insurance number shall be multiplied according to the number of judges whom recusal is to be requested, and the court president shall not accept the recusal request if it has not been attached to what prove the insurance deposition, and it shall be sufficient to deposit one insurance for each recusal request in case of the multiplicity of the recusal requesters if they have submitted their requests in one request even if the recusal reasons have been diverse, and the court shall inflict on the requester of

a penalty with a fine of not less than five thousand Dirham and not more than ten thousand Dirham beside confiscating the insurance if his request has been rejected.

Article 118

1- The recusal request should be submitted after the submission of any plea or pleading in the action, otherwise the right thereto shall be extinguished. However, the recusal request may be submitted if the reasons thereof have taken place after that, or if the recusal requester has proved that he hasn't been aware thereof.

2- In all circumstances, the litigant party's right to request the recusal shall be extinguished if he hasn't submitted the request before closing the defense in the first refusal request submitted in the action, as far as he has been notified with the session appointed for examining that request and the recusal's reasons have been existing and known to him till the closure of the defense.

Article 119

1- The court president should inform the judge, whose recusal is requested, with the recusal request and its attachments as soon as possible.

2- The judge should respond, in writing, to the recusal's facts and its reasons within the seven days following his notification, and if he hasn't respond within that time-limit or has accepted the recusal reasons and such reasons have been legally valid to respond to, the court president shall issue an order for his removal.

3- If the judge has responded to the recusal reasons and he hasn't accepted a reason which is legally valid for recusing him, the one before whom the request has been brought shall appoint the circuit which shall assume the examination of the recusal and he shall appoint the date of its examination there before, and the clerk's office should notify the recusal requester and the judge with such date, and, likewise, notify the rest of the parties in the principal action so that they may submit the refusal requests they have according to the precedent clause, and the mentioned circuit should proceed the investigation of the recusal request in the deliberation chamber then, it shall decide, after hearing the statements of the recusal requester and the judge's notes, if necessary, or if he has asked that, and it shall not be allowed in the investigation of the recusal request to question the judge or to direct the oath to him.

4- In case of submitting recusal requests before closing the pleading in the first refusal request, the court president, or whoever in his place according to the circumstances, should forward such requests to the same circuit before which the request is being examined so that it shall decide in all of them with one judgment.

5- The proceedings of the recusal request and the arbitration therein should progress even if its requester has relinquished it.

6- The judgment shall be delivered in the recusal request at a public session and it shall not be liable to the appeal.

Article 120

As a consequent of the recusal request's submission a cessation of the principal action shall take place until such refusal request shall be finally decided in. However, it shall be possible, in case of summary - and on the grounds of the other party's request - to assign a judge in the place of that whose recusal has been requested.

Article 121

The court of appeal shall decide in the recusal request if the person whose recusal has been requested was a judge thereat or a judge at the court of first instance which belongs to that court.

Article 122

1- If there were a request for recusing all the judges of the court of first instance and the court of appeal decided to accept the recusal request it shall forward the action to another court of first instance decide in its facts.

2- If the recusal of all, or some, of the judges of the appellate court had been requested in such a manner that the remaining judges would not be sufficient for the judgment, the recusal request would be brought to the court of a higher degree there above, and if it has decided to accept the recusal request it would forward the action to another appellate court to decide in its facts.

Article 123

The rules stipulated in the law of the supreme federal courts shall be applied concerning the recusal of their president or judges.

Article 124

The rules and procedures submitted in the context of refusing the public prosecution's member shall be followed if it were a joined party for one of the reasons stipulated in the articles 114 and 115.

Title 9

Judgments

Chapter 1

Pronouncing Judgment

Articles 125 to 136 have been cancelled by virtue of Cabinet Decision No. 57/2018 dated 09/12/2018 on the Implementing Regulation of this Law, pursuant to the provisions of Article 3 of Federal Law No. 10/2017 dated 18/09/2017.

Chapter 3

Ratification and Interpretation of Judgments

Article 137

1- The court may, with a decision which it would issue on the grounds of the request of one of the parties or of its own accord without pleading, amend whichever purely material errors, literal or computational, which have occurred in its judgment, and the session clerk shall undertake such correction on the decision's original copy and he shall sign it, he himself and the session's president.

2- If the decision of refusing the correction has been issued, the appeal there against shall not be allowed unless with the appeal in the judgment itself, as for the decision which is issued with the correction, the appeal against it shall be possible independently from the possible ways of appealing against the decision which is to be corrected.

