Federal Law No. (11) of 1992 Concerning Issuance of the Civil Procedures Code

Preamble

***** *Amended by:*

Federal Law No. (30) of 2005 dated 30/11/2005

Federal Law No. (10) of 2014 dated 20/11/2014

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

Pursuant to the perusal of the provisional* Constitution, and

***** *The word "provisional" has been deleted from the Constitution of the United Arab Emirates, wherever mentioned, by virtue of Article (1) of the Constitutional Amendment No. (1) of 1996 dated 02/12/1996; this Constitution has become the permanent Constitution of the State.*

Federal law No. (1) of 1972 Concerning the Areas of Jurisdiction of the Ministries, the Jurisdictions of the Ministers and the amended laws thereof, and

Federal law No. (10) of 1973 Concerning the Federal Supreme Court and the amended laws thereof, and

Federal law No. (11) of 1973 Concerning the Organization of Juridical Relationships between the Emirates Members in the Union, and

Federal law No. (6) of 1978 Concerning the Foundation of Federal Courts and Transferring to Them the Areas of Jurisdiction of the Local Juridical Institution in Some Emirates and the amended laws thereof, and

Federal law No. (17) of 1978 Concerning the Organization of the Appeal's Conditions and Proceedings through Cassation before the Federation Supreme Court and the amended laws thereof, and

Law of Civil Transactions issued by the federal law No. (5) of 1985 and the amended laws thereof, and

On the grounds of what the Minister of Justice has exposed, the consent of the Cabinet, and the authentication of the Federal Supreme Council,

Have promulgated the following Law:

Article (1)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

The concomitant law shall be applied concerning the civil procedures before the courts, and all the laws, regulations, orders, arrangements and the instructions practiced, which are particular to the civil procedures shall be cancelled. That with the exception of the validity of the competent authority in the emirate which hasn't transferred its local judiciary corps to the federal judiciary through the formation of courts or special judiciary committees for examining and settling any specific action at law or legal matter according to its law which is in operation when this law is issued.

Article (2)

This law is to be published in the official gazette, and will be effective three months after its publication date.

Promulgated by Us

at the Presidential Palace in Abu Dhabi

On 24 February 1992

Corresponding to 21 Shaaban 1412 H.

Zayed Bin Sultan Al Nahyan

President of the United Arab Emirates

FEDERAL LAW CONCERNING CIVIL PROCEDURES (UAE CIVIL PROCEDURE CODE)

Introductory Chapter. General Provisions

Article (1)

1. The laws of the procedures are to be applied on the actions which haven't been settled and the proceedings which haven't been executed prior to the date of their application.

That with the exception of:

a) The amending laws of jurisdictions, when their date of application is after the action's shutdown.

b) The amending laws of the dates, when the date comes before acting according to them.

c) The laws regulating the modes of appeal with regard to the decisions which have been issued before applying them, when such laws are abrogated or are constituent to one of these modes.

2. Any procedure which is considered valid under a law in force is to remain valid unless stipulated otherwise.

3. What is originated as dates shall not entail the failure of the case's audition, extinction or other dates of proceedings except from the date of applying the law which has originated them.

Article (2)

No request or plea from a person shall be accepted unless he has an existent and legal interest thereof. However, the potential interest shall be sufficient if the purpose of the request is a precaution to repel a forthcoming danger or to verify a right of which the evidence can be lost when disputing thereabout.

Article (3)

1. If the law stipulates an imperative date to take measures occurring by declaration the date will not be considered unless the declaration is done there within.

2. If the law stipulates that a procedure should be fulfilled by way of deposit, it must be executed within the date appointed in the law.

Article (4)

The language of courts is Arabic, and the court should hear the statements of the parties, 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 already before being employed or before getting the interpretation license.

Article (5)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

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

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

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

Article (6)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

Article (7)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

The notice paper shall include the following information:

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

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

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

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

e) The subject of the notice.

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

Article (8)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

4. If the case management office, the competent judge or the head of circuit, as the case may be, was ascertained that the addressee has no domicile, residence, elected domicile, workplace, postal address, fax, or email address, or should the parties fail to agree on the means to serve the notice, it shall be posted on the notice board of the court or clearly on the door of the last place wherein he used to reside if any, or by publication in a widespread daily newspaper issued in

Arabic in the State and in another newspaper issued in a foreign language, if needed, should the addressee be a foreigner. The posting or publication date shall be considered as the notice serving date.

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

Article (9)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

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

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

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

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

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

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

Article (10)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

The notice shall be considered effective according to the following:

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

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

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

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

Article (11)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

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

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

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

Article (12)

* *Abrogated by Federal Law No. (10) of 2014 dated 20/11/2014. The previous text (as amended by Federal Law No. (30) dated 30/11/2005) reads as follows:*

"1. A date of 10-day period is to be added to the dates stipulated in such law for that whose residence is located out of the court's area and 90 days to that whose residence is outside the United Arab Emirates.

2. It is possible, in case of the fluency of transportation and emergency circumstances, to reduce the distance date with an order from the competent judge or the circuit manager, in conformity with the cases given, and that should be notified with a notification paper.

3. Such date shall not be applied in favor of that who shall be personally notified in the state during his stay therein, but the competent judge or the circuit manager, according to the case, having examined the action, may give orders to extend the ordinary dates or consider them extended, on the condition that they shall not, in both cases, go beyond the date due, if he were notified in his residence abroad."

Article (13)

The procedure shall be null if the law has stipulated expressly its nullity or if it has been impaired with a defect or an essential imperfection because of which the procedure purpose has not been fulfilled.

In case the procedure purpose has been proved, the nullity shall not be decided in spite of the stipulation thereon.

Article (14)

With the exception of the cases where the nullity is related to the public order:

1) It is not allowed to any one to adhere to the nullity except the one for whom it was legislated.

2) And it is not permitted that the party, who caused such nullity, adhere to it.

3) The nullity shall be extinguished in case that the person who has enacted it would expressly or implicitly disclaim it for his interest.

Article (15)
It is possible to validate the null procedure even after the adherence to the nullity, on the condition that such validation shall be fulfilled on the date legally decided for undertaking the procedure, and if the procedure has not had a date decided in the law, the court shall fix a convenient date for validating it and the it shall not be considered except from the date of its validation.

Article (16)
If the proceeding is null and it has the elements of another, the later shall be correct as it shall be considered the procedure which has all its elements. And if the procedure is null in one of its sections, only such section will be null.

The nullity of the previous or subsequent procedures to such procedure shall not be consequential to its nullity unless it is stipulated thereon.

Article (17)
At the sessions, there should be attending with the judge a notary to undertake the redaction of the report and the signature thereon with the judge, otherwise the work would be null, and the session's report shall be considered an official document of what is recorded therein.

Article (18)
It is not allowed that the declaration agents, the notaries, or any of the judge's assistants take up any work that falls within their professions in the cases belonging to them, to their spouses, relatives or sons-in-law, up till the fourth degree, or otherwise such work would be null.

Article (19)
1. The provisions of such law are to be applied on all the civil, commercial or personal status action that are prosecuted before the state courts.

2. The court of first instance means in such law the court of first degree whether it were Civil or Sharia.

BOOK ONE. THE PROSECUTION BEFORE THE COURTS

Title One. The Courts' Areas of Jurisdiction

Chapter I. The Courts' International Jurisdiction

Article (20)
With the exception of the real actions related to a real estate abroad, the courts shall have the jurisdiction to examine the actions prosecuted against the citizen and the actions prosecuted against the foreigner who has residence or domicile in the state.

Article (21)
The courts shall have jurisdiction to examine the actions against the foreigner who has no residence or domicile in the state in the following cases:

1) If he had an elected domicile.

2) If the action is related to real estates in the state, a citizen's heritage, or an open estate therein.

3) If the action is concerned with an obligation concluded, executed, or its execution was conditioned in the state or related with a contract required to be authenticated therein or with an incident occurred therein or bankruptcy declared at one of its courts.

4) If the action has been prosecuted from a wife who has a residence in the state, against her husband who had a residence therein.

5) If the action is concerned with an alimony of one of the parents or the wife or with a sequestered or with a minor, or with his relationship or with a custody on fund or on person, in case that the claimer of the alimony, the wife, the minor or the sequestered has a residence in the state.

6) If the action is concerned with the civil status and the plaintiff is a citizen or a foreigner who has residence in the state, provided that the defendant had not a determined residence abroad or the national law is imperatively applicable on the action.

7) If one of the defendant has a residence or domicile in the state.

Article (22)
The courts shall have jurisdiction to settle the primary issues and the interlocutory requests on the original action falling under its jurisdiction, and they shall also have jurisdiction to decide on every request related to such actions and which the good course of justice requires its

examination therewith. They shall also have jurisdiction to order summary and precautionary provisions which shall be executed in the state even if they were not related to the principal action.

Article (23)
If the defendant hasn't come and the court has not had the jurisdiction to examine the action according to the precedent articles, the court shall automatically decide its lack of jurisdiction.

Article (24)
Any agreement which shall be inconsistent with the articles of this section shall be considered null.

Chapter II. The Courts' Specific and Valuable Jurisdiction

Article (25)
* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

Article (26)
* *As amended by Federal Law No. (30) dated 30/11/2005:*

With the exception of the provisions of the preceding article's stipulation, it is possible that each Emirate forms committees that have their own jurisdiction to examine the litigations concerned with leases of locations between the lesser and the lessee and it has the authority to organize provisions for executing the decisions of such committees.

Article (27)
The appellate courts shall have jurisdiction to decide on the appeal cases prosecuted before them from the judgments delivered from the courts of first instance according to what is stipulated in the law.

Article (28)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. There shall be appointed, at the location of the court of first instance, one of its judges to decide temporarily, and with no prejudice to the original right, in the summary issues, of which there is worry from the expiry of date.

2. The court of merits shall have jurisdiction to examine such issues if they were prosecuted consequently thereto.

3. As for in the out-sphere of the city, where the court of first instance is located, such jurisdiction shall belong to the court of summary justice.

Article (29)

The summary judiciary shall have jurisdiction to decide the imposition of a legal sequestration on movables, real estate, or a set of assets about which a litigation has taken place or the right thereto has not been settled, in case the person who has the interest would have plausible reasons according to which he would apprehend an urgent risk that the property would remain under his possessing hand.

Article (30)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

a) The civil, commercial and labour actions whose value does not exceed AED 500,000 and counterclaims whatever was their value;

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

In all cases, the minor circuits' judgments shall be final if the lawsuit's value does not exceed AED 20,000.

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

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

b) Administrative and real estate actions, whether original or accessory, whatever was their value;

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

d) Bankruptcy and preventive composition lawsuits;

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

Chapter III. The Courts' Local Jurisdiction

Article (31)

1. The court, in which area the defendant's residence exists, should have the jurisdiction unless the law stipulates otherwise, in case he had not a residence in the state, the jurisdiction should be given to the court in which area his residence or his workplace exists.

2. It is possible to prosecute the action to the court in which area 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 should be in the commercial matters of the court in which circuit the prosecuted 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 should be executed.

4. If there are more than one prosecuted, the jurisdiction should be at the court in which circuit the residence of one of them exists.

5. In other than the cases stipulated in the Article (32) and the Articles from (34) to (39), it is possible to agree on the jurisdiction of a certain court to examine the litigation, and in such case the jurisdiction will be given to such court or the court in which circuit the prosecuted residence, domicile or workplace exists.

Article (32)

1. In the real estate actions and the possession actions, the jurisdiction should be given to the court in which circuit the real property, or one of its parts in case it exists in more than one court's circuit.

2. In the personal real estate actions the jurisdiction should be given to the courts in which circuit the real property or the residence of the prosecuted exists.

Article (33)
In the actions related to existing or liquidated companies or societies, or private foundations the jurisdiction should be given to the court in which circuit its administration center exists, and it is possible to take legal action to the court in which circuit the branch of the company, association, or foundation exists and that is concerning matters related to such branch.

Article (34)
The actions concerned with inheritances which are prosecuted prior to the division from the estate creditor or from some heirs against each other should be of the jurisdiction of the court of which circuit the residence of the deceased exists.

Article (35)
1. The actions concerned with commercial bankruptcy should be of the jurisdiction of the court in which circuit the bankrupted commercial store exists, and in case it had many commercial stores, the court of the store which was used as a main center to its commercial activities should have the jurisdiction.

2. If the tradesman retired from the trade, the actions should be brought before the court to which the residence of the prosecuted belongs.

3. As for the actions of bankruptcy, it should be prosecuted before the court which adjudged (sentenced) the declaration of the bankruptcy.

Article (36)
The jurisdiction in the litigations related to supplies and contracting works and the lease of houses and wages of workmen and artisans and wageworkers should be given to the court of the residence of the prosecuted or to the court in which circuit the agreement has been concluded or executed.

Article (37)
In the litigation related to the claim of the insurance value, the jurisdiction should be given to the court in which circuit the residence of the beneficiary or the location of the insured property.

Article (38)
1. In the actions including a demand for undertaking a temporary or summary provision, the jurisdiction should be given to the authorized court of first instance in which circuit the residence of the prosecuted exists or the court in which circuit the provision is required to take place.

2. In the summary litigations related to the execution of decisions and legal instruments the jurisdiction should be given to the court in which circuit the execution will take place.

Article (39)
The court which examines the principal action has jurisdiction to decide in the interlocutory requests, provided that the prosecuted, in the guarantee request, may adhere to the court's lack of jurisdiction if the principal action proved to be prosecuted merely for the purpose of bringing him before a court other than his authorized court.

Article (40)
If the prosecuted had no residence or address in the state and it was not feasible to determine the authorized court in accordance with the previously mentioned decisions the jurisdiction should belong to the court in which circuit the prosecutor's residence exists, and if the prosecutor had no residence or address in the state the jurisdiction should belong to the capital court.

Article (41)
In the commitments in which there has been an agreement on a chosen residence for its execution, the jurisdiction should be to the court in which circuit the residence of the prosecuted exists or the chosen residence for the execution.

Title Two. Action Prosecution, Registry and Valuation

Chapter I. Action Prosecution and Registry

Article (42)
* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

1. Lawsuits shall be filed to the court according to the plaintiffs' request by submitting the statements of claims to the case management office or by creating electronic records for such lawsuits.

