

Administrative Resolution No. (233) of 2015
Adopting the Bylaw
Concerning the Registration of Advocates in the Emirate of Dubai¹

The Director General of the Government of Dubai Legal Affairs Department,

After perusal of Article 5(15) of Law No. (32) of 2008 Establishing the Government of Dubai Legal Affairs Department which provides for the Department's authority to license and regulate the practice of the advocacy and legal consultancy profession and firms and to issue the required regulations, bylaws and resolutions;

The powers vested in the Director General of the Government of Dubai Legal Affairs Department pursuant to Articles (2) and (14) of Executive Council Resolution No. (22) of 2011 Concerning Fees and Fines Prescribed for the Advocacy and Legal Consultancy Profession in the Emirate of Dubai; and

Administrative Resolution No. (123) of 2012 Adopting the Bylaw Concerning the Registration of Advocates Firms in the Emirate of Dubai;

Does hereby issue the following Resolution:

Article (1)

By virtue of this resolution, the attached Bylaw Concerning the Registration of Advocates in the Emirate of Dubai including all rules and procedures shall be adopted.

Article (2)

This resolution replaces Administrative Resolution No. (123) of 2012 Adopting the Bylaw Concerning the Registration of Advocates in the Emirate of Dubai.

Article (3)

This resolution shall come into force on the 1st November 2015.

(Signed)

Dr. Lowai Mohamed Belhoul
Director General

Issued in Dubai on 10 September 2015
Corresponding to 26 Thu Al Qa'dah Safar 1436 A.H.

¹ Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict the Arabic text shall prevail.

Bylaw
Concerning the Registration of Advocates
in the Emirate of Dubai

Title of the Bylaw
Article (1)

This Bylaw shall be cited as “**Bylaw Concerning the Registration of Advocates in the Emirate of Dubai**”.

Definitions
Article (2)

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

State:	The United Arab Emirates.
Emirate:	The Emirate of Dubai.
Department:	The Government of Dubai Legal Affairs Department.
Director General:	The Director General of the Department.
Resolution:	Executive Council Resolution No. (22) of 2011 Concerning Fees and Fines Prescribed for the Advocacy and Legal Consultancy Profession in the Emirate of Dubai.
Roll:	The paper or electronic record maintained by the Department for the purpose of recording the categories of and information pertaining to Advocates.
Registration:	Registration of an Advocate on the Roll.
Advocate:	A natural person registered on the Roll.
Dubai Courts:	Includes Court of First Instance, Court of Appeal, Court of Cassation
Pleading:	Procedures taken such as filing claims, submitting verbal or written statements of defence, before Dubai Courts and other judicial entities in the Emirate and free zones, including the Dubai International Financial Centre.
Firm:	An advocacy firm licensed by the Department and the competent authorities in the Emirate.
Profession:	Provision of Legal Services to the public.
Legal Services:	Services which the Advocate is authorised to provide in the Emirate, including but not limited to pleading; representing clients before Dubai Courts, judicial authorities, security departments, arbitration and conciliation tribunals and centres, and administrative entities; providing legal opinion and advice; drafting contracts; registering and liquidating companies; concluding settlements; and any other Legal Services.

Scope of Application

Article (3)

- (a) This Bylaw shall apply to Advocates registered on the Roll maintained by the Department.
- (b) This Bylaw shall not apply to persons who provide Legal Services as employees of Government entities, corporations, companies and other entities which do not provide Legal Services to the public.

Powers and Duties of the Department

Article (4)

For the purpose of implementing this Bylaw, the Department shall have the powers and duties to:

1. Establish the requirements and rules that must be met and the procedures that must be followed for the registration of Advocates in the Emirate and to regulate the amendments to the Registration on the Roll;
2. Consider applications for Registration, renewal of Registration, reinstatement of Advocates on the Roll, and the amendments to the particulars of Registration, in accordance with the rules and procedures prescribed in this regard;
3. Consider temporary pleading permit applications from advocates not Registered with the Department on the Roll in the category of practising Advocates to appear before Dubai Courts, in accordance with the rules and procedures set in this regard;
4. Maintain the Roll and determine its categories, and the data and information that must be entered on the Roll;
5. Transfer Advocates from one category to another on the Roll in accordance with the rules and procedures prescribed in this regard;
6. Issue identification cards to Advocates registered on the Roll in the category of practising;
7. Establish the rules for suspending Advocates from practising the Profession or the striking off of Advocates from the Roll in accordance with the legislation regulating the Profession, the bylaws, resolutions and instructions issued by the Department;
8. Receive, record and investigate violations and complaints made against persons practising the Profession and take the necessary action in this regard;
9. Impose penalties prescribed by the Resolution on persons found in breach of the Resolution, the provisions of the bylaws, resolutions and instructions issued by the Department;
10. Prepare and implement the necessary programmes required for qualifying and training Advocates;

11. Prescribe the forms required for the implementation of the provisions of this Bylaw; and
12. Any other duties within its powers relating to the Registration of Advocates in the Emirate.