Article 138

The litigant parties may request from the court which has delivered the decision, to interpret any obscurity or vagueness occurring in its wordage, and the request shall be submitted through the usual procedures for prosecuting the action, and the judgment, together with the interpretation, shall be considered as fulfilling, from all angles, the decision which it interprets, and it shall be applied thereon whatever rules that are specific to the appeal manners.

Article 139

If the court has bypassed the decision in some substantive requests, it should, on the grounds of a request from one of the concerned person, examine the request and the decision therein after notifying the party therewith, and the decision shall follow the appeal rules which are applied on the principal decision.

Title 10

Orders on Petition

Articles 140 to 149 have been cancelled by virtue of Cabinet Decision No. 57/2018 dated 09/12/2018 on the Implementing Regulation of this Law, pursuant to the provisions of Article 3 of Federal Law No. 10/2017 dated 18/09/2017.

Title 12

Means of Challenge against judgments

Chapter 1

General Provisions

Article 150

1- The appeal against the decisions shall not be possible unless brought by the convicted, and it shall not be possible to be brought by that who accepted the sentence expressly or implicitly, or by that whose requests have been judged, unless the law stipulates otherwise.

2- The appellant shall not be harmed with his appeal.

Article 151

It is not possible to appeal against the decisions delivered during the progression of the action since the litigation has not been terminated therewith except with the delivery of the decision terminating all the litigation, and that with the exception of the temporary and summary decisions, the decisions issued for staying the action, the decisions liable to the obligatory execution, and the sentences issued deciding the lack of jurisdiction, unless the court had the authority to judge in the action.

Article 152

The provisions of Article 152 were amended by virtue of Article 1 of Federal Law no. 30/2005 dated 30/11/2005, then they were replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, to read as follows:

1- The period of appeal against the judgment shall start from the day following the date of its issuance, unless the law stipulates otherwise. The aforementioned period 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 period 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 appeal dates 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

The provisions of Article 153 were replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, to read as follows:

1- The appeal period 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 period 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

The provisions of Article 154 were replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, to read as follows:

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

The provisions of Article 155 were replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, to read as follows:

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 156

1- No one shall benefit from the appeal except the one who has raised it, and no one shall object thereto except the one against whom the appeal has been raised against. However, if the decision has been issued in an indivisible matter or in a commitment for solidarity or in an action in which the law necessitates the litigations of certain persons, it shall be possible that the convicted ones, who has missed the appeal date or has accepted the sentence, appeal there against during the examination of the appeal raised on the date from one of his parts joining him in his requests, and if he hasn't done, the court shall order the appellant to dispute the appeal, and if the appeal has been raised against one of the convicted on the date the litigation of the rest shall be imperative even if its date has been elapsed regarding them.

2- If the appeal has been raised on the date by the guarantor or the claimant of the guarantee in the decision issued in the principal action, and their defense therein was the same, the one who missed the date or accepted the sentence may appeal there against joining his part, and if the appeal has been raised against any of both on the date it shall be possible to litigate the other one even after the date expiry regarding him.

3- The guarantor and the claimant of the guarantee shall be benefit by the appeal prosecuted from any of them in the sentence issued in the principal action if their defense has united therein.

Article 157

1- It shall not be possible to return the documents to the litigant parties who submitted them except after the expiry of the appeal dates or after the decision in the raised appeal.

2- However, it shall be possible to give copies of such documents to whom of the concerned persons who would request them.

3- If there is a need to deliver the documents' originals that shall be by the order of the judge or the circuit president, according to the circumstances, and one of their copies shall be kept with the authentication of one of both and it shall be sealed with the court's seal.

Chapter 2

The Appeal

Article 158

The litigant parties, in other than the circumstances excepted by the law stipulation, may appeal the decisions of the courts of first instances before the authorized court of appeal.

Article 158/1

As amended by Federal Law no. 30 dated 30/11/3005:

It shall be possible to appeal the decisions issued within the framework of the final quorum from the court of first degree because of the breaching the jurisdiction rules related to the public order or because of the occurrence of an invalidity in the decision or an invalidity in the procedures which has affected the decision.

It is possible also to appeal all the decisions within the framework of the final quorum if the decision has been issued with a breach to a preceding decision which hasn't allowed the power of the order decided, and in such circumstance, the preceding decision shall be considered appealed by the power of the law if it hasn't become final when the appeal was prosecuted.

The appellant, in such cases, when he submits the appeal, should deposit in the safe of the appellate court, a mortgage of two thousand Dirham, and it shall be sufficient to deposit one mortgage when there is a multiplicity of appellants if they have appealed with one pleading even if the appeal reasons were different.