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

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

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

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

d) The date of submission of the lawsuit to the case management office.

e) The court before which the lawsuit is filed.

f) Signature of the plaintiff or his representative.

Article (42-bis)

* *Added by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

2. The case management office shall be formed of a chairman and a sufficient number of the court's employees including those working in the legal field or others, under the supervision of the chairman of the competent court.

3. The case management office shall be in charge of preparing and managing cases, including registering the cases, serving notices, and exchanging memorandums, documents and expertise reports among the disputing parties.

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

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

Article (43)

1. The date of appearance before the court shall be ten days and it shall be possible, in case of necessity, to reduce this date to three days.

2. The date fixed for the presence in the summary actions shall be twenty four hours, and it shall be possible, in case of necessity, to reduce this date setting it from an hour to an hour on the condition that the notification is to be made to the litigant party himself, unless the action were of the nautical actions.

3. Reducing the dates in the mentioned circumstances should be done with the permission of the court's president or the judge of the summary cases, according to the circumstances, and the party shall be notified with its copy and with the action's initiatory pleading.

4. The nullity shall not be based on the negligence of the attendance dates, and that without prejudice to the notified person's right to the postponement in order to complete the date.

Article (44)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

Article (45)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

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

Article (46)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

Article (47)

* *Abrogated by Federal Law No. (10) of 2014 dated 20/11/2014. The previous text reads as follows:*

"If the prosecutor and the prosecuted had voluntarily appeared before the court and brought thereto a litigation, the court may hear the action at once and decide, if possible, therein, otherwise it shall appoint another session there for, and the court's notary should accomplish the procedures of its registry in the schedule and the juridical procedures shall be directly concluded in the session's minutes."

Chapter II. Assessment of the Case Value

Article (48)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

The action's fee shall be valued on the day of its prosecution, and in all cases, the valuation should be on the basis of the opposing parties' last requests, and the action's valuation should include what is due, on the day of its prosecution, of indemnities, revenue, expenditures and other valued attachments. However, in all cases, the building and plant's value should be considered, in case its removal is required.

Article (49)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. If the value has not been mentioned in cash, and it was possible to value it in cash, the valuation shall be undertaken by the court.

2. If the prosecuted matter were an amount of money in a currency other than the United Arabic Emirates', the action's value shall be estimated with what is equivalent to such amount in the state's currency.

3. The actions concerning the ownership of real estates shall be evaluated with the real estate's value and the action related to the movable shall be evaluated with its value.

4. If the action is related to a request for a contract's validity, nullification, or breach, the action shall be evaluated with the value of what's contracted thereon. As for the contracts of exchange, the action is to be evaluated with the value of the higher of both exchanged parts.

5. If the action were prosecuted for a request for a permanent contact's validity, nullification or termination — the valuation shall be considering the total of the monetary equivalent of the entire contract's duration, so if the mentioned contract has been executed in a part thereof, the action of its termination should be evaluated by the consideration of the remaining period.

6. The action of evacuating the premises shall be evaluated with the annual rental.

7. If the action is between a creditor and debtor concerning the seizure - or an auxiliary real right, the value thereof shall be evaluated with the debt's value or with the value of the property confiscated or the real right, whichever shall be less. As for the action prosecuted by the other for the payability of such property, it shall be evaluated by the consideration to its value.

8. If the actions included requests which have resulted from one legal reason, the valuation shall be by the consideration of its value in bulk, and if the requests have been issued from different legal reasons, the valuation shall be by the consideration the value of each reason separately.

9. If the action is related to a request that is not estimable with the mentioned terms, their value shall be considered exceeding a Hundred Thousand Dirham.

Title Three. The Litigants Appearance and Absence and Litigation Proxy

Chapter I. The Litigants Appearance and Absence

Article (50)

On the day fixed for examining the action, the opposing parties shall appear (attend) by themselves or whoever they brief (authorize / appoint / delegate).

Article (51)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

If neither the plaintiff nor the defendant has attended, the court shall decide in the action, if it is valid to decide therein, or otherwise it would decide its cancellation, and if sixty days have passed and none of the parties requested the action's progression or none of the parties has attended after progressing therein, it shall be considered as null.

And the court shall decide in the action if the plaintiff, the plaintiffs, or some of them were absent at the first session and the defendant appeared (attended) thereat (therein).

Article (52)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. If the defendant, failed to appear at the first session and he has been personally notified with the action declaration, the court shall decide in the action, and if he were not notified in person, the court should, in other cases than the summary actions, postpone the examination of the case to a following session of which the plaintiff will notify the absent party, and the decision in the action, in both cases, shall be considered a decision in the presence of the parties.

2. In case the defendants were many and some of them have been declared in person and others have not, and they all have failed to attend at the first session or to submit a brief with the defense, or those who have not been notified in person failed to appear, the court, in other cases than the summary actions, should postpone the examination of the action to a following session which the plaintiff shall notify the absentees who have not been notified in person, and the decision in the action shall be considered in the presence of the parties to the advantage of all defendants.

3. In case of applying the rules of this clause, notifying the legal person, public or private, at his location or his administration center shall be considered a personal notification.

Article (53)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. Should the defendant alone fail to appear at the first session while he has been notified in person of the initiatory pleading, the court shall decide the case If he has not been notified in person, the court, in other than summary cases, may adjourn the examination of the case to a following session of which the defendant shall notify his absent opponent and the judgment, in both cases, shall be considered as if rendered in the presence of the parties.

2. In case there are more than one defendant and some of them have been notified in person while the others have not been so notified, and all of them failed to appear at the first session, or did not submit a brief of their defense, or only those who have not been notified in person have absented themselves, the court has, in other than the summary cases, to adjourn the examination of the case to a following session of which the plaintiff shall notify the absentees defendants who have not been notified in person and the judgment shall be considered as if rendered in the presence of all defendants.

3. In the implementation of the provisions of this Article, the notification of the juristic person, public or private, at its seat or administration center, shall be deemed to be served in person.

Article (54)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

Article (54-bis)

* *Added by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

Chapter II. 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 his mandate 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, the declaration of the right prosecuted, disclaiming it, reconciliation or arbitration therein, approving the oath, or directing or repulsing it, releasing the litigation, giving up 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)

It shall not be possible neither to one of the judges nor to the attorney general nor to any member of the prosecution nor to any of the courts' employees to be an attorney for the litigant parties, in the attendance or in the prosecution, whether verbally or in writing, even if the action were submitted before a court other than the one he belongs to, otherwise the work shall be null. However, that shall be possible to them with the persons whom they legally represent, their spouses, their ancestors and their descendants up to the second degree.

Title Four. 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* of 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.

> * *The expression "case management office" has replaced the expression "clerk's office", wherever mentioned, by virtue of Article (1) of the Federal Law No. (10) of 2014 dated 20/11/2014.*

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 Five. The Session Procedures and Its Regularity

Chapter I. Procedures

Article (70)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

The pleading shall be proceeded at the first session, and if the prosecutor or the prosecuted has submitted at such session a document which he could have submitted in the date determined in Article (45), the court shall accept it if the examination of the action would not be postponed as a result thereof, but if accepting the documents has resulted in the postponement of the action, the court shall have, automatically or according to the litigant parties' request, to inflict on him a penalty of not less than Two Thousand Dirham and not more than Five Thousand Dirham.

However, each of the prosecutor and the prosecuted shall be allowed to submit documents responding to his party's defense or interlocutory requests.

Article (71)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

1. The court shall impose upon every employee thereof or disputing party who fails to submit the relevant documents or to perform any of the lawsuit’s procedures on the date set by said court or by the case management office, a fine of no less than AED 1,000 and no more than AED 10,000, by virtue of a decision that shall be registered in the session's minutes. Said decision shall have the same binding force as the judgments, and may not be contested by any method whatsoever.

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

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

Article (72)

It shall be possible to execute the penalty's decision issued according to the rules of Articles (70), (71) by the court which has issued it after notifying the convicted if he hasn't been present at the session.

Article (73)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

Article (74)

The court may propose the reconciliation and may order, for that reason, the presence of the litigant parties in person, so if the reconciliation has been accomplished it shall be recorded in the sessions' minutes or their agreement shall be attached to the minutes and, in all circumstances, it shall be signed, by both parties, the judge and the secretary, and the minutes shall be considered in the power of a document which is due of execution.

Article (75)

The court may not postpone the action more than once for one reason referring to one of the litigant parties unless for an approved excuse, on the condition that the postponement period shall not exceed two weeks.

Chapter II. The Session Regularity

Article (76)

The pleading shall be public unless the court would, automatically or according to the request of one of the litigant parties, prefer to proceed in it secretly observing the public order or with consideration to the morals or the respect of the family.

Article (77)
The court may get help from an interpreter appointed or licensed by the Ministry of Justice or the competent authority and it may also get help from an interpreter from another source if it finds it necessary.

Article (78)
1. The litigant parties shall be called at the appointed time of the trial.

2. The prosecutor has the right to start the action unless the prosecuted has admitted the matter exposed in the initiatory pleading and claimed that there have been legal reasons or auxiliary facts inciting the prosecutor's action, and in that case, the prosecuted shall have the right to start the action.

3.a) The litigant party who has the right to start the action may display his claim and present his evidence to prove it and the other litigant party may, after that, display his defense and present his evidence to prove it.

b) The litigant party who has started the action may bring forward his evidence to refute the other party's evidence.

c) The court shall hear the litigant parties' pleading and the prosecuted shall be the last to speak.

4. The court may question the litigant parties and hear the testimony of those it would consider necessary to hear their testimony.

Article (79)
The litigant parties may ask the court, in any of the action's circumstances, to register what they have agreed on in the session minutes on which they or their authorized attorneys should sign, and if they have written what they agreed on, the written agreement shall be attached to the session minutes and its content shall be recorded therein. The session minutes shall have, in both cases, the power of the executive document and its copy shall be given in accordance with the established regulations of delivering the decisions copies.

Article (80)
* *As amended by Federal Law No. (30) dated 30/11/2005:*

Controlling and administrating the session shall be entrusted to its president, and with regard to the rules of the legal profession. The president, in order to fulfill that, should expel from the session hall whoever breaches its order, and if he hasn't obeyed the court may immediately decide to detent him twenty four hours or inflict on him a fine of not less than One Thousand Dirham and not more than Three Thousand, and its decision therein shall be final.

The court may, before the conclusion of the session, retract from the decision which it has issued on the basis of the preceding clause.

Article (81)

The court may automatically order the erasure of the offensive expressions or those which breach the public order or the morals from any of the pleading or procedure's papers.

Article (82)

With the observance of the rules of the legal profession, the session president shall order the writing of a report on each crime occurring during its meeting and what measures he would consider to take for the investigation procedures, and he shall give orders to forward the papers to the public prosecution in order to proceed in what should be done about them, and he may, if necessary, give orders to arrest the person by whom the crime has been committed.

Article (83)

Observing the rules of legal profession, the court may take legal actions against whoever would commit during the session any offense against its stature, against anyone of its members or anyone of those who work therein and shall immediately inflict on him the punishment.

The court may also give order to arrest whoever bears a false witness and relegate him to the public prosecution.

The court's decision, in such circumstances, shall become effective even if an appeal against it has occurred.

Title Six. The Pleas, Insertion, Intervention, and Interlocutory Requests

Chapter I. 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.

Article (84-bis)

* *Added by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

Article (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 case management 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 clerks' 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 prosecuted capacity was based on valid grounds, it shall postpone the action in order to notify the one who has the capacity according to the prosecutor'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 II. The Insertion and the Intervention

Article (94)
* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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 III. The Interlocutory Requests

Article (97)
1. The prosecutor and the prosecuted 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 prosecutor 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 prosecuted 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 prosecutor'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 Seven. Cessation of the Litigation, the Severance of Its Progress, Its Extinguishment, Its Prescription and Its Relinquishment

Chapter I. 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 prosecutor 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 II. The Severance of the Litigation's 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 III. 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 prosecutor'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 prosecutor 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 prosecuted 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 Eight. The Incompetence, Recusal and Dismissal of Judges

Article (114)

1. The judge shall be incompetent to examine the action, and prohibited from hearing it, even if no one of the litigants has refused him, in the following circumstances:

a) If he were a husband of one of the litigant parties or were a relative or son-of-law of him till the fourth degree.

b) If he or his wife had an existent litigation with one of the litigant parties or with his wife.

c) If he were an attorney of one of the litigant parties in his private business, or were his testamentary guardian, his custodian, or thought to be his heir, or a husband of one of the litigant parties' guardian, or of his custodian, or he had a relationship or alliance till the fourth degree with that guardian, or custodian, or with one of the board members of the litigant's company or with one of its managers and that member or manager had a personal interest in the action.

d) If he, his wife, one of his relatives or his sons-in-law on the genealogy, or those to whom he was attorney, testamentary guardian, or custodian, had an interest in the existent action.

e) If there were between him and one of the circuit judges a relationship or a relation by marriage till the fourth degree, and in such case the younger judge shall be retreated.

f) If he had between him and the public prosecution's representative or the defender of one of the litigants a relationship or a relation by marriage till the second degree.

g) If he had given a legal opinion, pleaded for one of the litigants in the action or had written therein, even if that were before his engagement in the judiciary, or if he had examined the action as a judge, expert or arbitrator or had born a witness therein.

h) If he had prosecuted an action for indemnity against the recusal requester or submitted an edict against him to the area of jurisdiction.

2. It shall be considered null the judge's work or his judgment in the preceding cases, even if it has been accomplished with the agreement of the litigant parties.

3. If such nullity has taken place in a decision issued in an appeal through cassation it shall be possible to the litigant to ask the court for the cancellation of such decision and for rehearing the appeal before a circuit at which the judge, for whom the nullity reason has taken place, doesn't work.

Article (115)

It is possible to recuse the judge for the following reasons:

1) If he or his wife had an action similar to the action he examines, or if a litigation had emerged, for one of them, with one of the litigants or his spouse after prosecuting the action which was submitted before the judge, unless such action has been prosecuted with the intention of refusing him from examining the action submitted before him.

2) If his divorcee, from whom he had a son, or one of his relatives or of his sons-in-law on the ancestral line had an existent litigation before the judiciary against one of the litigants in the action or against his spouse, unless such litigation has been prosecuted after prosecuting the action which was submitted before the judge with the intention of refusing him.