Roll of Advocates Article (5)

The Department shall establish a Roll in which the following two categories shall be registered:

1. Practising Advocates who are persons registered on the Roll and are authorised to practise the Profession in the Emirate through Firms; and
2. Non-practising Advocates who are persons registered on the Roll and not authorised to practise the Profession.

Practising the Profession Article (6)

No person may practise the Profession in the Emirate or hold himself out to be an Advocate, unless he holds a valid registration on the Roll in the category of practising Advocates and practises through a Firm.

Registration Requirements Article (7)

An applicant for Registration must meet the following requirements:

1. Be a UAE national;
2. Be of full legal capacity;
3. Be of good character and repute, and not have been convicted of an offence affecting honour or trustworthiness of the applicant, unless the applicant has been pardoned or rehabilitated;
4. Have obtained one of the following:
 - (a) An undergraduate university degree in law, or equivalent, from an educational institution recognised by the competent authority in the Emirate or State;
 - (b) An academic qualification in law, in addition to a valid professional membership from the jurisdiction in which the applicant is authorised to provide legal services;

All qualifications must be duly attested.

5. Passed the relevant training courses required for registration at the Ministry of Justice, or meet the requirements prescribed by the Department in this regard;
6. Pay the fees prescribed for the Registration of Advocates in accordance with the procedures adopted by the Department in this regard; and

7. Any other requirement(s) determined pursuant to the bylaws and instructions issued by the Department.

Exemption from Registration Requirements

Article (8)

Notwithstanding paragraph (5) of Article 7 of this Bylaw, the following categories of UAE nationals may be registered on the Roll:

1. Persons who have a minimum of two (2) years of work experience as judges or members of the public prosecution;
2. Faculty members in any legal discipline holding a doctorate degree in law; and
3. Persons who have a minimum of six (6) years of work experience in providing Legal Services with any ministries or local or federal Government departments, authorities or public corporations in the State or any other entities prescribed by the Department.

This Article shall be without prejudice to the procedures that the Department sets in this regard

Registration of Non-UAE Advocates

Article (9)

(a) The Department may, upon a written request from a Firm operating in the Emirate, register a non-UAE national advocate on the Roll in the category of practising Advocates provided that he meets the requirements stipulated by paragraphs (2), (3), (4), and (6) of Article (7) of this Bylaw, in addition to the following requirements:

1. The applicant must have worked as an advocate, judge or member of the public prosecution for a minimum of fifteen (15) years;
2. The applicant must hold a valid residency in the State, and a labour card registered with the Firm through which they practice;
3. The Firm must provide justifiable reasons for the application for registering a non-UAE national Advocate, such as an increase in workload or need for specific skills and experience; and
4. Any other requirements set by the Department.

(b) In the event that a non-UAE national Advocate ceases to be employed by a Firm through which he previously practiced the Profession, his Registration on the Roll shall be cancelled unless another Firm applies to register him under the sponsorship of the Firm, and specifies reasons which the Department deems adequate.

Term of Registration on the Roll Article (10)

The term of Registration on the Roll in the category of practising Advocates shall be one (1) year renewable for the same period.

Practise Requirements Article (11)

An Advocate wishing to practise the Profession in the Emirate must meet the following requirements:

1. Maintain full-time employment within a Firm, and must not engage in any other commercial activity or practise another profession, except teaching in any area of the law or training the legal profession; and
2. Hold a valid Registration on the Roll in the category of practicing Advocates; and
3. Non-UAE nationals must hold a valid residency in the State, and a labour card registered with the Firm through which they practice the profession.

The Practice Oath Article (12)

- (a) An Advocate may not practise the Profession in the Emirate unless he takes the following oath before the Director General or his assignee:

“I swear by Allah the Almighty to perform my duty and safeguard the client's interests with utmost honesty and integrity, to abide by laws of the State, and to uphold the ethics and traditions of the Profession”.

