



الأمانة العامة للمجلس التنفيذي
GENERAL SECRETARIAT OF THE
EXECUTIVE COUNCIL

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Laws

Law No. (11) of 2017 Concerning the Notary Public in the Emirate of Abu Dhabi

We, Khalifa bin Zayed Al Nahyan, Ruler of Abu Dhabi,

Having reviewed:

- Law No. (1) of 1974 concerning the reorganisation of the Governmental body in the Emirate of Abu Dhabi and its amendments;
- Law No. (2) of 1971 concerning the National Advisory Council and its amendments;
- Law No. (23) of 2006 concerning Abu Dhabi Judicial Department and its amendments;
- Law No. (6) of 2013 concerning the judicial fees in the Emirate of Abu Dhabi;
- Law No. (6) of 2016 concerning the Human Resources in the Emirate of Abu Dhabi;
- Law on Civil Transactions issued by Federal Law No. (5) of 1985 and its amendments;
- Law on Evidence in Civil and Commercial Transactions issued by Federal Law No. (10) of 1992 and its amendments;
- Law on Civil Procedure issued by Federal Law No. (11) of 1992 and its amendments;
- Federal Law No. (28) of 2005 concerning Personal Status;

- Federal Law No. (1) of 2006 concerning Electronic Transactions and Commerce;
- Federal Law No. (9) of 2006 concerning the Population Register and the Identity Card and its amendments;
- Federal Law No. (4) of 2013 concerning the Regulation of the Notarial Profession; and
- Based on what was presented to and approved by the Executive Council,

Issued the following Law:

Definitions Article (1)

In the implementation of the provisions of this law, the following words and phrases shall have the meanings corresponding thereto unless the context requires otherwise:

Country	: The United Arab Emirates.
Emirate	: The Emirate of Abu Dhabi.
Department	: The Judicial Department – Abu Dhabi.
Chairman	: The Chairman of the Department.
Undersecretary	: The Undersecretary of the Department.
Division	: The Notary Public Division at the Department.
Director	: The Division's Director.

Notary Public	: Any person certified, assigned or licensed by the Department to authenticate and notarise the idiochira and to assume all the competencies indicated in this Law. It includes both the Public and Private Notaries.
Register	: The manual or electronic Register set for drafting and registering the acts carried out by the Notary Public.
Act	: Any contract, acknowledgment, or document that is authenticated or notarised by the Notary Public in accordance with the provisions of this Law or any other legislation.
Journal	: Writing and establishing any act carried out by the Notary Public for the completion of the transaction in the cases stipulated in this Law and its Executive Regulations.
Record	: The action taken by the Notary Public to enter the required transaction in the files or records of the Division for the legal effects to take place.
Drafting	: When the Notary Public writes a document or contract as per the request of the concerned parties in the registers set to this effect.

Notarisation	: The manual or electronic Notary Public's validation of the signature or thumbprint of the concerned party
Evidencing the Date	: Evidencing the date of the act by the Notary Public.
Concerned Parties	: Whoever requests from the Notary Public to perform a transaction in accordance with the provisions of this Law.
Translator	: The sworn translator certified by the competent authority to conduct translation from a foreign language to Arabic, and vice-versa

Objectives of the Law Article (2)

This Law aims at regulating the Notary Public profession so as to ensure the preservation of rights, contribute in facilitating works and enhance the Emirate's economic competitiveness, capacity and position.

Competencies of the Notary Public Division Article (3)

The Division shall assume the following competencies:

1. Supervise the works and performance of the Notary Public.
2. Follow up the standardisation of the procedures in all the Notary Public units and branches in the Emirate.

3. Follow up the performance quality and facilitate the procedures.
4. Consider the grievances submitted by the concerned parties and endeavour to resolve them.
5. Any other tasks assigned to the Division pursuant to another legislation.

Appointment of the Director Article (4)

The Director shall be appointed by a resolution of the Chairman based on the nomination of the Undersecretary, to oversee the notary public works.

Notary Public Article (5)

The public notary shall be appointed by a resolution of the Undersecretary.

Terms of Appointment of Public Notaries Article (6)

A public notary shall fulfil the following conditions:

1. To be a National. The Undersecretary may, where needed, exempt any Arab citizen from this condition.
2. Not to be less than 25 years old.
3. To be of good conduct and sound reputation, and not to have been previously sentenced for a felony or misdemeanour involving dishonesty or moral turpitude, even if he has been rehabilitated or pardoned.
4. To have obtained a Bachelor in Law or Sharia and Law or any equivalent degree from any university or institute accredited in the Country.

5. To be medically fit to assume his duties.
6. Not to have been dismissed from service by a judgment or disciplinary resolution.
7. To succeed the tests, interviews and qualification courses prescribed.
8. Any other conditions determined by the Chairman pursuant to resolutions issued by him to this effect.