3) If one of the litigants used to work for him or he used to entrust one of the litigants or used to live with him or had received a gift from him before or after prosecuting the action.

4) If there had been between him and one of the litigants an enmity or a friendly relation with which he would likely be considered unable to judge without inclination.

5) If one of the litigants had 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 case management 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 Nine. Judgments

Chapter I. Pronouncing Judgment

Article (125)
The decisions shall be delivered from the federal courts and shall be executed in the name of the state president.

Article (126)
The court may not, after retaining the action or during the deliberation, hear one of the litigant parties or his attorney unless in the presence of his litigant party, nor may it accept papers or briefs from one of the parties without informing the other party thereof otherwise the procedure would be void.

Article (127)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. Once the pleading in the action has been accomplished, the court shall decide in it or postpone the judgment delivery to another forthcoming session which it shall appoint, and it may not, after that, postpone, without necessity, the judgment delivery more than once, and in both cases, the postponement period should not exceed one month.

2. Each time the court has appoints a session for pronouncing the judgment it may not postpone the judgment delivery or order the retrial of the action for the pleading unless with a decision of good reasons and the court shall state it at the session and it shall be recorded in its minutes, and the pronunciation of such decision shall be considered a notification to both litigant parties with the new date.

Article (128)

1. The deliberation on the decisions shall be in secret among the judges meeting together, and no one may take part therein except the judges who have heard the pleading.

2. The president shall collect all the decisions starting with the most junior to the most senior judge, then he shall give his opinion, and the decisions shall be delivered with an unanimous or a majority of opinions recording the dissent in the decision's draft. If there were no majority and the opinions have diverged to more than two opinions, the party which shall be less in number or the party which shall have the most junior judges should join one of the two opinions given by the party of greater number, and that after taking the opinions another time.

3. Then the decision shall be pronounced in public by the judge or the circuit manager, according to the circumstances.

4. The judges who have participated in the deliberation should be present at the judgment pronunciation, however, if an impediment has occurred to one of them and changed his authority, he should have signed the decision draft, provided that that shall be recorded in the session minutes.

Article (129)

1. In all cases, the decisions should include the reasons on which they were based, and the decision draft including its reasons should be deposited with the signature of the president and the judges in the action file, when it shall be pronounced.

2. In the summary matters, it is possible, if the decision has been pronounced at the pleading session, to deposit the draft including the reasons in the action file within three days, maximum, from the date of pronouncing it.

3. The draft including the pronounced decision and its reasons shall be kept in the action file.

4. The nullity of the decision shall be the consequent of the breach of the rules stipulated in the clauses 1 and 2.

Article (130)

1. It should be shown in the decision the court which has delivered it, the date of its delivery, its place, the case type, and the name of the judges who heard the pleading, participated in the decision and attended its pronunciation, and the member of the public prosecution who expressed his opinion in the case, if there was any, the names of the litigant parties, their titles, their capacities, the residence of each one of them, workplace and their attendance or absence.

2. The decision should include a total presentation of the action facts, then the opposing parties' requests, a concise synopsis of their essential defense and the prosecution's opinion, after that, the decision reasons and its pronunciation shall be mentioned.

3. The failure in the factual reasons of the decision and the deficiency or flagrant fault in the parties' names and capacities, likewise the failure to manifest the names of the judges who delivered the decision, shall result in the nullity of the decision.

Article (131)

1. The session president and its clerk shall sign on the decision's original copy which includes the action's facts, reasons and pronunciation and that within three days from depositing the draft for the summary cases and ten days for the other cases, and those copies shall be kept immediately in the action's file.

2. If any reason has emerged to hinder the session's president from signing the decision's original copy or to suspend the signature in a manner that shall be detrimental to justice or to the opposing parties' interests, it shall be possible that the court president or whoever represents him signs thereon, and if a reason, of what is mentioned above, has emerged to the session clerk, the clerk's chief (head) may sign instead of him, and all that shall be recorded on the margin of the decision's original copy.

Article (132)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

Chapter II. Action's Expenditures

Article (133)

1. The court, when the decision by which the litigation terminates, should automatically decide in the action's expenditure.

2. The expenditures of the action should be inflicted on the convicted therein and the equivalent of the legal profession fees should be counted therein, and if the convicted are many, it may be decided to divide the expenditures equally, or proportionally to the interest of each one of them in the action, according to what the court shall estimate, and they shall not be obliged to join unless they have been joint in their decided commitment.

3. The intervention expenditures shall be decided on the intervener if he had independent requests and his intervention has been judged as unacceptable or his requests as refused.

Article (134)

The court may decide to compel the opposing party, if he has won the action, with all the expenditures or some of them if the judgment beneficiary had caused to spend futile expenditures or had left his party unaware of the documents he had and were decisive in the action, or left him unaware of the contents of such documents.

Article (135)

If both opposing parties have failed in some requests it shall be possible to judge that each party bears what he has paid of the expenditures or to decide the division of the expenditures between them according to what the court would decide in its judgment, and the court may also impose all the expenditures on one of them.

Article (136)
1. The court may decide the compensation as an equivalent to the expenditures caused by an action or a defense which was intended to be a conspiracy.

2. Without prejudice to the rule of law of Article (133), the court, by the delivery of the decisive judgment in the matter, may inflict a fine of not more than a Thousand Dirham against the opposing party who would undertake a malicious procedure, or present an offensive request, plea or defense.

Chapter III. Rectification and Interpretation of Judgements

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 Ten. Orders on Petition

Article (140)

1. In the circumstances in which the opposing party wants to issue an order, he should submit a petition with a request to the authorized judge or the circuit manger which examines the action, and such petition shall be of two copies including the request's facts and its documents, the requester's residence, his workplace, and determining an elected domicile for him in the state if he had not a residence or a workplace therein, and the petition will be attached to its confirming documents.

2. The judge or the division president shall issue, according to the circumstances, his order in writing, on one of the petition's two copies, on the following day to its submission, at most, and it shall not be necessary to mention the reasons on which the order has based unless it has been contradictory to another order prior to its issue, by then, the reasons which necessitate the issue of the new order should be mentioned otherwise it shall be void, and this order shall be recorded in a special report or in the session's minutes.

3. The order shall be executed with a letter which the judge or the division president issues, according to the circumstances, to the concerned authority and the petition shall be kept in the action's file.

4. The order issued on a petition shall be extinguished if it hasn't been submitted for execution within 30 days from the date of its issue, and such extinguishment shall not prohibit issuing a new order.

Article (141)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. The requester, if the order has been issued with the rejection of his request, and the one against whom the order has been issued, and the concerned persons, all have the right to complain before the authorized court or the judge who has issued it, according to the circumstances, unless the law stipulates otherwise, and examining the complaint shall not hinder the proceeding of the principal action before the court.

2. The complaint should have its good reasons.

3. The complaint shall be submitted independently or pursuant to the principal action, and that shall be through the procedures with which the interlocutory requests are prosecuted.

4. The complaint shall be judged with the confirmation of the order, its amendment or with its cancellation, and that decision shall be liable to the appeal through the usual methods of appeal.

Article (142)
1. The complaint from an order shall not stay its execution.

2. However, the court or the judge may order the stay of the execution temporarily, in accordance with the rules of Article (234).

Title Eleven. Orders of Payment

Article (143)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. With the exception of the general rules of the action prosecution, to start with, the rules of the law stipulated in the following articles shall be applied if the creditor's right has been confirmed in writing and subrogated in the settlement, and all that he has been claiming was a debt of a fixed amount of money or a movable specified with a type and an amount, and such rules should be followed if the claimant of the right was a creditor with a commercial paper and he has referred merely to the drawer, the clerk, receiver or the reserve guarantor of one of them, however, if he wanted to refer to other than those he should follow the general rules of the action prosecution.

2. If the creditor prosecuted his action through the usual methods in spite of the availability of the issue conditions of settlement order, that would not hinder the court from examining the action.

Article (144)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

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

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

Article (145)

1. If the judge has decided not to accept all the requester's requests or decided not to issue the order for any other reason, he should abstain from issuing the order and appoint a session for examining the action before the authorized court, by then the court shall notify the debtor to attend there before at the appointed session with a notification including the information of the petition mentioned in the preceding article, and the rejection of the inclusion of the order's immediate execution shall not be considered a rejection of some requests in deciding this article.

2. And it is not allowed to any of the opposing parties to appeal against the forwarding decision even after issuing of the judgment in the matter.

Article (146)

1. The debtor shall be notified in his original residence or his workplace with the petition and with the order issued against him for the settlement.

2. The petition and the order issued thereupon for the settlement shall be considered null and void if they have not been notified to the debtor within six months from the date of issuing the order.

Article (147)

1. The debtor may complaint against the order within fifteen days from the date of notifying him therewith, and the complaint shall take place before the authorized court and through the usual procedures of the action prosecutions there before, and it should be based on good reasons, and the complainant shall practically be considered a plaintiff, then the rules, and procedures applied before the court shall be taken into consideration when examining the complaint.

2. It shall be possible to appeal the settlement order according to the rules and procedures established for the appeal of decisions and the date set for appealing the order shall start from the expiry date of the complaint there against.

Article (148)
The rules related to the immediate execution shall be applied on the settlement order and the decision delivered in the complaint there against.

Article (149)
If the creditor, in the stipulation of the Article (143), wanted to inflict a seizure of what the debtor had in the possession of others, the usual procedures shall be applied on the seizure needed to be inflicted and on the action of the seizure validity.

Title Twelve. Means of Challenge Against Judgements

Chapter I. 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)
* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

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

Article (153)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

Article (154)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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 prosecuted it, and no one shall object thereto except the one against whom the appeal has been prosecuted. 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 prosecuted 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 litigate against the appeal, and if the appeal has been prosecuted 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 prosecuted 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 prosecuted 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 prosecuted 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 II. 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 30/11/2005:*

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)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

2. The appellant shall submit a sufficient number of copies of the memorandum of appeal that corresponds to the number of respondents in addition to a copy to be submitted to the case management office. The appeal supporting documents shall be attached to each copy.

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

Article (163)

1. The case management office of 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 of 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)

1. The appealed may, till the date of the first session of prosecution, prosecute an appeal either through the usual procedures or through a brief including his appeal reasons.

2. The appeal mentioned in the preceding clause shall be considered a counter appeal if it has been prosecuted within the time-limit of the appeal and a subsidiary appeal if it has been prosecuted after the time-limit or if its prosecutor has accepted the sentence in on a date prior to the prosecution of the original appeal.

3. The subsidiary appeal shall follow the principal appeal and it shall become void if the principal appellant has relinquished his appeal or if it has been decided not to accept the principal appeal formally, as for the counter appeal, it shall become void by the extinguishment of the principal appeal whatever the way through which it was prosecuted.

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)
If the court of first instance decided in the matter and the appellate court found that there has been a nullity in the decision or a nullity in the procedures affecting the decision, it shall decide its cancellation and judge in the action. But if the court of first instance has judged the lack of jurisdiction or the acceptance of a subsidiary plea that has had as a consequent the hindrance of the action progression, and the appellate court has decided the cancellation of the decision and the jurisdiction of the court or the rejection of the subsidiary plea and decided to examine the action, it should return the case to the court of first instance to decide in its matter.

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 III. 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 court 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.

Chaptetr IV. The Cassation

Article (173)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. The opposing parties may appeal with a cassation in the decisions issued from the appellate courts if the action value was more than Two Hundred Thousand Dirham or was not evaluated and that in the following circumstances:

a) If the appealed decision was based on breaching the law or a mistake in its application or its interpretation.

b) If a nullity in the decision or in the procedures affecting the decision has occurred.

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

d) If the litigation was sentenced with contradiction to another which was issued in the same matter among the same opposing parties and acquired the power of the order decided thereto.

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

f) If the decision has been issued with what the opposing parties haven't requested or with more than what they have requested.

2. The opposing parties may appeal before the court of cassation in any final decision – whatever was the court which has issued it – which has decided in a litigation contrary to another decision which has previously been issued between the opposing parties themselves and has acquired the power of the order decided therein.

3. The decisions issued from the appellate courts in the execution procedures shall not be liable to the appeal through cassation.

Article (174)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

2. Upon the submission of the memorandum, the appellant shall submit a number of copies thereof that correspond to the number of respondents, in addition to a copy to be submitted to the case management office.

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

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

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

Article (178)
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)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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 of 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)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. The authorized circuit manager shall appoint a judge for preparing a report resuming the aspects of the appeal and the refutation there against, and the case management office should display the action file, as soon as the report has been deposited, to the manager in order to appoint a session for examining the appeal in the deliberation chamber. If the court has found out that the appeal is not accepted for its extinguishment or for the nullity of its procedures or for its being based on other than the reasons mentioned in Article (173), it shall order its disapproval with a decision which is to be recorded in the session minutes with a brief allusion to the decision reason.

2. If the court considers that the appeal is worth examining it shall appoint a session for examining it in order to read the resuming report and the court shall decide in the appeal after the deliberation and without a defense.

If the court realized the necessity of the verbal defense it may hear the statements of the lawyers in behalf of the opposing parties or may hear the parties 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 its prosecutor 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 No. (10), for the year 1973 A.D. shall be applied concerning the supreme federal court and its amending laws.

BOOK TWO. VARIOUS PROCEDURES AND LITIGATIONS

Title One. Tender and Deposit

Article (189)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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 case 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 was not possible to lodge in the court's case the session president or the president of the court of first instance shall give orders, according to the request of the process server* and according to the circumstances, to lodge it in the place he shall locate, and that if the item were possible to move without difficulty, however, if it were prepared to stay where it existed or it were difficult to move but with difficulty, he shall give orders to put it under receivership.

* *The expression "process server" has replaced the expression "notification server", wherever mentioned, by virtue of Article (1) of the Federal Law No. (10) of 2014 dated 20/11/2014.*

3. If the offered were subject to damage or would cost excessive expenses for its lodging or for its receivership the debtor or the process server may request the president of the first instance to give orders to sell it at a public auction and deposit the price in the court's case, and if it had a given price in the market or its transaction was current it shall not be possible to sell it at the public auction except if the sale has been difficult dealing with the given price.