- (b) The taking of the oath shall be evidenced in writing, and a copy of such shall be recorded and maintained in the Advocate’s file with the Department.

Registration Renewal Requirements Article (13)

- (a) Advocates Registration Renewal on the Roll in the category of Practising must be submitted within the last month prior to the expiration date of the Registration. Advocates must meet the following requirements to renew their Registration:

1. Submit an application for renewal of Registration;
2. Meet all the requirements for Registration stipulated in Article (7) of this Bylaw, non UAE national advocates shall be exempted from paragraph 1 of the above mentioned Article during the enforcement of the provisions of this Bylaw;
3. Pay the fees prescribed for the renewal of Registration of an Advocate in accordance with the procedure set by the Department in this regard; and

4. Any other requirement(s) determined pursuant to the bylaws, resolutions and instructions issued by the Department.
- (b) In the event that an Advocate fails to renew the Registration within the time frame specified in paragraph (a) of this Article and without a reason(s) acceptable to the Department, the Advocate shall be subject to the penalties as prescribed in the Resolution.

Procedures for Registration on the Roll Article (14)

Applications for Registration renewal of Registration or reinstatement on the Roll must be submitted in the form prescribed for this purpose, and supported by the documents requested by the Department.

Consideration of Applications for Registration Article (15)

Application(s) for Registration, renewal of Registration, reinstatement and amendments to Advocate Registration particulars on the Roll shall be considered by the Department in accordance with the rules and procedures stipulated in this Bylaw. The Department shall notify the applicant of the decision taken in this regard within two (2) working days from the date of issuance of the decision.

Rights of Audience Before Dubai Courts Article (16)

An Advocate may plead before Dubai Courts as follows:

1. Before the Court of First Instance and the Court of Appeal, following Registration on the Roll in the category of practising Advocates; and
2. Before the Court of Cassation, after actively practicing the Profession for five (5) years in the State.

Temporary Pleading Article (17)

- (a) Notwithstanding the provisions of Article (6) of this Bylaw, the Department may, upon the submission of an application, grant any person practising the advocacy profession outside the Emirate, a temporary permit to plead a specific case before Dubai Courts, in accordance with the following requirements:
1. Submission of a written approval of the client to be represented before Dubai Courts by the applicant advocate;
 2. A civil case is filed or to be filed before Dubai Courts, or a referral order is issued in relation to a criminal case;

3. The applicant advocate must have obtained a valid professional membership issued by the competent regulatory authority;
 4. Submission of reasons for the application for a temporary pleading permit;
 5. The jurisdiction where the applicant advocate practises the advocacy profession allows advocates registered in the State to plead before its courts;
 6. Submission of a valid professional indemnity insurance policy which covers all risks and mitigates all professional misconduct during the temporary pleading period, in accordance with the rules adopted by the Department in this regard;
 7. Fees for temporary pleading are paid in accordance with the relevant procedure adopted by the Department; and
 8. Any other requirement(s) determined pursuant to the bylaws, resolutions and instructions issued by the Department.
- (b) An applicant may not hold himself out as or represent that he is authorised to practise the Profession in the Emirate beyond the scope of the authorisation granted to him. Contravention of such shall result in the revocation of the authorisation, without prejudice to the penalties prescribed in this regard.

Rejection of Registration or renewal of Registration or Permit to Non-UAE Advocates Article (18)

Notwithstanding Articles (9) and (17) of this Bylaw, the Department may, if public interest or Emiratisation of the Profession in the Emirate so requires, reject a non-UAE national Advocate's application for registration or renewal of registration on the Roll in the category of practising Advocates, or reject to issue a permit for a temporary pleading.

Request for Transfer between Categories on the Roll Article (19)

- (a) An Advocate, who is unable to practise the Profession or who applies to be transferred from the category of practising Advocates to the category of non-practising Advocates, shall submit an application to the Department, setting out the reasons for requesting the transfer and must pay the fees prescribed for such transfer in accordance with the Department's rules.
- (b) The Department may transfer an Advocate from the category of non-practising Advocate to the category of practising Advocate upon an application submitted by the Advocate who must:
 1. Submit all necessary supporting documentation evidencing he shall be practising the Profession on a full-time basis;
 2. Identify the Firm through which the Advocate intends to practise the Profession;

3. Pay the prescribed Registration fee in the event that one or more years have lapsed since Registration or renewal of Registration, or pay the fee prescribed for amendment of the particulars of registration in the event of a shorter period; and
4. Meet any other requirements determined by the Department.