The Government Entities Employees Licensed to Carry out Notary Public Functions

Article (7)

The employees of government entities may be licensed, pursuant to a resolution of the Undersecretary, at the request of said government entities, to carry out Notary Public functions, provided that they only assume the competencies determined thereto.

Article (8)

The Chairman shall issue a resolution on the regulation of the work of the government entities' employees licensed to carry out the functions of a public notary.

Legal Oath

Article (9)

The Notary Public shall take the legal oath before the Undersecretary or whoever is delegated by him, before starting his work, in the following manner: “I swear by Allah Almighty that I will faithfully and honestly fulfil my duties, keep my professional secrets, and respect the legislations in force”.The oath taking shall be established in a report that shall be kept in the Notary Publics files.

Competencies of the Notary Public Article (10)

Without prejudice to the provisions of Article (11) of this Law, The public notary shall assume the following competencies:

1. Authenticate the acts of which authentication is required by law or requested by the concerned party.
2. Notarise the concerned parties signatures placed on the acts based upon their request.
3. Evidence the date of idiochira.
4. Authenticate and notarise affidavits after making the concerned parties take the oath.
5. Authenticate and notarise all the acknowledgments required by law or requested by the concerned parties.
6. Apply the executory formula on the authenticated act in accordance with the provisions of this Law.
7. Notarise non-Muslim wills.
8. Any other competencies entrusted thereto pursuant to the legislations applicable in the Emirate or assigned by the Undersecretary or Director.

Works Prohibited on the Notary Public Article (11)

The Notary Public shall not be allowed to:

1. Authenticate or notarise any transaction containing a violation to the applicable legislations, public policy or public morals.

2. Authenticate or notarise any transaction of which authentication or notarisation falls within the competency of another authority in accordance with the legislations applicable in the Emirate.
3. Notarise any transaction related to the creation, transfer, change or demise of a real estates ownership right or any in-kind right thereto.
4. Draft or authenticate a contract of sale, grant, or mortgage of a business premise before publishing such matter in any widespread daily news paper in the Country at least fourteen days before carrying out the transaction, unless publication has taken place at the competent administrative authority.
5. Carry out any transaction offering any apparent or hidden benefit to his spouse or any of his relatives up to the fourth degree, or choose any of them as a translator or assistant in a transaction carried out before him.
6. Disclose any information that came to his knowledge by virtue of his position.
7. Transfer any registers, documents, acts, or other official papers in his possession outside his office, and the Public Prosecution may view them where they are kept and request their inclusion by a written permit of the Director and none of them may be included in the file of a law suit under examination unless by a request of the Court, after keeping a notarised photocopy thereof.

8. Provide any entity, except for the concerned parties, with information from the records, unless by a written request from a competent judicial or governmental authority following the approval of the Director.
9. Give a copy of the document to other than the concerned parties except in the instances determined by the Chairman by a resolution or based upon the decision of the competent court, as the case may be.
10. Approve the signature of the employees working at the Federal or local governmental entities on the certificates, documents, or other papers which they sign by virtue of their functions, unless at the request of said entities.
11. Combine between his position as a Notary Public and any other private or public position.

Official Seals Article (12)

The Department shall approve the official seals of the Notary Public as well as the executory formula seals which the notarial acts pass through, in accordance with the conditions and controls determined by the resolution of the Chairman.

Means of Verification of the Identity of the Concerned Parties Article (13)

Only ID cards shall be taken into consideration in proving the identity of any person. The Chairman shall determine by a resolution issued by him the means of verification of the identity of the concerned party with respect to those who are not recorded in the Population Register.

Authentication and Notarisation Procedures Article (14)

The Notary Public shall, before authenticating or notarising the signatures regulated by this Law, verify and evidence the identity of the concerned parties, as well as their eligibility, capacity, satisfaction, knowledge of the act content, and their legal authority to do it.

If the Notary Public finds that the concerned parties are not aware of the transaction content or unsatisfied therewith, if it was impossible to identify their identities or capacities, or if the transaction violates the public policy or applicable legislations, he shall reject performing it while indicating the rejection reasons in writing.

Form of the Act Article (15)

The act shall be written in a clear manner and fulfil the legal requirements, and it shall particularly establish the following:

1. The full name of the concerned parties, the number of the identification document, their nationalities and capacities in the act, if any, and their date of birth.
2. Place the signature of the concerned parties and Notary Public at the bottom of all the pages.
3. Place and date of the act by Year, Month and Day in numbers and letters.
4. The pages of the act shall be numbered by the seals approved to this effect.

Language of the Act
Article (16)

The act carried out by the Notary Public shall be written in Arabic, and it may be written in a foreign language in the cases and conditions determined by a resolution issued by the Chairman.