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 Two. 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 of 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 prosecutor 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 Three. Arbitration

Article (203)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. It shall be possible that the contractors, in general, state as a condition in the principal contract or with a subsequent agreement, the exposition of what may arise among them of litigations concerning the execution of a certain contract, to one or more arbitrators, and it is also possible to agree on the arbitration in a certain litigation under special conditions.

2. The agreement shall not be recorded except in writing.

3. The litigation's facts should be designated in the arbitration document or during the examination of the action even if the arbitrators were authorized for reconciliation, otherwise the arbitration shall be void.

4. It shall not be possible to arbitrate in the matters in which the reconciliation is not possible, and it shall not be valid to agree on the arbitration unless by those who have the capacity of disposition in the litigated right.

5. If the litigant parties have agreed on the arbitration in some litigation, it shall not be possible to prosecute an action therewith before the judiciary, however, if one of the two litigant parties has resorted to prosecute the action without taking into consideration the arbitration condition and the other party hasn't objected at the first sessions, the action should be examined and the arbitration condition shall be void.

Article (204)

1. If the litigation has occurred and the litigant parties haven't agreed on the arbitrators, or one or more arbitrators, who was agreed on, has abstained from the work, has retired there from, has been dismissed there from, or his refusal has been decided, or a hindrance has prevented his undertaking therein, and there were not an agreement between the litigant parties concerning that, the court which is principally authorized to examine that litigation shall appoint whoever shall be needed of the arbitrators, and that on the grounds of a request from one of the litigant parties, through the usual procedures of the action prosecution. The number of those appointed by the court should be equal to the number agreed on between the litigant parties or completing thereto.

2. It shall not be possible to appeal against the decision issued in that through any of the proceedings of appeal.

Article (205)
It shall not be possible to authorize the arbitrators for the reconciliation unless they were mentioned by their names in the agreement on the arbitration or in a subsequent document.

Article (206)
1. The arbitrator should not be minor, legally incompetent, deprived from his civil rights because of a criminal penalty or bankrupt unless he has been rehabilitated.

2. If there were many arbitrators there numbers, in all circumstances, should be odd.

Article (207)
1. The arbitrator's acceptance should be in writing or by proving his acceptance in the session minutes.

2. If the arbitrator has withdrawn, without serious reason, from his work after his acceptance of the arbitration, it shall be possible to inflict indemnities on him.

3. He may not be dismissed except with the consent of all the litigant parties, however the court which was principally authorized to examine the action, and on the grounds of one the litigant parties request, may dismiss the arbitrator and give order to appoint a substitute in his place in the manner in which he was appointed in the beginning, and that in the case of proving that the arbitrator has intentionally neglected the work according to the agreement of the arbitrators in spite of drawing his attention, in writing, thereto.

4. It shall not be possible to refuse him from the arbitration except for reasons which would occur or appear after his personal appointment, and the refusal shall be requested for the same reasons for which the judge is refused or because of which he shall not be competent to arbitrate. The refusal request shall be prosecuted to the court which is principally authorized to examine the action within five days from the litigant party's notification with the arbitrator appointment or from the date of the occurrence of the refusal reason or the acknowledgement thereof if it were next to his notification with the arbitrator appointment. In all circumstances, the refusal request shall not be accepted if the court's decision has been issued and the pleading in the case has been closed.

Article (208)
1. The arbitrator shall, within thirty days at most from the acceptance of the arbitration, notify the litigant parties with the date of the first session fixed to examine the litigation and with its

meeting place and that without obligation to the rules settled in that law for the notification and he shall fix for them a date to submit their documents, briefs and defense aspects.

2. It shall be possible to arbitrate according to what one side shall submit if the other party failed to do on the appointed date.

3. If the arbitrators were many they should undertake, together, the investigation procedures and each of them should sign on the reports.

Article (209)

1. The litigation shall cease before the court if one of the reasons of the litigation severance, set in this law, has emerged, and the severance shall result in its effects which were legally set unless the action has been held for judgment.

2. If a priority matter which is not related to the arbitrator's authority, or an appeal against a paper falsification, or a criminal procedures have been taken in its falsification, or in another criminal incident has been exposed during the arbitration, the arbitrator shall stop his work until a final decision shall be issued therein, and the arbitrator shall also stop his work in order to refer to the authorized court's president to proceed the following:

a) The sentence with the penalty legally set on the witnesses who fail to attend or abstain from answering.

b) The decision charging the others to show a documents in his possession which is necessary for the decision in the arbitration.

c) The decision in the judicial writs.

Article (210)

1. If the litigant parties haven't set, as a condition in the agreement, a date for the arbitration the arbitrator should arbitrate within six month from the date of the session of the first arbitration, otherwise anyone who wanted of the litigant parties may prosecute the litigation to the court or may continue therein before the court if it was prosecuted before that.

2. The litigant parties may agree, expressly or implicitly, to extend the appointed date, by agreement or by law, and they may authorizing the arbitrator to extend it to a certain date and the court may, according to the request of the arbitrator or one of the litigant parties, prolong the time-limits appointed in the preceding clause to the period which it shall find adequate for deciding in the litigation.

3. The date shall be suspended as far as the litigation is suspended or severed before the arbitrator and its progression shall be resumed from the date of the arbitrator's acknowledgment

of the extinguishment of the suspension or the severance's reason, and if the rest of the time-limit were a month it shall be extended to a month.

Article (211)
The arbitrators should administer an oath on the witnesses and everyone who shall perjure before the arbitrators shall be considered a committer of the crime of perjury.

Article (212)
1. The arbitrator shall deliver his decision without obligation to the pleading procedures except what has been stipulated in this chapter and the procedures concerning the litigant parties' action and hearing their defense's aspects, and enabling them to submit their documents, however, the litigant parties may agree on certain procedures according to which the arbitrator should proceed.

2. The arbitrator's decision shall be according to the rules of the law unless if it were authorized with the reconciliation, then it shall not be obliged with such rules except with those related to the public order.

3. The rules related to the summary execution shall be applied on the arbitrator's decisions.

4. The arbitrator's judgment should be delivered in the state of the United Arab Emirates, otherwise the rules set for the arbitrators' decisions delivered in a foreign country shall be followed therein.

5. The arbitrators' decision shall be delivered with a majority of opinions and it should be written together with the contradictory opinion, and it should particularly include a copy of the arbitration agreement and a resume of the litigant parties' statements, their documents, the decision's reason and its pronunciation, its delivery date, its delivery place, the arbitrators' signatures, and if one or more of the arbitrators has refused to sign the decision that should be mentioned therein, and the decision shall be valid if the majority of the arbitrators have signed it.

6. The decision shall be compiled in Arabic unless the litigant parties have agreed otherwise, in such case, an official translation should be attached thereto when it is deposited.

7. The decision shall be considered delivered from the date of the arbitrators' signature thereon after writing it.

Article (213)
1. In case of the arbitration proceeded through the court, the arbitrators should deposit the decision with the original of the arbitration record, the reports and the documents in the case management office of the court authorized principally to examine the action, and that shall be

within the fifteen days following the decision's delivery and they should deposit a copy of the decision in the case management office of the court to deliver them to each party side and that within fifteen days from depositing the original and the case management office of the court shall compile a report with that deposit to manifest it to the judge or the division manager, according to the circumstances, in order to appoint a session within fifteen days to authenticate the decision and the two parties shall be notified therewith.

2. If the arbitration were incoming in an appellate case the deposit shall be in the case management office of the court authorized principally to examine the appeal.

3. As for the arbitration which takes place between the litigant parties outside the court, the arbitrators should deliver a copy of the decision to each party within five days from the delivery of the arbitration decision and the court shall examine the authentication or the nullity of the decision according to the request of one of the litigant parties through the usual procedures of the action prosecution.

Article (214)

The court may, during the examination of the authentication request of the arbitrators' decision, return it to them in order to examine what they have failed to arbitrate in the arbitration matters therein or to clarify the decision if it were not definite in a way that makes it impossible to execute, and the arbitrators should, in both cases, deliver their decision within three months from the date of their notification with the decision unless the law shall decide otherwise.

It is not possible to appeal against its decision except with the final sentence delivered with the authentication of the sentence or its invalidation.

Article (215)

1. The arbitrators' decision shall not be executed except if the court in which case management office the decision was deposited, has authenticated it, and that after looking into the decision and the arbitration document and verifying that there is no prohibition to execute it, and such court shall be authorized to amend the material errors in the arbitrators' decision according to the request of the concerned persons through the proceedings set for amending the arbitrations.

2. The execution judge shall be authorized with all that concerns the execution of the arbitrators' decision.

Article (216)

1. The litigant parties may request the nullity of the arbitrators' decision when the court examines its authentication and that shall be in the following circumstances:

a) If it has been delivered without an arbitration report or delivered according to a void document or a document that has been extinguished by the failure to observe the date or if the arbitrator has gone beyond the document's limits.

b) If the decision has been delivered by arbitrators who were not assigned according to the law or it has been delivered by some of them who were not allowed to give the decision in the absence of others, or delivered according to an arbitration document in which the litigation facts have not been determined, or delivered by a person who had not the capacity of the arbitration agreement, or by an arbitrator who did not fulfill the judicial conditions.

c) If a nullity in the decision or a nullity in the procedures which has affected the decision has occurred.

2. The acceptance of the nullity shall not be restrained by the litigant party's relinquishment of his right therein before the delivery of the arbitrators' decision.

Article (217)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

3. By way of exception from the provisions of the preceding paragraph, the judgment may not be appealable if the conciliating arbitrators or the disputing parties have expressly relinquished the right to appeal, or the litigation value was not exceeding AED 20,000.

Article (218)

The arbitrators shall be allowed to valuate their fees and the arbitration expenditures, and they may inflict all or part of them on the losing party, and the court, on the basis of the request of one of the litigant parties, may amend that valuation with what shall be adequate to the effort done and the litigation nature.

BOOK THREE. THE EXECUTION

Title One. General Provisions

Chapter I. The Execution Judge

Article (219)

1. The execution is to proceed under the supervision of an execution judge commissioned to the location of each court of first instance and assisted by a sufficient number of executions representatives.

2. The procedures decided before the court of first instance shall be applied before him, unless the law stipulates otherwise.

Article (220)

1. The execution judge shall be exclusively authorized to execute the executive document and to decide in all the temporary litigations of the execution with a summary proceeding. Moreover, he shall be authorized to deliver the sentences, decisions and orders related thereto.

2. The authorization of the execution judge shall be in the court's area which has delivered the sentence, the decision, or the order or in which area the executive document has been documented or authenticated, or in the court's area in which the residence of the convicted and his estates are located.

3. If the execution were dependent on a temporary proceeding or a notification and the execution location of such procedure were in another court's area, the authorized execution judge shall deputize, for that, the execution judge in whose area the procedure is required to be undertaken.

4. If the execution included:

a) Sequestered movables in the possession of the debtor which are located in another court's area.

b) Sequestered properties in the possession of a third person whose residence is located in another court's area.

c) Sequestered real estates located in another court's area or several courts' circuits.

d) The obligation to deliver a certain item whenever the residence of the convicted is located in another court's area.

By then, the authorized execution judge should forward the matter to an execution judge in any of the areas mentioned above in order to deliver such item or to sell such sequestered items.

5. Should the sequestrations be multiple through execution judges in different court circuits, the execution judge having imposed the first sequestration shall be competent to distribute the sun of sales among creditors.

6. Should the procedure required to be taken is constituted of an imprisonment order, in accordance with the provisions of the imprisonment of debtors set forth herin, and should the residence of the debtor be within the circuit of another court other than the court where the executive deed is executed, the competent execution judge shall refer the matter to the execution judge where the procedure is required to be taken in the court thereof to carry out the investigation, and to issue and execute the appropriate order.

Article (221)

1. The writ (the request for legal assistance) and the reference shall be proceeded from the authorized execution judge to the execution judge in whose area the procedures are required to be undertaken, and all the needed legal documents for its execution shall be attached thereto.

2. The execution judge who has been requested for legal assistance or to whom the procedures have been forwarded, shall undertake the necessary decisions to execute such request (writ) or reference and he shall decide in the execution problems exposed to him, and his decisions which are subject to the appeal shall be appealed before the appellate court in his area.

3. The execution judge who has proceeded the execution of the writ or the reference shall inform the execution judge with what has been accomplished and shall forward to him any items or other properties he has received as a result of the sale of the sequestrations.

4. If the execution judge requested for legal assistance or referred to has found that there were legal reasons preventing the execution or if it was impossible for him to undertake the execution for any other reason, then he should inform the authorized execution judge about that.

Article (222)

1. The decisions of the execution judge shall be subject to the appeal in the following circumstances:

a) The authorization of the execution judge or his lack of authorization to execute the executive document.

b) That the confiscated properties may or may not be sequestered or sold.

c) The participation of other persons, other than the litigant parties, in the confiscation.

d) Arranging the priority among the persons for whom the conviction has been delivered.

e) Postponing the execution of the decision for any reason.

f) Whether if it were possible to detent or not that who fails to pay the decided sum of money.

g) Giving the debtor a time limit to settle the sum of money for which the execution has been undertaken, or to pay it in installments.

2. Such decisions shall be appealed before the authorized appellate court within seven days from the date of issuing the decision if it were in the presence of the parties and from the date of its notification if the decision was issued in their absence.

3. The appeal shall have as a consequent the stay of the execution procedures until the appellate court shall decide in the litigation. However, if the appeal were for a detention decision the appellant should present a bondsman whom the execution judge accept to be responsible to summon the person against which the execution is proceeding or to settle the sum of money decided, in case of his failure to summon him. If the guarantor has failed to summon his guaranteed, the court shall bind him with the value of the bail and it shall be collected from him through the proceeding through which the decisions are executed.

Article (223)

1. A special record shall be prepared at the court for registering the execution requests.

2. For each request there shall be a file in which all the papers related to such requests are to be lodged.

3. The file shall be exposed to the execution judge in order that he shall stipulate therein the judgments, decisions and orders which he shall deliver.

Article (224)

1. The execution shall be undertaken by the execution agents on the basis of the concerned persons' request when the executive document has been submitted and the execution judge has ordered that.

2. If a resistance or an aggression has occurred against the execution agent and that has resulted in the interruption of the execution, he should undertake all the precautionary proceedings and request the public authority.

