

**Federal Law No. (5) of 2022**  
**Concerning Restitution**

**We, Mohammed bin Zayed Al Nahyan,      President of the United Arab Emirates**

Having reviewed:

- The Constitution;
- Federal Law No. (1) of 1972 concerning the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (6) of 1978 concerning the Establishment of Federal Courts and the Transfer of Jurisdiction of Local Judicial Authorities in Some Emirates to them, as amended;
- Federal Law No. (3) of 1983 concerning the Federal Judicial Authority, as amended;
- Federal Law No. (35) of 1992 promulgating the Code of Criminal Procedure, as amended;
- Federal Law No. (36) of 1992 concerning Restitution;
- Federal Law No. (7) of 2014 concerning Combating Terrorism Crimes;
- Federal Decree-Law No. (28) of 2019 concerning the Establishment of the National Counseling Center;
- Federal Decree-Law No. (31) of 2021 promulgating Crimes and Penalties Law;

And based on the Proposal of the Minister of Interior, as approved by the Cabinet and the Federal National Council and ratified by the Federal Supreme Council,

Promulgate the following law:

## Article (1)

### Definitions

For applying the provisions of this law, the following terms and expressions shall have the meanings assigned thereto respectively, unless the context requires otherwise:

<b>Ministry</b>	Ministry of Interior
<b>Minister</b>	Minister of Interior
<b>Applicant</b>	The convicted person applying for Restitution

## Article (2)

### Scope of Application

Every person convicted on the grounds of a misdemeanor or a felony shall be rehabilitated in accordance with the provisions of this Law.

## Article (3)

### Types of Restitution

Restitution shall be classified in accordance with the provisions of this law as follows:

1. Legal Restitution; and
2. Judicial Restitution.

## Article (4)

### Legal Restitution

Subject to the provisions of Article (5) of this Law, the Public Prosecution shall issue a legal Restitution decision if a judgment of conviction has been rendered against the convict on the grounds of a non-peace disturbing misdemeanor, and either the sentence has been executed or

a pardon has been issued in respect thereof. Should the judgment consider the convict a recidivist, or if the penalty lapses on limitation grounds, then the convict shall be legally rehabilitated after the lapse of a period of six months following the date of execution of the penalty or pardon, or upon lapse of the penalty on limitation grounds.

## **Article (5)**

### **Judicial Restitution**

1. Subject to the provisions of Article (4) of this law, judicial Restitution shall be awarded based on a judgment by the competent court in respect of the crimes listed below, provided that one of the following periods has lapsed following the date of completion of the execution of the penalty or the issuance of a pardon:
  - a. Six-months in the case of non-peace disturbing felonies;
  - b. One year in the case of misdemeanors and felonies which are disturbing the peace or involving moral turpitude or breach of trust;
  - c. Two years in respect of the felonies affecting state security;
  - d. The periods of time mentioned in this clause shall be doubled in the cases of recidivism or lapse of the sentence on limitation grounds.
2. The competent court referred to in Clause (1) of this Article shall be determined based on a resolution of the Minister of Justice or the head of the local judicial authority, as the case may be.
3. Misdemeanors and felonies which are disturbing the peace or involving moral turpitude or breach of trust shall be defined by a special commission formed under a Cabinet resolution whose terms of reference and work mechanism and the approval of its recommendations
4. Misdemeanors and felonies disturbing the peace or involving moral turpitude or breach of trust shall be determined by a special committee formed by a Cabinet resolution specifying

its terms of reference and work and recommendation approval mechanism, based on the Minister's proposal with its membership including representatives of the concerned authorities in the State.

## **Article (6)**

### **Calculation of Restitution Period**

1. If the penalty is coupled with a non-custodial measure, then the period shall begin from the date of the release of the convict, provided that the latter complies with the non-custodial measure.
2. If the convict has been released conditionally, the period shall start from the date of his release, unless he has committed any crime until the conditional release becomes final.
3. Notwithstanding the provisions of Clauses (1) and (2) of this article, if the non-custodial measure is imposed in connection with a felony affecting the security of the state, then the period shall start from the day on which the measure has been completely executed, but if the measure is imposed in connection with any peace disturbing felony, then the period shall commence from the day on which the measure execution ends or from the day on which the conditional release becomes final, whichever is longer.

## **Article (7)**

### **General Conditions on Restitution**

In order for the Restitution to be granted, the following conditions shall be satisfied:

1. That the convict meets all the financial obligations imposed on him in favor of the state or to individuals, unless either such obligations have been fulfilled or the convict has proved that he is in a state where he is unable to satisfy such obligations.

2. That if several judgments are issued against the applicant, the Restitution shall not be granted unless the conditions stipulated in this law are met in relation to each judgment on a case-by-case basis, while the calculation of the period shall be based on the most recent judgment.
3. That the applicant for Restitution must be residing in the State at the time of submitting the application.
4. That if the convicted person has been jointly sentenced, it shall be sufficient for him to pay his share of the debt, and, where applicable, the competent court shall determine his share of debt required to be paid.