Ignorance of the Concerned Parties' Language
Article (17)

1. If the Notary Public is unaware of the language of the concerned parties, he shall seek the assistance of a translator to translate his requests in the presence of the concerned parties, if that was not possible, he shall assign the concerned parties to bring a translator who handles translation on their behalf after taking the oath. He shall sign at the end of the act and this shall be established in the Journal.
2. If any of the concerned parties suffers from a disability which prevents him from normally expressing his will, the Notary Public shall have recourse to any of the competent experts or assign whomever he deems appropriate at the request of the concerned parties for assistance, provided that such expert takes the oath and signs at the end of the act. This shall be established in the Journal.
3. If any of the concerned parties suffers from a mental disability, his guardian appointed by the court shall sign on his behalf, and this shall be established in the Journal.

Transactions of Persons with Special Cases Article (18)

1. If the concerned parties or any of them was unable to understand the content of the transaction by the ordinary means or express his will by normal ways, the Notary Public shall explain said content and make sure that he is satisfied therewith and that he supports it under the guidance of any person who understands his usual signs, provided that the latter takes the oath and places his signature or fingerprint on the act. This shall be established in the Journal.
2. If the concerned parties or any of them suffers from a disability or disease which prevents him from signing or taking his fingerprint, he may nominate a person to sign or place his fingerprint on his behalf, provided that the Notary Public states such procedure in the file of the act.
3. If the concerned parties or any of them is unable to sign for any reason whatsoever, the Notary Public shall take his fingerprint on the document and state such procedure in the Journal.

Correction of the Act Article (19)

1. The validity of the act carried out by the Notary Public shall not be affected by any material errors, whether clerical or arithmetic, and the Notary Public shall correct said error by striking off the number, word or expression, subject-matter of the error, in a way that it remains legible, and the correct number, word or expression shall be written in the margin or back of the act.

The Notary Public shall sign next to the correction, stamp it with the official seal and write the date of the correction on the rest of the copies.

2. If any mistake is committed by the concerned parties regarding any of the data and information stated in the act, the Notary Public may, at their request, correct it in the same manner stipulated in Clause (1) of this Article, in addition to their signature.

Executory Formula Article (20)

1. The Notary Public shall, at the request of the concerned parties, append the executory formula on the act which is being authenticated or notarised in accordance with the provisions of this Law and which contains realised obligations of specific amounts that is due and payable. Each of the concerned parties shall be provided with only one copy thereof.
2. No second copy of the act that is sealed with the executory formula may be delivered to the concerned party unless the first copy was lost or could not be used for any reason and following the approval of the Director.

Grievance against the Procedures of the Notary Public Article (21)

1. The concerned parties may file a written grievance against the procedures taken against them by the Notary Public at the Department within the period of fifteen days from the date of the procedure subject of grievance. The decision on the grievance shall be determined by the Department within maximum two weeks.

2. The concerned parties may file an appeal against the Department's decision of rejection before the competent court within sixty days from the date of issuance of the decision.

Fees Article (22)

1. No transaction included in the provisions of this Law shall be authenticated, notarised or carried out until after paying the fee prescribed.
2. The Chairman may issue a resolution on the imposition of fees on any new transactions or legal services, and may amend them and increase the fees prescribed for any transaction by maximum 50%.

Movement of the Notary Public Article (23)

The Notary Public shall not move outside his office to carry out any transaction that falls within his competency except with the approval of the Director or whomever is delegated thereby and after paying the prescribed fee.

Audio-Visual Recording of the Transactions of the Notary Public Article (24)

1. The audio-visual recording of the transactions performed by the Notary Public is allowed to ensure the validity of the procedures, certification and verification of the presence and satisfaction of the concerned parties.
2. In implementing the provisions of Clause (1) of this Article, all clients shall be notified and made aware that these transactions and sessions will be recorded.

Human Resources Regulation for the Notary Public Article (25)

1. The Chairman shall issue, based on the proposal of the Undersecretary, a special regulation concerning human resources and finance of the public notary, provided that the provisions regulating the profession of the public notary shall continue to be effective until issuance of said regulation.
2. The Undersecretary shall issue a resolution concerning job placement for the public notary upon issuance of the resolution of the Chairman aforesaid in Clause (1) of this Article.
3. The Chairman shall issue the regulation governing all the Private Notary's affairs.

Penalties Article (26)

Without prejudice to any more severe penalty provided for by any other law, whoever violates the provisions of this Law and the resolutions issued in its implementation, shall be punished by a fine of not less than AED (5000) five thousand and not more than AED (50,000) fifty thousand. This penalty shall be doubled in case it is repeated.