Chapter II. The Writ Execution

Article (225)

1. The obligatory execution shall not be possible except by an executive document in case of need for a right verified, evaluated and due of performance.

2. The executive documents are:

a) The decisions and orders.

b) The instruments in writing which are documented according to the law regulating the documentation and authentication.

c) The reconciliation minutes sessions which the courts authenticate.

d) The other papers which the law gives such capacity.

The execution shall not be valid in other than the circumstances excepted by the stipulation of the law unless by a copy of the executive document on which the following execution phrasing should be included:

"The competent authorities and bodies should undertake the execution of this document and proceed in what it necessitates and they should help with, even obligatorily, its execution whenever they would be required to do so".

3. The executive documents shall not be executed if they have been left for a period of fifteen years or if they have been relinquished the same period without execution since their issue.

Article (226)

It is possible that the court of summary matters, or in the circumstances where the delay shall be damaging, would give orders, according to the concerned person's request, to execute the decision on the basis of its draft without a notification and without putting an executive phrasing thereon, and in such circumstance, the clerk shall deliver the draft to the execution agent who shall return it after the accomplishing of the execution.

Chapter III. The Summary Execution

Article (227)

1. It is not possible to execute the decisions forcibly as long as the appeal therein is possible through the appeal proceeding unless the summary execution is stipulated in the law or decide thereby.

2. However, it shall be possible according to them, to undertake precautionary procedures.

Article (228)

1. The summary execution shall be obligatory by the law in the following circumstances:

a) The decisions delivered in the summary matters whatever was the court which has delivered them.

b) The orders issued on the pleadings.

2. The summary execution shall be without a bail unless the submission of a bail has been stipulated in the decision or the order.

Article (229)

The court, according to the concerned persons' request, may comprise its decision with the summary execution with or without a bail in the following circumstances:

1) The decisions delivered in the commercial matters.

2) If the convicted has admitted the establishment of the commitment or has litigated in its limits or claimed its expiry.

3) If the decision has been delivered as an execution to a previous decision which had the power of the decided order or was comprising the summary execution without a bail, or was based on an official document against which there has been no appeal for falsification, or a martial document which hasn't been disclaimed as long as the convicted has been a litigant party in the previous decision or a party in the document.

4) If the decision has been delivered to the advantage of the execution requester in a litigation concerning him.

5) If the decision has been delivered with the payment of wages, salaries, or indemnities caused by a business relationship.

6) If the decision has been delivered in one of the actions of possession or with the dislodgment of a tenant of a real estate of which contract has been expired or broken, or with the expulsion of the real estate occupant who had no document when the right of the prosecutor was not disclaimed or was confirmed with an official document.

7) In any other circumstance, if the delay of the execution shall cause a flagrant harm to the person for whom the decision has been delivered, provided that that shall be clearly manifested in the decision.

Article (230)

1. The summary execution — by the power of law or by the decision of the court — shall also extend to include the attachments of the principal request and the action's expenditures.

2. Comprising the decision with the summary execution may not be agreed on before its delivery in other than its circumstances.

Article (231)

In the circumstances in which it is not possible to execute the decision or the order except with a bail, the person committed to pay it may have the choice either to present a wealthy bondsman or to deposit in the court's case what shall be sufficient of currency or money bills, or to accept to deposit in the court's case what he would collect from the execution, or to deliver what is required to be delivered in the decision or in the order to a faithful judicial receiver.

Article (232)

1. The person bound to the bail shall declare his choice either by the help of the execution agent with an independent paper, or included in the notification of the execution document.

2. The choice should, in all cases, include the determination of an elected domicile, in the state, of the execution requester if he hasn't residence nor a workplace therein, so that he can be notified with the papers related to the litigations in the bail.

3. The concerned persons may, within three days form the notification with the choice, prosecute before the execution judge a complaint to litigate therein the capacity of the bondsman, the faithfulness of the judicial receiver, or the sufficiency of what he has deposited, and the decision in the complaint shall be final.

4. If the complaint hasn't been prosecuted on the fixed date or it has been prosecuted then refused, the execution judge shall impose a commitment on the bondsman to bail or on the judicial receiver to accept the receivership and the report including the commitment of the bondsman and the judicial receiver shall be considered an executive document there before with the obligations following the bondsman' commitment or the judicial receiver's acceptance.

Article (233)

1. It is possible to prosecute the complaint before the appellate court against the decision quality and that through the usual procedures of the appeal prosecution and the attendance date shall be three days.

2. It shall be possible to reveal such complaint at the session, even after the expiry of the appeal dates, during the examination of the appeal prosecuted against the decision.

3. The complaint shall be judged independently from the matter.

Article (234)

1. In all circumstances, the court to which the appeal or the complaint has been prosecuted may give orders, according to the request of the concerned persons, to stay the execution if there is fear from the occurrence of a flagrant damage by the execution.

2. The court may, when the stay of the execution has been decided, necessitate the submission of a bail or order what it considers adequate to secure the right of the person for whom the decision has been delivered.

Chapter IV. Enforcement of Foreign Judgments, Orders and Bills

Article (235)

1. The execution of the decisions and orders delivered in a foreign country may be mandated in the state of the United Arab Emirates under the same conditions decided in the law of that country for executing the decisions and the orders delivered

2. The execution order shall be requested before the court of first instance in which area the execution is required, through the usual procedures of the action prosecution, and it shall not be possible to order the execution before the verification of the following:

a) That the state's courts are not authorized to examine the litigation in which the decision or the order has been delivered and that the foreign courts which have delivered it are authorized therewith according to the international rules of the judicial jurisdiction decided in their law.

b) That the decision or the order has been delivered from an authorized court according to the law of the country in which it has been issued.

c) That the litigant parties, in the action in which the foreign decision has been delivered, have been assigned to attend and have been properly represented.

d) That the decision or the order has acquired the power of the decided order according to the law of the court which delivered it.

e) That it does not conflict with a decision or an order delivered previously from a court in the state nor does it include what breaches the morals or the public order therein.

Article (236)
The terms of the preceding clause shall be applied on the arbitrators' decisions delivered in a foreign country and the arbitrators' decision should be delivered in a matter in which it shall be possible to arbitrate according to the law of the state and should be liable to the execution in the country which has delivered it.

Article (237)
1. The authenticated pieces in writing and the reconciliation reports which the courts authenticate in a foreign country may have the order to be executed in the state under the same conditions decided in the law of that country, in order to execute the similar ones issued in the state of the United Arab Emirates.

2. The execution order referred to in the preceding clause shall be requested with a petition submitted to the execution judge and it shall not be possible to order the execution except after verifying the fulfillment of the conditions required for the liability of the document or the report for execution according to the law of the country in which its documentation or authentication has accomplished, and verifying that it is free from what breaches the morals and public order in the state.

Article (238)
The rules stipulated in the preceding clauses shall not breach the rules of the agreements between the state and the other countries in this respect.

Chapter V. The Execution Procedures

Article (239)
1. The execution should be preceded by the notification of the executive documents according to the notification procedures set in this law.

2. The notification paper should include a statement of the matter required and an assignment to the debtor to settle the debt within fifteen days from its notification date, and the allocation of an elected domicile for the execution requester in the area of the court at which the execution shall proceed unless his original residence, workplace or his elected domicile were therein.

3. If the executive document were issued according to a contract of opening a letter of credit there should be notified therewith an extraction with the debtor's account on the basis of the creditor's current account books.

4. In case of the execution with the evacuation of a real estate or delivering the movable or real properties the notification of the executive document should include a sufficient definition of those properties.

If the executive documents included an appointment of a date for the evacuation or the delivery the notification should include that date.

Article (240)

1. If the debtor proposed to the execution agent, by the time of the executive document's notification or in any circumstance in which the procedures were, the settlement of the sum to be executed or a part thereof, the agent should record that in the report and assign the debtor to deposit the sum proposed in the court's case to the advantage of the execution requester, and the deposit shall be accomplished on the same day or on the following day at most.

2. If the offered item were a part of the debt the agent should continue in the execution concerning the rest.

Article (241)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

It is not allowed to the execution agent to break open the doors or to open the locks by force in order to proceed the execution, except with the approval of the execution judge and that shall be done in the presence of one of the policemen who should sign the execution report otherwise it shall be void.

Article (242)

1. If the debtor has deceased or lost his capacity or the competence of the one who undertakes the procedures in his place has extinguished before starting the execution or before its accomplishment, the execution shall not be possible before his heirs or before that who is in his place except after the expiry of eight days from the date of notifying them with the execution document.

2. If the debtor has deceased or lost his capacity or the competence of the one who undertakes the procedures in his place has extinguished after starting the execution, the execution procedures shall be halted and all the dates which has been in operation concerning him, until one of the execution parties shall urge them.

3. It shall be possible, before the expiry of three months from the death date, that the notification, referred to in the two preceding clauses, shall be addressed to the heirs altogether in the last residence in which their testator had resided, without listing their names and capacities.

Article (243)

It is not allowed to another to undertake what is required according to the execution document nor to be obliged to undertake it, except after notifying the debtor with the determination of such execution eight days, at least, before its occurrence.

Chapter VI. Objections to Execution

Article (244)

1. If a problem has been exposed during the execution and there was required therein a temporary procedure, the execution agent may halt the execution or continue therein by precaution, assigning the litigant parties, in both cases, to attend before the execution judge, even with a date of one hour if necessary, and it shall be sufficient to record the occurrence of such assignment in the report in what concerns the prosecutor of the problem. In all circumstances, It shall not be possible for the execution agent to accomplish the execution before the judge delivers his decision.

2. If the problem has been prosecuted with an action concerning the possession of a real estate through the usual procedures of the action prosecution before the authorized court, its prosecution shall result in the stay of the execution unless the court orders otherwise.

3. The execution judge shall decide in the problem if it was prosecuted to him directly or if it was submitted to the execution agent after notifying the parties of the executive document and the problem's prosecutor at a session appointed for that purpose.

4. The submission of any other problem shall not result in the suspension of the execution, unless the execution judge decides the stay, and the terms of this clause shall be also applied on the problems prosecuted after any substantive execution litigation which is suspensive to the execution.

5. The terms of the preceding clause shall not be applied on the first problem exposed by the obligated in the executive document if he hadn't litigated in the previous substantive problem or litigation.

Article (245)
The real offer shall not result in the stay of the execution if the offer were disputed and the execution judge may give orders to suspend the execution temporarily and to lodge of the offered item or a sum of money exceeding its value which he would designate.

Article (246)
* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

2. If the plaintiff loses the lawsuit that was suspending the execution, he may be subject to a fine amounting to no less than AED 5,000 at most, without prejudice to the indemnities if there were validly due.

Title Two. Sequestrations

Chapter I. General Provisions

Article (247)
* *As amended by Federal Law No. (30) dated 30/11/2005:*

Without prejudice to what stipulated in any other law, it shall not be possible to confiscate the following:

1) The public properties owned by the state or to one of the emirates.

2) The house considered as a residence of the debtor or the convicted and, in case of his decease, of those of his relatives who used to reside with him and whom he was legally providing for.

3) What is needed for the debtor of clothes and what is necessary for him and his family of the house furniture and the kitchenware, and what they need of food and fuel for a period of six months.

4) What the farmer or the fisherman owns of a land or agriculture tools needed therefore, in proportion to what shall be sufficient to his livelihood and to those whom he provides for.

5) The money donated or willed to be, themselves or their revenue, an alimony, or a temporary or a life-time salary, and what the judiciary would decide of the amounts set or arranged temporarily for the alimony or the disposition there from in a certain purpose, and all that except with the amount of a quarter to settle the debt of an established alimony.

6) The money donated or willed, provided it may not confiscated, and that if the confiscator is one of the debtors of the grantee or the legatee whose debt had originated before the donation or the will, except for a debt of an established alimony and within one quarter.

7) What the debtor needs of books, tools and means to practice his profession or trade by himself, unless the confiscation were for getting their price or their maintenance expenses or an established alimony.

8) The movable which is considered a real estate by itemization, if the confiscation thereon were independent from the real estate specified for its service, unless the confiscation were for getting its price or its maintenance expenses.

9) The wages and salaries except with the amount of one quarter of the principal wage or salary and when there is competition the priority shall be for the debt of alimony.

Article (248)

If the confiscation hasn't been accomplished in one day it shall be possible to accomplish it within one day or consequent successive days and the execution agent should undertake what is necessary to preserve the confiscated items and the items needed to be confiscated till the report has been accomplished, and the report should be signed whenever the confiscation procedures stay.

However, if necessary, the execution agent shall continue the confiscation procedures beyond the appointed times stipulated in Article (6) or during the official holidays, and he may accomplish them without need to get a permission from the execution judge.

Article (249)

It shall be possible, in any of the procedures circumstances, before the settlement of the auction, to deposit a sum of money in the court's case equal to the debts confiscated there for and the expenditures.

Such deposit shall result in the extinguishment of the confiscation on the properties confiscated and its transmission to the deposited sum.

Article (250)

The confiscated may request from the execution judge, in any of the procedures circumstances, the estimation of a sum of money or what shall be equivalent thereto to deposit in the court's case as a guarantee of settlement to confiscator.

That deposit shall result in the extinguishment of the confiscation on the confiscated properties and its transmission to what has been deposited.

Article (251)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

The confiscation shall be inflicted within the debt claimed. If the value of the right confiscated there for were not proportional to the value of the confiscated properties the debtor may request the execution judge to to limit the confiscation to some of those properties.

Chapter II. Sequestration

Article (252)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

a) If the debtor is not a settled resident of the State;

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

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

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

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

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

Article (253)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

Article (254)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

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

Article (255)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. The rules and procedures stipulated in section four of this chapter shall be followed in the precautionary confiscation on the movables, except what is concerning the appointment of the sale day, unless if the movables were subject to damage, then the stipulation of the second clause of Article (280) shall be taken into consideration.

The rules and procedures stipulated in chapter six of this book shall be followed in the precautionary confiscation on the real estate, except what is concerning the submission of the executive document and the procedures of the sale by auction.

2. The confiscator – within eight days, at most, from the date of inflicting the confiscation – should prosecute before the authorized court the action with the confirmation of the right and the validity of the confiscation, and that in the circumstances in which the confiscation has been undertaken by the order of the judge of the summary matters otherwise the confiscation shall be null and void.