Suspension and Striking off the Roll Article (20)

- (a) Without prejudice to the role of the Department to issue resolutions and instructions regulating professional conduct and to suspend and strike off Advocates and to implement penalties on violating Advocates against professional misconduct, the Department may suspend or strike off an Advocate from the Roll for a period of no more than one (1) year as a result of:
 1. Failure to renew Registration on the Roll in the category of practising Advocates within the required timeframe;
 2. Failure to pay the prescribed fee for Registration within the required timeframe;
 3. Failure to submit any required documentation to the Department within the required timeframe;
 4. Submission of any false information or data regarding his Registration; or
 5. Violation of the legislations, bylaws and instructions issued by the Department.
- (b) The Department shall strike off an Advocate from the Roll if mandated by a judicial order or following a disciplinary action.
- (c) An Advocate who has been suspended from practising the Profession must not for the duration of suspension or following the strike off from the Roll, practise, represent or hold himself out to be practising the Profession during the period of suspension or following the striking off of his registration from the Roll.

Reinstatement on the Roll Article (21)

- (a) Following the expiration of the suspension period, and upon the submission of an application, the Department may reinstate a former suspended Advocate on the Roll in the category of Practising Advocates.
- (b) Following the expiration of a one (1) year period from the date of the decision to strike off an Advocate from the Roll, and upon the submission of an application, a former Advocate who has been struck off from the Roll for committing any of the violations stipulated in paragraph (a) of Article (20) of this Bylaw, may be reinstated by the Department.

- (c) Following the expiration of a three (3) year period from the date of the decision to strike off an Advocate from the Roll, and upon the submission of an application, a former Advocate who has been struck off the Roll due to a judicial order or a disciplinary action may be reinstated by the Department.
- (d) The Department may exempt any former Advocate from compliance with the time period(s) prescribed in paragraphs (b) and (c) of this Article.
- (e) The Department shall issue a decision to reinstate a former Advocate on the Roll in the category of practising Advocates if it deems that the time that elapsed since the striking off from the Roll has been sufficient to reform the former Advocate and redress the damage that resulted from his acts or omissions.
- (f) In considering an application by an Advocate for reinstatement on the Roll, all registration requirements stipulated in this Bylaw must be met.

Identification Card Article (22)

- (a) The Department shall issue each Advocate registered on the Roll in the category of practising Advocates with an identification card, which shall evidence that the holder is authorised to practise the Profession in the Emirate through a Firm.
- (b) The identification card is the official property of the Department. An Advocate may not use it except for the purpose for which it is issued, and must:
 - 1. Prohibit others from making use of the card;
 - 2. Show the card, upon request, to the individuals and the public and private entities with whom he deals;
 - 3. Notify the Department in the event of the loss or damage to the card;
 - 4. Not amend, delete, or add to the information recorded on the card; and
 - 5. Return the card to the Department upon the practising Advocate being transferred to the category of non-practising Advocates, or being struck off from the Roll, being suspended from practicing the profession, or following an application to amend any of the registration particulars recorded on the card, or upon the request of the Department.

Amendment of the Registration Particulars Article (23)

All Advocates registered on the Roll in the category of practising Advocates must notify the Department of any change or amendment of Registration information or any other relevant professional information within fifteen (15) days of such change. Failing which, disciplinary action and penalties prescribed in the Resolution shall apply. Amendment(s) shall only take effect from the date of approval of such amendment by the Department.

Obligations of the Advocate Article (24)

An Advocate must comply with all legislation regulating the practice of the Profession, including the provisions of the Resolution, this Bylaw, and the bylaws and instructions issued by the Department, failing which, disciplinary action and penalties prescribed in this regard shall apply.

Grievances Article (25)

A concerned person may submit in writing a grievance to the Director General with respect to any of the decisions issued against him in accordance with this Bylaw within sixty (60) days from the date of the issuance of the decision. Grievances shall be presented to and decided upon by a committee formed by a resolution of the Director General, and all decisions issued by the committee shall be deemed final.

(Signed)
Dr. Lowai Mohamed Belhoul
Director General

Issued in Dubai on 10 September 2015
Corresponding to 26 Thu Al Qa'dah Safar 1436 A.H.