The Case Management Office shall not accept the appeal brief if it were not attached with what proves such deposit and the mortgage shall be confiscated by the power of the law if the illegality of the appeal has been decided.

Article 159

The time-limit of the appeal shall be 30 days unless the law stipulates otherwise, and the time-limit shall be 10 days for the summary matters.

Article 160

If the decision has been issued according to a fraud occurring from the litigant parties, according to a falsified paper, according to a falsified witness or because of the failure to present a decisive paper in the action which the litigant party has withheld, the date of the decision appeal shall not start but from the day on which the falsification appeared or on which the falsification was admitted by its committer or judged with its verification or on which the perjury witness was sentenced or from the day on which the withheld paper appeared.

Article 161

1 The appeal of the decision issued in the provisional claim shall definitely result in appealing the decision rendered in the principal claim and, in this case, the successful claimant in the original claim must be sued even after expiry of the time limit.

2- If the appellate court has cancelled the decision issued in the principal request, it should return the case to the court of first instance to decide the provisional claim.

Article 162

The text of Article 162 was replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, then it was replaced by virtue of Article 1 of Federal Decree Law No. 18/2018 dated 23/09/2018, to read as follows:

1- The appeal shall be filed by a pleading to be deposited in the Case Management Office of the competent court of appeal, and it shall be immediately recorded either in the register provided for this purpose or electronically.

The pleading shall include a statement of the appealed judgment, its date, grounds of appeal, the motions and information on the names of litigants, their capacities, domicile of each one of them, and the domicile elected by the appellant in the country where the competent court of appeal is situated, in addition to the signature of the appellant or his representative.

2- The appellant shall submit sufficient copies of the memorandum of appeal equal to the number of respondents, and a copy to be submitted to the Case Management Office. Each copy shall be associated with documents supporting his appeal.

3- Nevertheless, the appellant may submit the grounds of his appeal until the date of the first hearing set for exchanging memorandums and answers before the Case Management Office, or otherwise the appeal shall be dismissed.

Article 163

1- The Case Management Office at the court before which the appeal has been prosecuted should demand the attachment of the file of the initiatory action on the day following the day on which the appeal shall be prosecuted.

2- The Case Management Office at the Court of First Instance, which has issued the decision, should send the action file within ten days, at most, from the its request date, and this date shall be reduced to three days in the summary action.

Article 164

The text of Article 164 was replaced by virtue of Article 1 of Federal Decree Law No. 18/2018 dated 23/09/2018, to read as follows:

1- The respondent may, until the date of the first hearing set for exchanging memorandums and answers before the Case Management Office, file an appeal either in the ordinary procedures or by a memorandum with the grounds of his appeal.

2- The appeal mentioned in the preceding Paragraph shall be considered to be a cross-appeal if it is filed within the specified time-limit of appeal, and to be a subsidiary appeal if is filed after the elapse of the time-limit of appeal, or if the plaintiff has accepted the judgement on a date prior to the filing of the original appeal.

3- The subsidiary appeal shall follow the original appeal and it shall extinguish if the original appellant has abandoned his appeal or if the original appeal is dismissed in formality, but the cross-appeal shall not extinguish by the extinguishment of the original appeal whatever filing method is followed.

Article 165

1- The appeal transfer the action in its state in which it has been before the issuing the appealed decision in relation to what the appeal has prosecuted only.

2- The court shall examine the appeal on the basis of what is submitted thereto of the evidences, pleas and new aspects of defense and what had been submitted, before that to the court of first instance.

3- The new requests shall not be accepted in the appeal, and the court shall decide on its own accord with the disapproval. However, it shall be possible to add to the principal request the wages, salaries and the rest of attachments which are due after submitting the final requests before the court of first instance and what exceeds of the indemnities after submitting such requests, likewise it shall be possible, with the principal request's matter remaining as is, to change its reason and adding thereto.

4- It shall not be possible in the appeal to involve that who has not been an opposing party in the action in which the appealed decision has been issued, and it shall not be allowed to intervene therein unless by that who requests to join one of the opposing party or by that on whom the appealed decision is considered an evidence.

5- Appealing the decision terminating the litigation shall unquestionably be followed with the appeal against all the decisions which have been issued in the case unless they have been expressly accepted, taking into consideration what is stipulated in the clause 1 of this article.