3. If the action for the right was previously prosecuted the action for the validity of the confiscation shall be submitted to the same court so that it can examine both of them.

4. If a decision with the validity of the confiscation has been delivered and it was due of execution or has become so, the procedures set for the sale shall be followed as in chapters four and six of this book, according to the circumstances, or the execution shall be proceeded through the delivery of the movable in the case mentioned in Article (253).

Article (256)

1. If the lesser of the real estate has inflicted the confiscation on the movables of the sublessee according to the second clause of Article (252), the procedures should be directed to both the principal lessee and the sublessee.

2. The notification to the sublesse shall also be considered as a confiscation under his hand on the rent.

3. If the principal lessee were not prohibited from the sublease the sublessee may request the release of the confiscation off his movables while the confiscation remains under his hand on the rent.

Chapter III. The Garnishment of the Debtor’s Property in the Hands of Third Parties

Article (257)

1. Each creditor may request from the authorized court or from the judge of the summary matters the confiscation on what his debtor has with the others of movables or debts even if they were delayed or suspended under a condition.

2. If the confiscation were not inflicted on a movable or on a debt in itself, it shall include all that the confiscated has of movables in the garnishee's hand and the debts in his patrimony till the time of reporting what is in the patrimony.

3. The confiscation on what the debtor has with the others shall be inflicted on the debtor's movables which have been under the control of his legal representative.

Article (258)

If the creditor had not in his possession an executive document or his debt was of an indefinite value, the court of the summary matters may order the confiscation and the confiscator's debt shall be estimated temporarily and that shall be on the basis of a petition submitted by the confiscation requester, and the judge of the summary matters should order the confiscation if there were in the creditor's hand a decision, even it were not due of execution, whenever the debt stipulated therein is of a definite amount.

Article (259)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

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

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

Article (260)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

Article (261)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. The confiscation should be notified to the confiscate after being notified to the garnishee, and the notification shall be accomplished through a declaration including the confiscation occurrence, its date, and the statement of the judge's order according to which the confiscation is to be occurred, the sum of money for which the confiscation is to be occurred, the confiscated money, the confiscator's name, his residence, his workplace in the state, and if he had not a residence or a workplace in the state he should determine an elected domicile for him in the area of the court in which the execution shall be proceeded.

2. The confiscator should, within the eight days following the confiscation notification to the garnishee, prosecute against the confiscate before the authorized court the action of the stipulation of the right and the validity of the confiscation, and that shall be in the circumstances in which the confiscation has been issued by the order of the judge of the summary matters otherwise the confiscation would be as it were not exiting, and the court shall not decide that automatically, and if the action for the right were prosecuted previously the action of the validity of the confiscation shall be submitted to the court in order that it can examine both of them together.

Article (262)

1. The payment from the garnishee shall be by lodging what he has in his patrimony into the court's case, and if the object of confiscation were movables which are impossible to lodge in that case, it shall be possible to deliver them to a judicial receiver whom the authority ordering the confiscation would assign according to a request submitted thereto from the garnishee or the confiscate.

2. The lodging should be attached to a statement signed by the garnishee with the confiscations which were conflicted under his hands, their notification dates, the names of the confiscators and the confiscate and their capacity, their addresses, the documents according to which the

confiscations have been inflicted and the sum of money for which the confiscation have been inflicted.

3. The authority ordering the confiscation should immediately inform the confiscator and the confiscate with the lodging occurrence or the placement of the movables in a judicial receiver's hand.

4. The lodging or the placement of the movables under the receivership shall dispense of (be a substitute for) reporting what in the patrimony if the sum of money or the movable were sufficient for the payment of (for) the confiscator's debt.

5. If a new confiscation has been inflicted on the sum lodged or the movables placed under the receivership so that any of them has become insufficient it shall be possible to any of the confiscators to assign the garnishee to report what he has in his patrimony within seven days from the day of his assignment therewith.

Article (263)

1. If the lodging has not occurred according to the preceding Article or the Articles (249) and (250), the garnishee should report what he has in his patrimony to the authority ordering the confiscation within seven days from his notification with the confiscation, and he shall mention in the report the debt's amount, its reason and the reasons of its termination, if there were any, and if there were under the garnishee's hand movables he should attach to the report a detailed list thereabout.

2. If the confiscation were under the hand of the government, or one of the public foundations, one of the public associations or one of the banks, the report with what is in the patrimony shall be submitted through a letter sent, with the report's information, by the authority at which the receivership takes place to the authority ordering the confiscation in the date mentioned above.

3. The garnishee shall not be exempted from the commitment of reporting what is in the patrimony if he were not indebted to the confiscate, by then it shall be possible to accomplish the report with a statement submitted by the authority which has ordered the confiscation. Moreover, the proficiency shall not exempt him from the commitment of reporting what is in the patrimony.

Article (264)

If the garnishee has died or has lost his capacity or his competence or the competence of that who represents him has extinguished, the confiscator may notify the heirs of the garnishee, or whoever in his place, with a copy of the confiscation paper and he shall assign them to report what is in the patrimony within seven days from such assignment.

Article (265)
The action of the litigation in the report of the garnishee shall be prosecuted before the authority which has ordered the confiscation.

Article (266)
1. If the garnishee hasn't stated what he had in his patrimony in the manner legally set or has submitted an insufficient report or has stated other than the truth, or concealed papers he should have deposited in order to confirm the report, it shall be possible to inflict on him, to the advantage of the creditor who has obtained an executive document of his debt, the sum for which the confiscation had occurred and that shall be through an action prosecuted with the usual procedures.

2. The execution of the decision delivered against the garnishee shall be considered a payment to the confiscator's right on the part of the confiscate, and that shall be without prejudice to the garnishee's claim to the confiscate with what he has paid to the confiscator.

3. The decision shall not be delivered if the garnishee has redressed the reason for which the action had been prosecuted until the closure of the defense therein even before the appellate court.

4. The garnishee should be, in all circumstances, committed to pay the action expenditures and the indemnities resulting from his failure or his delay.

Article (267)
Should the right of the confiscator be proven by virtue of an executive deed, he shall be entitled, 10 days subsequent to the date of the report, to request from the execution judge the issuance of an order against the garnishee to pay to the confiscator the sum acknowledged thereby or the sum paid therefrom to the confiscator, provided that procedures set in Article (243) are observed.

Article (268)
If the payment hasn't occurred according to the preceding Article nor the lodging according to the articles (249), (250) and (262) the confiscator may levy execution on the properties money of the confiscate on the basis of an executive document attached to an official copy of the garnishee's report, taking into consideration what is stipulated in Article (239).

Article (269)

If the confiscation were on movables sold through the procedures set for selling the confiscated movable which the debtor had, and if the confiscated were not a debt due of payment it shall be sold through the procedures stipulated in Article (291).

Article (270)

1. The creditor may confiscate, under his own authority, what he was indebted to his debtor and that shall be by an order, from the authorized judge, which shall be notified to the debtor including the information that should be mentioned in the paper of the confiscation delivery.

2. If there were not, in the confiscator's hand, an executive document or a decision, he should, within the eight days following the notification to the debtor with the confiscation, prosecute before the authorized court the action of the confirmation of right and the validity of the confiscation otherwise the confiscation shall be considered null and void.

Chapter IV. The Confiscation of the Movable With the Debtor

Article (271)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

1. Taking into consideration what is stipulated in Article (241) of this law, the confiscation shall be proceeded on the basis of a report written at the confiscation place, and it should include, beside the information that should be mentioned in the notification papers, the following:

a) Mentioning the executive document.

b) Mentioning the confiscator's residence or his workplace in the state, but if he had not a residence or a workplace in the state he should designate an elected domicile for him in the area of the court in which the execution shall be proceeded.

c) The confiscation place, the procedures which the execution agent has undertaken, the obstacles and objections he has faced during the confiscation and what he has undertaken about them.

d) The items confiscated in details mentioning its type, description, amount, weight or dimensions and a list of their approximate value.

2. The execution agent and the debtor, if he were present, should sign the confiscation report, and in case of his abstention to sign the execution agent shall record that in the confiscation report, and just the debtor's signature shall not be considered an approval from him on the decision.

3. The confiscation shall not require moving the confiscated items from its places except by the order of the execution judge.

4. The items shall become confiscated just by mentioning them in the confiscation report even if a judicial receiver were not appointed for them.

5. If the confiscation has occurred in the presence of the debtor or in his residence or in his workplace a copy of the report shall be delivered to him or to whoever receives it instead of him, and that as stipulated in Article (8), but if the confiscation has occurred in his absence or in other than his residence or his workplace he should be notified with the report, personally or in his residence or his workplace, and that within, at most, the seven days following the confiscation.

Article (272)

1. If the confiscation were on trinkets, on molds of gold, silver or of other precious metal, on jewels or precious stones they should be weighed and described thoroughly in the confiscation report, and such items shall be evaluated by an expert appointed by the execution judge according to the request of the execution requester.

2. It shall be possible, in the same way, to valuate the other artistic and precious items according to the request of the confiscator or the confiscate, and in all circumstances, the expert's report shall be attached to the confiscation report.

3. If there is need to move them in order to be weighed or evaluated they should be placed in a sealed shelter mentioning that in the report with the description of the seals and they shall be placed in the court's case.

4. If the confiscation has been inflicted on money or money bills the execution agent should mention its description and amount in the report and deposit it in the court's case.

Article (273)

1. The execution agent shall assign a judicial receiver for the confiscated items, and he shall choose a capable person as a receiver if the confiscator or the confiscate hasn't come, and the confiscate should be assigned, if he himself has requested that, except if there were fear from the wastefulness and there were good reasons thereof to be mentioned in the report, in such case, the opinion of the confiscate shall be taken about those reasons and they shall be exposed immediately to the execution judge to undertake his decision therein.

2. If the execution agent hasn't found in the confiscation place someone to accept the receivership and the debtor was present, the receiver shall assign him for the receivership and his refusal thereof shall not be considered, however, if the debtor were not present the receiver should take all the possible precautions to preserve the confiscated items and bring that matter immediately before the execution judge in order that he would give orders to either move or

lodge them with a faithful who accepts the receivership and whom the confiscator or the execution agent choose or to assign temporarily the police for the receivership.

Article (274)

1. If the receiver were present during the confiscation the confiscated items shall be delivered to him in its confiscation place after putting his signature on the confiscation report and delivering him a copy thereof, and if he were absent or has been assigned after that the confiscated items should be inventoried and delivered to him after signing on the inventory report and delivering a copy thereof.

2. If the receiver abstained from signing on the confiscation or the inventory report or refused to receive his copy the execution agent should substitute him with another receiver otherwise he should expose the matter to the execution judge immediately in order that he can decide what he would think appropriate.

Article (275)

The receiver who is not a debtor or the receiver who is a possessor shall deserve a wage for his receivership and such wage shall have the privilege of the judicial expenditures on the movables confiscated.

The receiver's wage shall be estimated by an order issued by the execution judge.

Article (276)

1. The receiver shall not be allowed to use the confiscated items, nor exploit, lend, nor expose them to damage otherwise he shall be deprived from the receivership.

2. If the confiscation were on livestock, bids, tools, or equipment needed for the operation or the exploitation of a land, factory, workshop, foundation or what is similar the execution judge may, on the basis of a petition submitted to him by one of the concerned parties, order the receiver with the operation or the exploitation if he were competent for that or substitute him with another receiver to do that.

Article (277)

1. It is not allowed that the receiver would request his exemption from the receivership before the day appointed for the sale except because of reasons necessitating that, and his exemption shall be in effect by an order on a petition issued by the execution judge.

2. The execution agent shall inventory the confiscated items when the new receiver assume his task and he shall write a report thereof signed by that receiver and shall receive a copy thereof.

Article (278)

1. If the execution agent went to confiscate movables which were previously confiscated with the debtor the receiver should show him the copy of the confiscation report and submit the confiscated items and the execution agent should inventory them in a report and confiscate what hasn't been confiscated before and should assign the receiver of the first confiscation a receiver on them, if there were at the same place.

2. Such report shall be notified, within three days at most, to the first confiscator, the debtor and the receiver if he were not present, and it shall also be notified to the authority which has ordered the first confiscation.

3. Such notification shall result in the continuation of the confiscation for the benefit of the second confiscator even if the first confiscator has sequestered it, and it shall be considered a confiscation under the control of the execution agent on the sums of money collected from the sale.

4. If the first confiscation on the movables were void, that shall not influence the confiscations following it if they were valid in themselves.

Article (279)

1. After accomplishing the confiscation the sale day, its hour and its place shall be appointed with the acknowledgment of the execution judge taking into consideration the terms of Article (280).

2. The execution agent should, right after that, affix on the door of the place in which the confiscated items existed, and also with the signs prepared for that by the court, an announcement showing the sale day, hour and place, the type of the confiscated items and its overall description, and the occurrence of that shall be mentioned in the report attached to the confiscation report.

3. The execution judge may give orders to announce that in one of the daily news paper issued in the state in Arabic or through other media channels.

He may also, according to the request of the confiscator or the confiscate, permit to exceed the means of announcement and publication at the expense of the requester, and he may also give orders with that, on his own, deducting it from the sale revenue.

4. The affixing shall be proved by mentioning it in a special record prepared for that by the court, and the publication shall be proved by submitting a copy of the news paper or a certificate from the announcement authority.

Article (280)

1. The sale shall be proceeded in the place in which the confiscated items exist or in the place specified with the acknowledgment of the execution judge for selling the confiscated items, unless the interest would necessitate otherwise. Its procedure shall be after eight days, at least, form the date of delivering the copy of the confiscation report to the debtor or the date of notifying him therewith, and after three days at least from the date of accomplishing the posting or the publication procedures, and whoever wants to examine the confiscated items within the mentioned period shall be allowed to.

2. However, if the confiscated items were subject to damage or they were goods subject to price fluctuation, the execution judge may give orders to proceed the sale in the place he would decide, and from one hour to another according to the circumstances, and that on the basis of a request submitted to him from the receiver or one of the concerned parties or the execution agent.

Article (281)

If the sale hasn't occurred on the day appointed in the confiscation report it shall be appointed on another day with which the receiver and the concerned party shall be notified, and the posting and the publication shall be redone as mentioned in the preceding articles.