Final Provisions Article (27)

The Chairman shall issue, based on the proposal of the Undersecretary the Executive Regulations as well as all the other regulations and resolutions required for the implementation of the provisions of this Law.

Article (28)

Any provision contrary to the provisions of this Law shall be repealed.

Article (29)

This Law shall be published in the Official Gazette and shall be effective one month following the date of its publication.

Khalifa bin Zayed Al Nahyan
Ruler of Abu Dhabi

Issued by us in Abu Dhabi

On: 11 June 2017

Corresponding to: 16 Ramadan 1438 Hijri

Amiri Decrees

Amiri Decree No. (8) of 2017 Concerning the Appointment of a Member of the Executive Council

We, Khalifa bin Zayed Al Nahyan, Ruler of Abu Dhabi,

Having reviewed:

- Law No. (1) of 1974 concerning the reorganisation of the Governmental Body in the Emirate of Abu Dhabi and its amendments;
- Amiri Decree No. (2) of 2016 concerning the reformation of the Executive Council of the Emirate of Abu Dhabi and its amendments; and
- Based on what was presented to and approved by the Executive Council,

Issued the following Decree:

Article (1)

H.E. Saif Mohammed Al Hajiri shall be appointed Chairman of the Economic Development Department, and member of the Executive Council to replace H.E. Ali Majed Al Mansoori.

Article (2)

This Decree shall be effective from the date of its issuance and shall be published in the Official Gazette.

**Khalifa bin Zayed Al Nahyan
Ruler of Abu Dhabi**

Issued by us in Abu Dhabi

On: 18 June 2017

Corresponding to: 23 Ramadan 1438 Hijri

Chairman of the Executive Council Resolutions

Chairman of the Executive Council Resolution No. (41) of 2017 Concerning the Addition of Members to the Executive Committee

**We, Mohamed bin Zayed Al Nahyan, Crown Prince, Chairman of the
Executive Council,**

Having reviewed:

- Law No. (1) of 1974 concerning the reorganisation of the Governmental Body in the Emirate of Abu Dhabi and its amendments;
- Amiri Decree No. (2) of 2016 concerning the reformation of the Executive Council of the Emirate of Abu Dhabi and its amendments;
- Chairman of the Executive Council Resolution No. (2) of 2015 concerning the Executive Committee;
- Chairman of the Executive Council Resolution No. (1) of 2016 concerning the formation of the Executive Committee and its amendments; and
- Based on what was presented to and approved by the Executive Council;

Issued the following Resolution:

Article (1)

The following members shall be added to the Executive Committee:

1. Chairman of the Energy Authority;
2. Director-General of Abu Dhabi Education Council;
3. Chairman of the Board of Directors of Abu Dhabi Tourism and Culture Authority.

Article (2)

This Resolution shall be effective from the date of its issuance and shall be published in the Official Gazette.

Mohamed bin Zayed Al Nahyan
Crown Prince
Chairman of the Executive Council

Issued by us in Abu Dhabi

On: 14 June 2017

Corresponding to: 19 Ramadan 1438 Hijri

Circulars

Circular No. (3) of 2017 Concerning Eid Al-Fitr Holiday

To all governmental entities in the Emirate of Abu Dhabi,

Peace and Allah's mercy and blessings be upon you,

On the occasion of the blessed Eid Al-Fitr, may Allah return it to us all with prosperity and blessings, and pursuant to the human resources rules and regulations applicable in the Emirate of Abu Dhabi, it is decided that the holiday of the blessed Eid Al-Fitr holiday for the 1438 Hijri year shall be as follows:

- If Eid happens to be on Sunday 1 Shawwal, the holiday shall start on Saturday 29 Ramadan corresponding to 24 June 2017 until Tuesday 3 Shawwal corresponding to 27 June 2017. Official work shall resume as of Wednesday 4 Shawwal corresponding to 28 June 2017.
- If Eid happens to be on Monday 1 Shawwal, the holiday shall start on Saturday 29 Ramadan corresponding to 24 June 2017 until Thursday 29 June 2017. Official work shall resume as of Sunday 2 July 2017.

On this blessed occasion, we are pleased to express our sincere congratulations and best wishes to His Highness Sheikh Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates, may Allah protect him, and His Highness Sheikh Mohamed bin Zayed Al Nahyan, Crown Prince of Abu Dhabi, Deputy Supreme Commander of the Armed Forces, Chairman of the Executive Council, may Allah protect him, the respected members of the Executive Council, and all the employees of the government entities in the Emirate of Abu Dhabi, asking Allah Almighty to return it while they are in good health and wellness.

We also congratulate the people of the United Arab Emirates and both the Arab and Islamic nations on this gracious occasion.

Many happy returns

Dr. Ahmed Mubarak Al Mazrouei
Secretary-General

Date: 20/06/2017

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