Article 166

The text of Article 166 was replaced by virtue of Article 1 of Federal Decree Law No. 18/2018 dated 23/09/2018, to read as follows:

If the court of first instance decided on the merits and the court of appeal deemed that there is nullity in the judgment or procedures that has affected the decision, then it shall cancel said decision and decide the action.

If the nullity of judgment is for a reason related to the notification of the pleading, then the court of appeal shall decide to cancel the judgment and return the case to the first instance court to decide on the merits.

However, if the court of first instance has given a judgment of lack of jurisdiction or acceptance of a subsidiary plea that has prevented proceeding in the lawsuit, and if the court of appeal has decided the cancellation of the judgment and the jurisdiction of the court or dismissal of the subsidiary plea and decided to examine the lawsuit, then it shall return the case to the court of first instance to decide on the merits.

Article 167

The court shall decide, in all circumstances, to accept the relinquishment of the litigation in the appeal if the appellant has relinquished his right in the appeal.

Article 168

The rules and procedures which are applied on the action before the court of first instance shall be applied on the appeal, unless the law stipulates otherwise.

Chapter 3

The Petition for Review

Article 169

The litigant parties may request a petition for reexamining the decisions issued as final in the following circumstances:

1- If a fraud has occurred by the litigant party and has influenced the decision.

2- If the decision was based on papers which have been declared as falsified or judged as falsified, after issuing such decision, or the decision was based on a testimony of a witness and it was judged, after its issue, as perjury.

3- If the petitioner, after issuing the decision, has obtained decisive papers in the action which his opposing party hindered its submission.

4- If the judgment has decided something which the opposing parties haven't requested or decided more than what they have requested.

5- If the pronunciation of the sentence is self-contradictory.

6- For that against whom the decision issued in the action is considered an evidence, and hasn't been inserted or intervened in the action, on condition that the fraud of that who was representing him, his collusion or his flagrant negligence has been verified.

7- If the decision was issued against a natural or legal person who hasn't represented with a valid representation in the action.

Article 170

The time-limit of the petition shall be 30 days and it shall not start in the cases stipulated in the clauses 1, 2 and 3 of the preceding article except from the day on which the fraud was disclosed or on which its committer confessed the fraud or on which its verification was sentenced or on which the perjury witness was judged, or on which the paper, which had been withheld, appeared. The time-limit in the circumstance stipulated in clause 6 shall start from the day on which the fraud, collusion or flagrant negligence has come to light and in clause 7 from the day on which the decision has been notified to the convicted or to that who represent him a valid representation.

Article 171

1- The petition shall be prosecuted to the court which issued the decision with a brief deposited in the Case Management Office according to the usual procedures of the action prosecution.

2- The brief should include the manifest of the sentence in which the petition was submitted, its date and the petition reasons or it shall be void.

3- The court which shall examine the petition may be consisted of the same judges who have issued the decision.

4- The petition shall not be accepted if its brief hasn't been attached with what prove the deposit of a mortgage of five hundred Dirham, and the mortgage shall be confiscated if the rejection of the petition, its disapproval, or its illegality has been decided.

Article 172

1- After hearing the opposing parties, the court shall decide, first, in the legality of the petition, and if it approved it, it shall appoint a session for the prosecution in the matter with no need for a new notification.

However, it may judge in the approval of the petition and in the matter with one sentence if the opposing parties have submitted there before their requests in the matter, and the court shall not reexamine except the requests which the petition tackled.

2- The prosecution of the petition or its acceptance shall not have as a consequent the stay of the sentence execution, however the court which examines the petition may order the stay of execution, when required, and when there is a fear that the execution would cause a flagrant harm which would be impossible to avoid.

The court, when it orders the stay of the execution, may necessitate the submission of a bail or order a person whom it shall consider a bondsman for securing the right petitioned against him.

3- It shall not be possible to petition the reexamination of the decision which has been issued with the rejection of the petition or in the decision in the matter of action after its acceptance.

Chapter 4

The Cassation

Article 173

The text of Article 173 was amended by virtue of Article 1 of Federal Law No. 30/2005 dated 30/11/2005, then it was replaced by virtue of Article 1 of Federal Decree Law No. 18/2018 dated 23/09/2018, to read as follows:

1- The litigants may submit appeals in cassation against the decisions issued from the appellate courts according to the maximum value of the action specified by the Regulation of this Law, or if said action was not valued, and that is in the following cases:

a. If the appealed judgment was based on breach of law or a mistake in its application or interpretation.

b. If a nullity in the judgement or in the procedures has affected the judgement.

c. If the appealed judgement was issued contrary to the rules of the jurisdiction.

d. If the dispute was adjudicated contrary to another decision which was issued in the same subject-matter among the same litigants and acquired the force of res judicata.

e. The decision's lack of reasons, inadequacy or its ambiguity.

f. If the decision has ruled for matters not requested by the litigants or more than that requested by the litigants.