Article (282)

1. The sale shall be proceeded by the public auction under the supervision of the execution judge with the execution agent's calling, on the condition that the price shall be immediately paid, the execution agent should not start to sell except after the inventory of the confiscated items and recording its condition in the sale report, and he shall record in all the sale procedures what he has found as objections and obstacles and what he has undertaken therein, he should also record the presence of each of the confiscator and confiscate or their absence and the signature of each if he was present or his abstention to sign.

2. The execution agent should list in the report the names of the bidders, the residence of each and his workplace, the prices offered from them and their signature.

The report shall particularly include the statement of the price which the auction has come eventually to and the name of the successful, his residence, workplace and signature.

3. For announcing the continuation of the sale or its postponement it shall be sufficient that the execution agent mentions that in public and record it in the sale report.

Article (283)
If no one has come to purchase the trinkets, the golden or silver molds, the jewels, the gems or the precious stones and the items estimated with their values according to the experts' valuation, and the creditor hasn't accepted the settlement of his debt in rem with that value, its sale date shall be extended to the following day, if it were not a holiday, or to the first working day after the holiday, and if no purchaser has offered the value estimated the sale shall be postponed to another day and the posting and publication shall be redone as mentioned in the preceding articles, by then the execution agent shall expose the matter before the authorized judge to order that the auction lands with the price which he finds appropriate even if on another date.

Article (284)
If the successful in the auction the price immediately, the sale should be redone on his responsibility in the way mentioned, at any price and he shall be committed with what has been reduced from the price and the execution report shall be an executive document of the price different concerning him.

Moreover, he shall not have the right in the increase of the price, rather the debtor and his creditors shall deserve it, and the execution agent shall be committed with the price if he hasn't received it immediately from the purchaser and he hasn't taken action to redo the sale on his responsibility, and the execution report shall be an executive document regarding him.

Article (285)
The execution agent shall stop the proceeding in the sale if a sufficient sum of money has resulted out of it for the payment of the debts for which the confiscation was executed and the expenditures, as for any confiscations inflicted after that under the control of the execution agent or under the control of any of those who had the price in their possession, they shall not treated except with what exceed the payment of the mentioned items.

Article (286)
The action for restoring the confiscated items shall be prosecuted before the authorized court and the prosecution of such action shall result in the stay of the sale unless the court has decided the execution continuation on the conditions it finds appropriate.

Article (287)

The action of the restoration should be prosecuted against the creditor, confiscator and confiscate and intervening confiscators and its initiatory pleading should include an adequate manifestation of the ownership proofs.

The prosecutor should deposit, when he submits the initiatory pleading, the documents he may have.

Article (288)

1. The confiscator has the right to proceed in the execution if the court has decided to drop the action of restoration or if it has considered it null and void, or it has been decided to consider it so.

He has also the right to proceed in the execution if the court has decided the action rejection, its lack of jurisdiction, its disapproval, the nullity of its initiatory pleading, the extinguishment of the dispute therein, or the approval to abandon it.

2. The confiscator shall proceed in the execution even if the terms mentioned in the preceding clause were subject to the appeal.

Article (289)

1. If another action of restoration has been prosecuted by the restorer, and his first action has been considered as not existing or the court has decided to consider it so, or decided its rejection, its disapproval, the court's lack or jurisdiction, the nullity of its initiatory pleading, the extinguishment of the litigation therein, or the approval to abandon it, the sale shall not be halted unless the authorized court has decided its stay.

This rule shall be applied if the action of restoration has been renewed after dropping or halting it.

2. The same rule shall also be applied if a second action of restoration has been prosecuted by another restorer, and the action shall be considered a second action since it has been next in its prosecution date even after the extinguishment of the effect halting the sale caused by the prosecution of the first action.

Chapter V. Seizure of Stocks, Bonds, Revenues and Shares

Article (290)

1. If the shares or bonds were to bearer or endorsable their confiscation shall be through the proceedings set for the confiscation of the movable with the debtor or with the others.

2. The confiscation of the arranged revenues, the nominal shares, the shares of profits due in the patrimony of the legal personalities and the rights of the testators in the companies shall be through the proceedings set for the confiscation of what the debtor has with the others.

Their confiscation shall result in the confiscation of their profits till the sale day.

Article (291)

The shares and bonds and the others which have been mentioned in the preceding Article shall be sold by the public auction, according to the procedures stipulated in Article (279) and what is beyond it, under the supervision of the execution judge.

Chapter VI. Seizure and Sale of Real Estate

Article (292)

1. The confiscator shall submit to the execution judge a confiscation request on the real estate, attached with the executive document, and a copy of its notification to the person on which the confiscation is required and with his commitment to pay applying the stipulation of Article (239) and an official copy of the deed of the estate required to be confiscated.

The request shall include the following information:

a) The requester's name, his title, profession, residence, workplace, and his elected domicile in the area of the court in which the execution shall be proceeded if he hadn't a residence or a workplace therein.

b) The name of the person required to be confiscated, his title, profession, residence and workplace.

c) The description of the real estate required to be confiscated with a report of its location, area, boundaries, or its number and region and any other information to help designate it according to what is established in the official land registers prepared for that.

2. The creditor may procedure with a petition an order from the execution judge with an authorization to get in the real estate, to obtain the information needed for describing it and designating its contents.

And it shall not be allowed to complain about that.

Article (293)
1. If the execution judge has considered that the confiscation request on the real estate has met its legal conditions he shall issue his decision with the confiscation and order the execution agent to go, on the following day at most, to the authorized area to register the real estate in order to endorse the decision officially in the land registers. The registration shall include the appointment of its date and hour.

2. The registration of the confiscation decision shall result in the considering the real estate confiscated.

3. The execution agent should obtain an official list authorized from the real estate register, with the creditors who have the registered rights, the residence of each one of them, his workplace.

Article (294)
1. The execution agent shall undertake, within seven days from the confiscation, the notification of the debtor, the tenant, the real estate bondsman with a copy of the confiscation request, after endorsing it officially with what proves its registration.

2. He shall also proceed, within the same date, to notify with that report the creditors who have the registered rights mentioned in the preceding article, and those creditors shall be, as soon as they have been notified, parties as confiscators in the procedures, and the notification, when any of them has deceased, shall be addressed to his heirs altogether in the residence designated in the register if a period of six months at most hasn't passed since the decease.

Article (295)
1. The execution judge, before undertaking the real state sale through the auction, should notify the debtor to pay the debt within a month from the notification date otherwise the real estate would be sold by auction, and the debtor may request within such date the postponement of the sale and the execution judge may respond to the request in the two following cases:

a) If the real estate's revenues within a period of three years were sufficient for settling the debt, the profits, the duties and the expenditures, and the execution judge may, in such case, assign the creditor, under his supervision, to collect the real estate's revenues till the full settlement, and if something incidental has occurred to prevent the creditor from getting his rights on a regular basis the execution judge should, on the basis of the creditor's request, continue the procedures of the real estate's sale.

b) If the real estate's revenues within a period of three years were not sufficient to settle the debt, profits, fees and the expenditures and the debtor had other revenues which were sufficient in addition to the real estate's revenue to settle the debt by installments within such period and the execution judge has realized that selling the real estate would cause the debtor a big loss he may decide the postponement of the sale with paying the debt in installments within a period not exceeding the period mentioned and that with the guarantees which he considers appropriate, and if the debtor has failed to pay one of those installments, the execution judge, on the basis of the creditor's request, should continue the procedures of the real estate's sale.

2. If the notification time-limit stipulated in the preceding clause has elapsed and the debtor hasn't paid or hasn't submitted a request to postpone the sale or has refused such request the execution judge should appoint the sale location, day, and period in which the auction shall be proceeded.

3. The execution judge shall assign, before the announcement of) the sale, an expert or more to estimate the real estate's price within an extra period of time not exceeding thirty days from the date on which the judge assigned him for the task.

4. The case management office should notify each of the debtor, the owner and the legal bondsman with the sale location, day, the period in which the auction shall be proceeded and also with the announcement of the sale before the day appointed to proceed in it with a period not exceeding thirty days and that shall be through publication in two daily news papers issued in the state and one copy of the announcement shall be posted in a noticeable place of the real estate and the other on the court's bulletin board.

Article (296)

1. The announcement of the sale shall include the following information:

a) The name of each of the confiscator, the debtor, the owner or the legal bondsman and his title, profession, residence and workplace.

b) The statement of the real estate according to what has been stipulated in the confiscation decision.

c) The sale conditions and the principal price which the expert has designated, the expenditures and the insurance which the purchase requester has to pay in advance, provided it should not be less than 20% of the principal price.

d) The declaration of the court before which the sale shall be proceeded, the auction's day and the period within which the auction shall be proceeded.

2. It shall be possible to the confiscator, the debtor, the owner, the legal bondsman and each one who has interest to get a permission from the execution judge for the publication of other sale

announcements in the news papers and other media channels because of the importance of the real estate or its nature or for any other cases, but augmenting the publication shall by no means result in the delay of the sale, and it shall not be possible to complain against the judge's decision concerning this.

Article (297)

1. If the real estate set forth for sale were divisible and the part of such real estate – according to the expert's report – were sufficient to settle the debt, its profits, the fees and the expenditures the execution judge should partition that part setting it forth in the auction and exclude the other parts, and if it has become clear, as a result of the auction, that the equivalent presented in this part of the real estate were not sufficient for the settlement, the execution judge should set forth the rest of the real estate or any other additional part thereof which shall be sufficient for the settlement.

If the payability action has been prosecuted in a part of the real estate set forth for auction and the court has decided to postpone the auction, then such decision would not necessitate the auction postponement for the rest of parts unless the shares, according to the experts' estimation, were not divisible, by then the auction delay should be for the rest of shares.

2. If there were many real estates needed to be sold by auction each real estate shall be separately set forth for sale unless the execution judge – after taking the experts' opinion – has found out that it shall be beneficiary to sell more than one real estate or all the real estates in one auction.

Article (298)

It is not possible to sell the real estate except to a citizen, and that by taking into consideration the rules related to the devolution of the real estate ownership.

Article (299)

1. The disposition of the debtor, tenant or the legal bondsman of the real estate shall not be executed nor what would be consequent thereto of mortgages or prerogatives to the right of the successful in the auction if the disposition, the mortgage, or the prerogative has been registered after the registration of the confiscation decision.

2. The real estate shall be subjoined by its profits and revenues for the period following the registration of the confiscation decision, and the revenue, the fruitage price and the harvest shall be deposited in the court's case, and if the real estate were not rented the confiscate shall be considered a bondsman till the sale is accomplished and if the real estate were rented the rent payable for the period following the registration of the confiscation request shall be considered confiscated under the control of the tenant as soon as he has been obliged by the confiscator, or any creditor bearing an executive document, not to pay it to the debtor.

If the tenant has paid the rent before such obligation it shall be legal to pay him and to ask the confiscate, being in the capacity of a bondsman, about it.

Article (300)

1. If the real estate was surcharged with a real estate guarantee and was reverted to an owner with a registered contract before the confiscation, then the owner should be warned before the confiscation request to pay the debt or to evacuate the real estate otherwise the execution shall be proceeded against him.

2. The warning shall include, beside the general information in the announcement papers, and the obligation for payment or the evacuation, the following information:

a) The executive document.

b) The debtor's notification and commitment to pay according to Article (239).

c) The statement of the real estate object of the execution according to what is stipulated in the official records prepared for that.

3. The warning mentioned above shall also be addressed to the mortgagor in the circumstances in which the execution is to be proceeded on a mortgaged real estate without the debtor.

4. The warning notification to the right of the notified shall result in all the rules stipulated in the preceding article.

Article (301)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

4. The creditor, the possessor, the surety and the debtors referred to in Article (293) shall present the other invalidation grounds related to the procedures preceding the sale session, as well as the

grounds of objection against the sale conditions, 10 days at least before the date of said session, otherwise the right to present same lapses. Said grounds shall be presented by virtue of an application submitted to the competent execution judge. The latter shall rule, based on the aforementioned application, either the suspension or the continuation of sale, depending on the extent of seriousness of such grounds. If the judge rules the continuation of sale, auction shall take place immediately.

Article (302)

The creditor should, before the beginning of the auction procedures, deposit a sum of money which the execution judge estimates for covering the charges and the expenditures of the real estate sale including the equivalent of the legal profession fees. That sum shall be deduced from the real estate price and repaid to the creditor.

Article (303)

1. The execution judge shall undertake, on the day appointed for the sale, the auction procedure, and it shall not be possible to proceed it except after issuing the decision according to which the final execution shall occur.

2. If one purchaser, or more, has come to the first sale session the execution judge shall approve, at the end of the period appointed for the auction, the highest offer (bid), provided that it shall not be less than the principal price which the expert has designated with the expenditures, and if the bid were less than that or no purchaser has come to that session the execution judge shall decide the postponement of the sale to the following day in the same place and in the date appointed for the auction, and if no purchaser has come to the second session with the principal at the session with the principal price the judge shall postpone the auction to the following day reducing the principal price with 5% each time. If the total of the deduction from the price has reached 25% the sale should be postponed for a period of subsequent three months redoing the announcement procedures, and in such case, the real estate shall be sold with the highest offer whatever its value was.

Article (304)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

2. Should the successful bidder fail to pay the price in full, the execution judge shall offer the real estate to the following bidder at the price proposed thereby. Should he accept, the judge shall accept his bid and he shall deposit the price within the period specified in Paragraph 1. However,

should the following bidder reject the offer, the execution judge shall repeat the auction within 15 days and with the same procedures, then the judge shall rule awarding the auction to the highest bidder.

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

4. The bidder who fails to pay the amount owed shall be bound to pay the lacking amount of the real estate price. The auction awarding ruling shall include imposing upon the party who fails to pay amount owed to pay the price difference if any. He may not be entitled to any price increase but it shall be rather received by the debtor, possessor or surety as the case may be.

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

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

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

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

Article (305)

If the auction has been late for a legal reasons or for the creditor's failure to pursue it then the auction should be redone for a period of fifteen days, but if it has been abandoned for a period of six months or more, then the auction should be redone again and the preceding delays shall be cancelled.