## **Article (8)**

### **Procedures for Applying for Restitution**

1. The legal and judicial Restitution application shall be submitted to the Public Prosecution having the jurisdiction over the district wherein the applicant resides, provided that the application shall include the following:
  - a. The data required to identify the personality of the Restitution applicant;
  - b. The places of residence of the applicant from the date of his release or from the date of the issuance of the judgment;
  - c. A copy of the judgment rendered against the applicant and the documents evidencing that he has served the term of sentence, that the sentence has lapsed on limitation grounds, or that the convict has been pardoned.
2. The Public Prosecution shall address the Ministry to provide it with the following data:
  - a. The applicant's criminal record from the date of release or from the date of sentence;
  - b. A report on the applicant's conduct during the execution period;
  - c. A report on his conditions in the places where he has been residing after execution;
3. The Public Prosecution shall examine the application to identify the conduct of the applicant and shall obtain all the information it deems necessary.

4. In the event of legal Restitution, the Public Prosecution shall issue a legal Restitution decision.
5. In the event of judicial Restitution, the Public Prosecution shall submit the application to the competent court, accompanied by a report setting out its opinion and the reasons on which it is based, within a period not exceeding one month following the date of submission of the application.

### **Article (9)**

#### **The Powers of Court when Considering an Application for Judicial Restitution**

1. When examining an application for Restitution, the competent court may hear the statements of the Public Prosecution and the applicant. It may also obtain all the information it deems necessary. The applicant shall be served with a notice to appear at least three days before the hearing date.
2. The court shall issue a judgment to rehabilitate the applicant when the conditions for Restitution are met if it is convinced that the applicant's conduct from the date of receiving the sentence can be relied upon as a ground for ensuring his self-discipline.

### **Article (10)**

#### **Rejection of the Application for Restitution**

If an application for Restitution is rejected due to a reason related to the conduct of the convict, it may only be renewed after a 6-month period following the date of rejection. In other cases, it may be renewed when the necessary conditions are satisfied.

### **Article (11)**

#### **Registration of Restitution**

The Public Prosecution shall send a copy of the judgment or the Restitution decision to the courts issuing the sentence judgment, and shall take all necessary actions to have the judgment or Restitution decision registered in the criminal systems established for this purpose.

## **Article (12)**

### **Revocation of the Restitution Judgment or Decision**

1. The Restitution judgment or decision shall be revoked in the following cases:
  - a. If it is proven that other judgments have been passed against the convicted person while they have not been brought to the attention of the court or the Public Prosecution.
  - b. If he is sentenced after being rehabilitated on the grounds of a crime that has occurred before the Restitution being granted.
  - c. If the convicted person fails to comply with the measures imposed.
  - d. If the convicted person fails to comply with the terms and conditions of conditional release.
2. An application to annul the judgment or decision issued for Restitution shall be submitted by the Public Prosecution.
3. The judgment or decision for revocation shall be issued by the court or the Public Prosecution as the case may be.

## **Article (13)**

### **Effects Arising from Restitution**

Restitution shall give rise to the following:

1. Termination of all the criminal effects arising from the conviction judgment in relation to the future;

2. Termination of the consequences involving lack of legal capacity and deprivation of rights.

### **Article (14)**

#### **Invocation of Restitution**

Restitution may not be invoked against third parties with regard to the rights that accrue to them based on the conviction judgment, and in particular with regard to refund of amounts and compensation.

### **Article (15)**

#### **Prior Convictions not Requiring Restitution**

For the purpose of this law, the judgments rendered in respect of the following crimes shall not be classified as prior convictions for which Restitution is required:

1. Offenses for which the relevant laws stipulate that they are not considered as criminal convictions;
2. Crimes for which the punishment prescribed in the law or the court-ordered penalty is a fine, a non-custodial sentence;
3. Offenses of juvenile delinquents or those at risk of delinquency;
4. Crimes for which a stay of execution has been issued;
5. Crimes for which a penal writ is issued;
6. Crimes terminated on the grounds of penal conciliation or reconciliation.

### **Article (16)**

#### **Police Clearance Certificate (PCC)**

The mechanism for issuing a Police Clearance Certificate, and the rules, procedures and forms related thereto, shall be regulated by a resolution of the Minister based on the recommendation



of an ad hoc committee to be formed by his resolution and shall have members from the bodies concerned.

### **Article (17)**

#### **Fees**

The Cabinet shall issue a decision specifying the fees necessary to implement the provisions of this law.

### **Article (18)**

#### **Repeals**

1. Federal Law No. (36) of 1992 concerning Restitution shall hereby be repealed.
2. Any provision that contradicts or conflicts with the provisions of this law shall hereby be repealed.
3. The resolutions and regulations in force prior to the entry into force of the provisions of this law shall continue in full force and effect a manner that does not conflict with its provisions hereof until their substitute resolutions and regulations are issued in accordance with the provisions of this law.

### **Article (19)**

#### **Publication and Entry into Force**

This law shall be published in the Official Gazette and shall enter into force three (3) following the date of its issuance.

**Mohammed bin Zayed Al Nahyan,  
President of the United Arab Emirates**

Issued by us at the Presidential Palace – Abu Dhabi

On 19 Jumada Al-awwal 1444 (AH)

Corresponding to 13 December 2022