2- The litigants may appeal before the court of cassation against any final decision – whatever was the court which has issued it – which has decided in a dispute contrary to another decision previously issued between the litigants themselves and which has acquired the force of res judicata.

3- The judgement issued by the courts of appeal in the execution procedures may not be subject to the appeal in cassation.

Article 174

The provisions of Article 174 were amended by virtue of Article 1 of Federal Law no. 30/2005 dated 30/11/2005, then they were replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, to read as follows:

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 175

As amended by Federal Law no. 30 dated 30/11/2005:

1- The appeal through cassation shall have as a consequent the stay of the decision execution if it has been issued with divorce, the annulment of marriage or related to the ownership of real estates, and in other than such cases the court may order the stay of the decision execution temporarily if the appellant requested that in the appeal's pleading and was afraid that the execution would cause the occurrence of a flagrant harm which would be impossible to avoid, and the authorized division manager shall appoint a session for examining such request with which the requester shall notify his opposing party through the appeal pleading, and if the court has found that stopping the decision execution or the appeal was based on other reasons than the reasons stipulated in article 173 of this law, it shall appoint a session for examining the appeal within ninety days in a deliberation chamber.

2- The court, when it orders the stay of the execution, may necessitate the submission of a bail or order whatever it would find sufficient for securing the right of the appealed.

This order which has been issued for stopping the decision execution shall include the execution procedures which the convicting has undertaken on the basis of the appealed decision therein from the date of the request for stopping the execution.

3- If the request has been rejected the appellant shall be committed with its expenditures.

Article 176

As amended by Federal Law no. 30 dated 30/11/2005:

The time-limit of cassation shall be sixty days.

Article 177

The text of Article 177 was amended by virtue of Article 1 of Federal Law no. 30/2005 dated 30/11/2005, then it was replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, then it was replaced by virtue of Article 1 of Federal Decree Law no. 18/2018 dated 23/09/2018, to read as follows:

1- The appeal in cassation shall be filed by a pleading to be deposited in 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, signed by an attorney admitted to appear before said court, provided that a proof of payment of the fee in full is submitted with the guarantee within three days following the deposit date. The appeal shall be recorded in the register provided for this purpose after the fulfilment of said procedure.

2- At the time of the filing of the pleading, the appellant shall submit a number of copies of the same equal to the number of respondents, and a copy to be submitted to the Case Management Office.

3- Before the appeal is set for adjudication, the appellant shall submit the power of attorney of the lawyer assigned in the appeal.

4- In addition to the information related to the names of applicants, their capacities, and the address of each one of them, the pleading shall include a statement of the appealed judgment, date of its issuance, date of notification if made, and statement of the grounds upon which the appeal is based, and the motions of the appellant.

5- If the appeal was not filed in the manner mentioned above, it shall be deemed inadmissible, and the court shall sua sponte declare its inadmissibility.

Article 178

1- It shall not be allowed to insist before the court on a reason which hasn't been included in the appeal's pleading unless the reason was related to the public order, then it shall be possible to hold on thereto in any time and the court shall automatically consider it.

Article 179

As amended by Federal Law no. 30 dated 30/11/2005:

1- A constant fee of two thousands Dirham shall be imposed on each appeal through cassation and the ministries, societies, governmental circuits and what is similar thereto in the state shall be exempted from paying such fee, and the court president, or whoever represents him, shall undertake the decision in the requests for postponing the fees or for the exemption there from and the submission of the requests shall consequently cause the stay of the applicability of the date appointed for the appeal.

2- The appellant by cassation should deposit in the court's safe, by the time of paying the fee fixed for the appeal, an amount of three thousands Dirham as a mortgage which shall be given back to him if it has been decided to accept his appeal, but if the appellants have prosecuted their appeal with one pleading it shall be sufficient to deposit one mortgage.

The exempted from the judicial fees shall be exempted form the mortgage.

3- A constant fee of one thousand Dirham shall be imposed on each request which the appellant submits in order to stay the execution of the decision appealed in, and the authorities mentioned in clause 1 of this article shall be exempted from such fee.