Article (306)

1. The decision of the auction landing shall be delivered with the preamble of the rules of the law, and it shall include a copy of the request of the confiscation on the real estate, a statement of the procedures followed in its concern, and in the sale announcement, and a copy of the minutes of the sale session, and its statement shall include the order to the debtor, tenant, legal bondsman to deliver the real estate to whom the auction landing has been decided.

The decision's original copy should be deposited in the case's file, on the day following its delivery.

2. This decision shall not be declared, and its execution shall be proceeded obligatorily by committing the debtor, the tenant, the legal guarantor or the bondsman, according to the circumstances, to be present at the delivery location on the day and at the hour appointed for its proceeding, provided that the announcement thereof shall occur two days, at least, before the day appointed for the delivery.

3. If there were in the real estate movables to which a right had been suspended to other than the confiscate, the execution claimer should request with a petition from the execution judge, the undertaking of the procedures needed for preserving the rights of the concerned parties. He may also hear the concerned parties, whenever there's a need, before delivering his order.

Article (307)

1. It shall not be possible to appeal against the decision of the person proceeding the auction landing, unless there were a defect in the auction procedures, in the decision form, or for its delivery without halting the procedures when their stay is a legal obligation.

2. The appeal shall be prosecuted through the usual proceedings within seven days from the date of pronouncing the decision.

Article (308)

1. The execution judge, on the basis of the concerned parties' request, should ask the administration responsible of the real estates registration to register the decision of the auctioneer (the successful in the auction), after the one who was decided as successful in the auction has deposited the full price, unless he was exempted from the deposit, and the rules set in the real estate registration shall be applied on the decision registration.

2. This registration shall result in the refinement of the sold real estate from the prerogative rights, the insurance and ownership guarantees which their possessors have been declared according to Article (293) and it shall be remaining only their right in the price.

Article (309)

1. The other parties may request the nullity of the execution procedures with the request of the payability of all or part of the confiscated real estate and that shall be by an action prosecuted through the usual procedures before the authorized court at which the confiscator creditor and the creditors referred to in Article (293), the debtor and the tenant or the legal bondsman shall litigate in such action. The court shall decide at the first session the stay of the sale procedures if the action's initiatory pleading has included an accurate statement of the ownership evidences or the merits of the tenancy on which the action has been based and to which the documents supporting it has been attached.

2. If the day appointed for the sale has come before the court's decision to stay the sale the action prosecutor may request the execution judge for the stay of the sale on the condition that an official copy of the initiatory pleading of the notified action is to be deposited in the execution file.

3. It shall be by no means possible to appeal against the decisions delivered according to the two preceding clauses concerning the stay of the sale or the continuation therein.

Article (310)

1. If the payability action hasn't dealt but with a part of the confiscated real estates, the sale of the remaining parts shall not be halted.

2. However, the execution judge may order, on the basis of the concerned parties' request, the stay of the sale regarding all the real estates if there were urging reasons necessitating that.

Article (311)

If the sale has been considered payable the one with whom the auction has landed may claim the price, indemnities from the creditors and the debtors if they had aspects, and it is not possible that the sale conditions would include the exemption from refunding the price.

Article (312)

Neither the debtor nor the judiciary members nor the public prosecution nor the execution agents nor the clerks of the court and the public prosecution nor the lawyers who are attorneys of those who undertake the procedures for the debtor may come to the auction by themselves or by employing others, otherwise the sale shall be null.

Chapter VII. Some Special Sales

Article (313)

1. Selling the real estate of the bankrupt, the incapacitated person's real estate of which the sale has been permitted and the real estate of the absentee, by auction shall be proceeded on the basis of the sale conditions which the debtors' attorney or the attorney of the incapacitated or the absentee present to the execution judge after he has approved them.

2. The sale conditions should include the permission issued for the sale from the authorized court.

3. The case management office of the court should notify the public prosecution with the sale conditions, before presenting them to the execution judge.

Article (314)

1. If the court has decided the sale of the owned real estate in common for the impossibility of the division without harm, the execution judge shall proceed in its sale by auction, according to one of the partners' request.

2. The sale conditions should include a list of all the partners, the residence of each, and it should be attached thereto a copy of the decision delivered for proceeding the sale.

Article (315)

The rules related to the procedures of the real estate sale, according to the creditors' request, and stipulated in this law shall be applied on the sales mentioned in the two Articles (313), (314).

Title Three. Allocation of the Execution Proceeds

Article (316)

As soon as the confiscation on the money with the debtor, or the sale of the confiscated money has been accomplished, or ten days have passed form the date of reporting what is in the patrimony concerning) the confiscation of what the debtor had with the others, the execution revenue shall be distributed on the confiscating creditors and on those who are considered parties in the procedures without any other procedure, even if the revenue is not sufficient to settle their entire rights.

Article (317)
1. If the execution revenue has been sufficient to settle all the confiscating debtors' rights, and all the rights of those who were considered parties in the procedures, the execution judge should order that each of the creditors' debts shall be settled after submitting the executive document.

2. If there were no executive document in the possession of anyone of them, and the action for the right and the validity of the confiscation were still under the examination, a sum corresponding to the debt for which the confiscation has been decided shall be assigned for that creditor, and it shall be kept in the court's case for his account as a security for the final decision in the action.

Article (318)
1. If the execution revenue were not sufficient for settling all the confiscating creditors' rights and for settling the rights of all those who have been considered parties in the procedures, the party who shall have such revenue should immediately deposit in the court's case such revenue supplemented with a list of the confiscations inflicted under his control.

2. The distribution shall be among the debtors (creditors) of the excellent debts and the owners of the bound rights, according to the hierarchy of their degrees stipulated in the law.

Article (319)
1. The distribution procedures shall start with the execution judge's preparation, on the basis of one of the concerned parties' request, of the temporary distribution list to deposit in the case management office of the court, and he, as soon as he has deposited the list, should notify the debtor, the tenant and the confiscators, and who have been considered parties in the procedures in order to appeared before the execution judge at a session he appointed to reach an amicable adjustment.

2. If the concerned parties have attended and have reached an agreement on the distribution through an amicable adjustment, the execution judge shall document their agreement in a report signed by the authorized employee and the attendants, and such report shall have the power of the executive document.

3. When the adjustment has been accomplished in the way mentioned in the preceding clause, the execution judge shall prepare within the five following days a final distribution list with what each creditor is entitled to from the principal and the expenditures.

Article (320)
1. The execution judge shall deposit in the case management office of the court, the final distribution list with what each creditor is entitled to from the principal and the expenditures.

2. In all cases, the execution judge shall order the delivery of the expenditure orders to the court's case, and the removal of the bonds whether related to debts included in the list or with debts which the distribution hasn't taken into account.

Title Four. The Execution in Kind

Article (321)

1. The execution agent, in the case of the execution by delivering a real estate, should go the place where the item is located in order to deliver it to the requester, and he should list in his report the items due of delivery and the executive document, and the date of its announcement. If the delivery is to be undertaken on an occupied real estate with an occasional occupant, the execution agent shall advise him to recognize the new occupant after the accomplishing real estate delivery proceeding.

2. If the confiscated required to be delivered were confiscated, it shall not be possible to the execution agent to deliver them to the requester, and the execution agent should notify the confiscating creditor.

3. The execution judge shall deliver the orders needed for securing the rights of the concerned parties, on the basis of the request of the beneficiary or the execution agent.

Article (322)

1. The execution agent shall notify the person obligated to evacuate the real estate with the day and hour at which he should proceed the execution of the evacuation, and that shall be three days, at least, before the appointed day and when the appointed time comes, he shall enable the requester to take possession of the real estate, and if there were in the mentioned real estate movables that should not be delivered to the evacuation requester and their owners hasn't transport them immediately, the execution agent should entrust their receivership, at the same place, to the requester, or move them to another place if the requester hasn't accepted the receivership, and if such movables were under confiscation or receivership the execution agent should inform the creditor according to whose request the confiscation or receivership has been occurred, and the execution agent should, in both cases, bring the matter before the execution judge in order to undertake what he shall consider necessary to protect the rights of the concerned parties.

2. The execution agent shall write a report showing the executive document, its announcement date, the description of the real estate object of the evacuation, the movables which should not be delivered to the requester and the procedure taken in this respect.

Article (323)

1. The requester of the obligatory execution committing a work or abstaining from a work should submit a request to the execution judge in order that he may designate the proceeding through which the execution should be accomplished, and the request should be attached to the executive document and its announcement.

2. After notifying the other party in order to hear his statements, the execution judge shall deliver his order for designating the proceeding in which the execution shall be accomplished, and for assigning the execution agent who shall proceed in it and the persons who shall be assigned to fulfill the work and the removal.

Title Five. Detention of the Debtor and Prohibition Thereof from Traveling and Other Precautions

Chapter I. Detention of the Debtor

Article (324)

1. The execution judge may issue an order, according to the request of the party to whom the decision has been delivered, with the detention of the debtor if he has abstained from the execution of the final decision or an order with a final performance in spite of proving his ability to pay if his solvency was entirely based on properties that are not legal to confiscate or sell.

2. The debtor shall be considered solvent and the execution judge shall issue an order to detain him if he abstains from the payment and that in the following circumstances:

a) If the debtor has smuggled his money or concealed them with the intention of harming the creditor, and it has been impossible to the creditor because of such execution on these properties.

b) If the debt was one or more of the installments decided on the debtor, or the debtor was one of those who guaranteed the principal debtor for the payment before the court or the execution judge, except if the debtor has proved the occurrence of new facts, after setting the installments on him or after giving him the bail, which have influenced his solvency and made him incapable of paying the installments or the bail's value or any part thereof.

c) If the sum decided to be paid by the debtor was an established legal alimony.

3. The execution judge shall order the detention of the debtor in the cases mentioned in the preceding clauses within a period not exceeding one month and it may be renewed to extend to other periods, so if the debtor had a settled residence it shall not be possible that the detention periods exceed six consecutive months and it shall be possible to order the renewal of his detention after the elapse (expiry) of ninety days from his release if he has remained abstaining from the execution in spite of his solvency to pay, provided that the total sum of the detention periods shall not exceed thirty six months however the number of the debts or the creditors was.

4. The execution judge should hear the debtor's statements whenever he orders the renewal of his detention or if the debtor has requested that.

5. The debtor shall be detained in the prison isolated from the arrested or the convicted in penal cases and the prison administration shall dispose for him the available means to communicate with the external world in order to be able to manage to settle the debt or proceed an adjustment with the creditors.

6. The execution of the detention order shall not result in the extinction of the right for which fulfillment the detention has been decided and it shall not prohibit the obligatory execution for its fulfillment through the proceedings legally established.

Article (325)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

Article (326)

* *As amended by Federal Law No. (10) of 2014 dated 20/11/2014:*

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

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

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

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

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

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

f) If the debt subject of execution is less than AED 10,000, unless it is a fine, a prescribed alimony or a work remuneration.

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

a) Should the debtor be a pregnant woman.

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

Article (327)
If the debtor were a special legal person, the order shall be issued for detaining that whom the abstention from the execution has been referred to personally.

Article (328)
The execution judge shall order the extinction of the order issued for detaining the debtor in the following circumstances:

1) If the creditor has accepted, in writing, the extinction of the order.

2) If, for any reason whatsoever, the debtor's commitment for which fulfillment this order has been issued has expired.

3) If one of the conditions required for the detention order was lacking, or one of its issue impediments has been actualized.

Chapter II. Prohibition of Debtor from Traveling

Article (329)

* *As amended by Federal Law No. (30) dated 30/11/2005:*

Even if the creditor has accepted the prosecution of a substantive action, if serious reasons from which there would be risk of the debtor's escape, and the debt were not less than Ten Thousand Dirham, unless it were an established alimony, the creditor may request from the authorized judge or the circuit manger to, according to the circumstances, the issue of an order prohibiting the debtor from traveling in the two following cases:

First: If the debt were known and unconditionally payable.

Second: If the debt were not of determinant amount the judge shall estimate its amount with a temporary estimation, provided that the two following conditions should be fulfilled:

1) The claim for the right is to be based on written evidence.

2) The creditor should submit a bail which is accepted by the court and in which he guarantees each failure or damage that would affect the debtor because of prohibiting him from traveling if the creditor has been proved not to be rightful in his claims.

The judge, before issuing the order, may undertake a summary investigation if he were not satisfied with the documents confirming the request.

The judge, in case he has issued the order with the prohibition from traveling, may order the deposit of the debtor's passport in the court's case and may circulate the order of the traveling prohibition throughout all the state's outlets.

The party against whom the order has been issued may complain thereof through the procedures set for the complaint against the orders on the petitions.

The order prohibiting from traveling shall not prevent the execution of the final decisions issued for the provision of banishment.

In case of the delivery of a final decision for the provision of banishment, the order of the traveling prohibition shall be exposed before a judicial committee under the chairmanship of a judge and for which constitution an order from the cabinet is to be issued for examining the execution of either one.

Article (330)

The order with the prohibition from traveling shall continue to be in effect until, for any reason whatsoever, the debtor's commitment to his creditor prosecuting the order, shall have been expired, however, the authorized judge shall order the extinction of the order mentioned above in the following circumstances:

1) If any of the conditions required for the order prohibiting from traveling has been extinguished.

2) If the creditor has agreed, in writing, on the order extinction.

3) If the debtor has submitted a bank bail or a solvent bondsman approved by the judge.

4) If the debtor has deposited in the court's case a sum of money equal to the debt and the expenditures, and has allotted it for the payment to the right of the creditor for whose request the order has been issued, and this sum shall be considered confiscated by the power of the law for the benefit of the creditor.

5) If the creditor hasn't submitted to the judge what proves the prosecution of the action of the debt within eight days from issuing the order prohibiting from traveling, or he hasn't started the execution of the final decision issued to his benefit within thirty days from the date of its final issue.

Chapter III. Other Precautionary Measures

Article (331)

If the debtor prohibited from traveling has abstained from depositing his passport without a good reason or it has been disclosed to the judge that he has disposed of his money, he has smuggled them or he has been preparing to run away from the state in spite of the precautions taken for prohibiting him from traveling, so the judge may give orders to summon him committing him to submit a payment bail or an attendance bail or to deposit the sum prosecuted for in the court's case, and if he hasn't abided to the order the judge may order his detention temporarily till the execution of the order, and this decision shall be subject to appeal within seven days from the date of its issue.