Article 180

The provisions of Article 180 were replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, to read as follows:

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 181

1- The appealed may insert in the appeal any opposing party in the action in which the appealed sentence was issued and against whom the appeal hasn't been prosecuted, and this involvement shall be through his notification with the appeal, provided that such notification shall be accomplished within the time-limit stipulated in clause 3 of the preceding article.

2- The one who has been introduced in the appeal may deposit in the Case Management Office at the court a pleading with his defense within fifteen days from the date of his notification, and the appellant has the right to reply to such pleading according to the dates stipulated in the preceding article.

Article 182

Each opposing party in the action in which the appealed sentence has been issued may, if he hasn't been notified by the appellant with his appeal, intervene in the appeal in order to request the decision to reject it, and its intervention shall be done by depositing a pleading of with his defense in the Case Management Office before the expiry of the time-limit stipulated in clause three of article 180.

Article 183

The text of Article 183 was amended by virtue of Article 1 of Federal Law no. 30/2005 dated 30/11/2005, then it was replaced by virtue of Article 1 of Federal Decree Law No. 18/2018 dated 23/09/2018, to read as follows:

1- The competent president of the circuit shall appoint a judge to prepare a report resuming the grounds of the appeal and answers thereof. Immediately upon the filing of the report, the Case Management Office shall submit the file of the lawsuit to the president to appoint a session to examine the appeal in the deliberation chamber. If the court has deemed that the appeal is inadmissible either for its extinguishment or for the nullity of its procedures or for its being based on other than the reasons mentioned in Article 173, or on the basis that the court has previously issued a legal principle in the legal matter discussed in the appeal and that there is no reason to decide otherwise, the court shall order its inadmissibility by decision to be entered in the minutes of the session with a brief reference to the reason of the decision.

2- If the court considers that the appeal is worth examining, it shall fix a session to examine the same in which the summary report shall be read. The court shall rule on the appeal after deliberation and without a hearing.

3- If the court considers the oral arguments are necessary to be held, then it may hear the statements of the lawyers on behalf of the litigants or it may hear the litigants themselves.

Article 184

If the court has accepted the appeal and the matter was valid to decide in or the appeal was prosecuted for the second time, it shall take the responsibility to decide therein and it may fulfill the necessary procedures, but in other circumstances, the court shall decide the cassation of the entire sentence or part thereof and forward the action to the court which has issued the appealed decision unless the court has deemed appropriate to examine it before a circuit consisted of other judges or to forward it to an authorized court to decide therein again, and the court to which the action has been forwarded shall be committed to decide in the cassation in the points decided.

Article 185

1- The abolishment of all the decisions on which the appealed decision has been based shall be the consequence of the decision cassation, whatever was the court which had issued it.

2- If the decision hasn't been refuted except in a part thereof it shall remain in effect in relation with the other parts, unless they have been subsequent to the refuted part.

Article 186

If the court decided the illegality of the appeal, its disapproval or its rejection, entirely or partially, it shall inflict on the one raising the appeal with the appropriate expenditures as well as confiscate all or part of the mortgage, according to the circumstances.

Article 187

It is not possible to appeal against the cassation decisions through any of the appeal manners, and that with the exception of what has been issued there from in the litigation source where it shall be possible to appeal therein through the petition of reexamining the cases stipulated in clauses 1, 2 and 3 of article 169.

Article 188

1- The rules applied on the appeal before the appellate court shall be applied on the appeal through cassation in case there is no contradiction with the terms of this section.

2- The appeal through cassation shall be in the decisions issued from the federal courts before the supreme federal court in the circumstances and according to the procedures and rules - mentioned before. In case of what hasn't been mentioned with a special statement in this section, the rules of the federal law number 10, for the year 1973 A.D. shall be applied concerning the supreme federal court and its amending laws.

Book 2

Various Procedures and Litigation

Title 1

Tender and Deposit

Article 189

The provisions of Article 189 were replaced by virtue of Article 2 of Federal Law No. 10/2014 dated 20/11/2014, to read as follows:

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 190

The debtor may request, with the offer, the creditor's consent on the release of his estates from the real bail or from any other bond restricting the disposition.

Article 191

It shall be stipulated as conditions for the validity of the offer the following:

a- To be directed to that who is legally competent of the reception or who represents him.

b- To be addressed from a person who holds good to undertake the settlement.

c- That the offer includes the sums, the sources, the attachments and the expenditures.

d- That the condition related to the commitment is to be fulfilled.

e- That the debtor submits his offer to the creditor himself or at his residence.

Article 192

1- If the offer was money or other items that can be moved or lodged in the court's treasury and the person, to whom the offer was submitted, has rejected it, the president of the court of first instance or the session's president, according to the circumstances, shall give orders to lodge them immediately in such case.

2- If the offer has been rejected and the offered thing cannot be placed in the court's treasury the chair of the session or the president of the court of first instance shall give orders, according to the request of the notification server and according to the circumstances, to deposit it in the place he shall locate, and that if the thing is movable without difficulty. however, if it is intended to remain at its place or if it cannot be move without great difficulty, it shall be placed under receivership.

3- If the offered thing can be easily damaged or would cost excessive expenses for its deposition or for its receivership the debtor or the process server may request the president of the court of first instance to order selling it at a public auction and depositing the price at the court's treasury; and if it had a kown price in the market or its transaction was current it shall not be possible to sell it at public auction except if auction sale at the known price is impossible.

4- The offer's bidder may request the decision with the validity of the offer.

Article 193

There shall be no decision with the validity of the offer unless the offered item has been lodged together with its attachments which have been due until the lodging day, and the court shall decide, together with the validity of the offer, the discharge of the debtor from the day of the offer.

Article 194

The debtor may retract from an offer which his creditor hasn't accepted and retake what he lodged after the expiry of ten days from the date on which he had notified his creditor with the offer and the lodging.

Article 195

It is not possible to retract from the offer nor to restore the deposit after the creditor's acceptance of that offer or after issuing the decision with the validity of the offer and its final outcome.

Article 196

It is possible that the creditor accepts an offer which has previously rejected and that he receives what was deposited as a guarantee thereto unless the debtor has retracted from his offer.

Title 2

Challenge of Judges and Members of the Public Prosecution

Article 197

It is possible to litigate the judges of the courts of first instance and the courts of appeal and the members of the public prosecution in the following circumstances:

1- If a fraud, a deceit or a flagrant professional mistake has been committed by the judge or the member of the public prosecution.

2- In the other circumstances in which the law decides the responsibility of the judge and inflicting on him indemnities.

Article 198

1- The litigation action shall be prosecuted with a report in the Case Management Office at the appellate court to which the judge or the public prosecution's member belongs and the requester or whoever represents him in that shall sign it, and the report should include a statement of the dispute's aspects and its evidences and the confirming papers thereof shall be deposited with it with a mortgage of a thousand Dirham.

2- The dispute shall be manifested in order to examine its approval before one of the appellate court's circuit by an order from its president after notifying the judge or the public prosecution's member with a copy of the report.

The dispute shall be examined in the deliberation chamber at the first session held after the eight days following the notification and the Case Management Office shall notify the requester and the disputed with the session, and if the disputed judge were a judge at the appellate court or the disputed member of the public prosecution were the attorney general or an attorney, at least, one of the circuits of the cassation shall undertake the decision, in the deliberation chamber, for accepting the dispute, and if it has decided to accept it, it shall forward the examination of the dispute matter to a special circuit consisted of five of its judges according to the hierarchy of their seniority.

Article 199

The court shall judge, as soon as possible, in the relevance of the dispute aspects to the action and its acceptance, and that shall be after hearing the requester or his attorney and the disputed judge or the disputed public prosecution's member, according to the circumstances, in person or through an attorney from the judiciary persons and the prosecution's statements if it has intervened in the action.

Article 200

1- If the acceptance of the dispute were decided, the decision shall appoint a session for examining the dispute matter at a public session and it shall be decided therein after hearing the disputed requester and the prosecution's statements if it has intervened in the action.

2- The judge shall be incompetent to examine the action from the date of the decision of accepting the litigation

Article 201

1- If the disapproval of the dispute were decided in form or were rejected in content, the requester shall be inflicted with the confiscation of the mortgage with the indemnities, if they had a side.

2- If the validity of the dispute were decided, the judge or the prosecution's member shall be inflicted with the indemnities, expenditures and the nullity of his power of disposition, and the state shall be responsible with what shall be inflicted as indemnities on the judge or the prosecution's member, and it shall have the right to claim it, and its execution shall be possible directly with the decision issued in the dispute action.

3- However, The nullity of the sentence shall not be decided for the benefit of an opposing party other than the plaintiff in the dispute action except after notifying him to give his statements, and it shall be possible in such circumstance that the court would issue in the principal action a new decision if it has considered it valid for the settlement and that shall be after hearing the opposing parties' statements.

Article 202

It is not possible to appeal against the decision issued in the litigation action except through cassation.

Title 3

Arbitration

Articles 203 → 218 on arbitration were deleted by virtue of Clause 1 of Article 60 of the Federal Law no. 6/2018 dated 03/05/2018 (on Arbitration) provided that the proceedings in accordance therewith remain valid.

Book 3

The Execution

Title 1

General Provisions

Chapter 1

The Execution Judge

Articles 219 to 331 have been cancelled by virtue of Cabinet Decision No. 57/2018 dated 09/12/2018 on the Implementing Regulation of this Law, pursuant to the provisions of Article 3 of Federal Law No. 10/2017 dated 18/09/2017.

Title 6 was added by virtue of Article 2 of Federal Law No. 10/2017 dated 18/09/2017, as follows:

Title 6

Use of Remote Communication Technology in Civil Procedures

Title 6 was added by virtue of Article 2 of Federal Law No. 10/2017 dated 18/09/2017, as follows:

Article 332

The use of Remote Communication Technology in the Civil Procedures shall mean the use of audiovisual communication means between two parties or more for the purpose of achieving remote appearance and exchange of documents, including the lawsuit registry, procedures of declaration, trial and execution carried out through this technology.

Article 333

For the definitions of: electronic file, electronic information, electronic information system and electronic signature, kindly refer to the meanings defined in Federal Law No. (1) of 2006 on Electronic Commerce and Transactions.

Article 334 – Appearance and Trial Procedures

All the provisions concerning the collection of fees, registry, declaration, submission of documents, appearance, publicity, pleading, hearing of witnesses, questioning, deliberation, issuance of judgments, submission of appeals and execution through the procedures thereof set forth under the present Law and its amendments shall be deemed valid if carried out totally or partially trough the Remote Communication Technology.

Article 335 – Taking Procedures Remotely

The President of the Court, President of the Circuit, competent judge or their representatives may take the procedures remotely whenever they deem it appropriate in any of the stages of the civil proceedings in order to facilitate the litigation procedures.

Article 336 –

Procedures may be taken remotely outside the jurisdiction of the courts of any Emirate considering the civil procedures remotely, in coordination – when necessary – with the competent entity in the Emirate where the party concerning whom the procedure is taken or the documents to be submitted in the lawsuit are present.

Article 337 – Personal Appearance Request

In remote trials, any of the lawsuit parties may, at any of the trial stages, request the Court to carry out the trial with personal appearance. The court shall determine this request after notification of all parties.

Article 338 – Remote Procedures Records Keeping

The electronic remote litigation records shall be registered and kept and shall be deemed confidential. Thus, they may not be circulated, reviewed, copied or deleted from the electronic information system, unless with the authorisation of the competent court, as the case may be.

Article 339 – Application of the Information Security Policies

The remote communication technology set forth hereunder shall be subject to the information security regulations and policies adopted in the State.

Article 340 – Remote Procedures Minutes

The competent entity shall register all the litigation procedures in minutes, hard or soft documents to be approved without the need for the signature of the concerned persons.

Article 341 – Use of Remote Procedures with Foreign Countries

The remote communication technology may be used to request or execute the judicial writs and assistance with foreign countries according to the provisions of agreements and conventions ratified by the State.

Article 342 – Binding Force of Electronic Signature and Documents

The electronic signature and electronic documents shall have the binding force prescribed for the signature or the traditional official hard documents provided for under Law No. (10) of 1992, whenever the terms and conditions set forth under the abovementioned Federal Law No. (1) of 2006 are fulfilled.

Article 343 – Refutal of Electronic Signature and Documents

1- Copies of documents shall be accepted in civil procedures carried out using remote communication technology. However, this shall not prevent the Court from requesting the party who submitted the copies to submit the original thereof, whenever it deems it necessary to determine the case.

2- The denial of any of the litigants of the documents submitted by the other litigant shall not be taken into account for the mere fact that they are copies unless the denying litigant insists that said documents are invalid or were not issued by the party to whom they are attributed.

3- The provisions set forth herein and in the abovementioned Federal Law No. (10) of 1992 shall apply in case of denial of the submitted documents or claimed invalidity thereof.

4- In case the documents that were refuted are proven to be valid or issued by the party to whom they are attributed, and the denial or claimed invalidity are not justified, entailing the delay of the determination of the case or resulting in unjustified additional fees incurred by the litigant who submitted the documents, the Court may order the litigant who refuted the documents or claimed the invalidity thereof to pay a fine of no less than AED (1000) one thousand and no more than AED (10,000) ten thousand. This shall not preclude the consultation of the entity in charge of the regulation of the legal profession in this regard, in case the Court deems it justifiable.