

Cabinet Resolution No. (17) of 2024
Concerning the Executive Regulations of Federal Decree-Law No. (21) of 2022
Regulating the Profession of Experts before the Judicial Authorities

The Cabinet:

- Having reviewed the Constitution;
- The Federal Law No. (1) of 1972 Concerning the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Decree-Law No. (21) of 2022 Regulating the Profession of Experts before the Judicial Authorities; and
- Based on the proposal submitted by the Minister of Justice and approved by the Cabinet,

Hereby Resolves as follows:

Article (1)

Definitions

The same definitions set out in the above-referenced Federal Decree-Law No. (21) of 2022 Regulating the Profession of Experts before the Judicial Authorities shall be applicable to this Resolution. Other than that, the following words and expressions shall bear the meanings assigned thereto respectively, unless otherwise required by the context:

Ad-hoc Expert : A qualified natural person whose name is not listed in the Roster, but who is working in a particular area of specialty with a federal or local government entity, and has professional expertise in the field of their work.

Subject-Matter Expert : A natural person whose name is not listed in the Roster, is working in the private sector in a particular professional or craft field, and has sufficient knowledge and expertise in the field of their profession or craft.

- Department** : The manager of an organizational unit concerned with the experts' affairs
Manager at the Ministry.
Decree-law : Federal Decree-Law No. (21) of 2022 Regulating the Profession of Experts before the Judicial Authorities.

Article (2)

Practice of Expert Profession

1. Only the expert or expert firms whose names are listed in the Roster may practice the expert profession before the judicial authorities in the State.
2. Notwithstanding Clause (1) of this Article, the litigants may agree to have an expert or an expert firm - not listed in the Roster - appointed in order to draw up a report on the dispute brought before the competent judicial authority or on any part thereof, provided that the judicial authority approves their agreement. In addition, the judicial authority may engage experts or expert firms whose names are not listed in the Roster.

Article (3)

Controls for Engaging Unregistered Experts and Expert Firms

1. The judicial authority may, either *sua sponte* or based on the litigants' agreement subject to prior approval of the competent judicial authority, assign an ad-hoc expert, subject-matter expert or expert firm not listed in the Roster, subject to the following controls:
 - a. The ad-hoc expert shall be assigned based upon a request by the competent department to the expert's employer, subject to the employer's approval on their nomination.
 - b. The unregistered subject-matter expert or expert firm shall be assigned based on nomination by the competent department, provided that the expert furnishes a proof of being specialized in the field of their craft or profession, including, among others, a professional license or certificate or any other certificate of expertise.

- c. It shall be a prerequisite for assigning an ad-hoc expert, a subject-matter expert or an expert firm, that the assignment occurs with regard to a field of expert services that is unclassified or unregistered in the Roster or rather in a field of experts classified in the Roster but the number of registered experts is insufficient.
- d. For the non-UAE ad-hoc and subject-matter expert, they shall have a valid residence permit.
- e. For the purpose of applying this Article, the expert shall, before initiating their mission, take the legal oath before a division of the competent court of appeal.
- f. The unregistered ad-hoc expert, subject-matter expert or expert firm shall draw up a report on their technical opinion on the subject of the dispute at issue, and may, for the sake of drawing up such a report, seek the assistance of the competent department.
- g. The ad-hoc experts, subject-matter experts or expert firms not listed in the Roster may be included under a special classification in the Roster, subject to prior approval of the Committee, in order to engage them in other disputes.
- h. In all cases, any technical inspector may be engaged to give opinion on the subject of the dispute at issue in the absence of a specialized expert registered in the Roster.

Article (4)

Roster of Experts and Expert Firms

A roster shall be created at the Ministry for listing the names of experts and expert firms in their respective areas of specialty, and each of them shall have a separate file that incorporates all matters related to the practice of the expert profession. The Roster shall include the following details:

1. Name of the expert / expert firm;
2. Area of specialty of the expert / expert firm;
3. Nationality of the expert;
4. Registration Number;
5. Registration Date;

6. Registration Expiry Date;
7. Contact Details;
8. ID details; and
9. Names of the experts hired by the expert firms and their respective nationalities.

Article (5)

Applications for Registration in the Roster

1. The expert shall submit the application for registration in the Roster to the competent department on the relevant form, accompanied by the following documents:
 - a. For the UAE national, a copy of the ID card; and for non-UAE national, a copy of the ID card, passport and a valid residence permit in the UAE;
 - b. A certificate issued by the competent medical authorities in the State to prove medical fitness;
 - c. A certificate of good conduct and reputation to be issued by the competent authorities in the State;
 - d. A copy of the academic qualification certificate issued by a recognized university or higher institute in the State in the field of expert services intended for registration, subject to due authentication and equivalency. Such a certificate shall be issued in Arabic, but if issued in a foreign language, a certified legal translation into Arabic shall be provided.
 - e. A certificate of experience which establishes that the registration applicant is qualified in the area of specialty after getting the academic qualification certificate, and demonstrating the relevant details of the applicant's experience, which shall not be less than five (5) years for the UAE nationals and fifteen (15) years for the non-UAE nationals. Such a certificate shall be issued in Arabic, but if issued in a foreign language, a certified legal translation into Arabic shall be provided.
 - f. A written approval by the applicant's employer or by the holder of a valid business license in the same area of specialty intended for registration or practicing under such a license.

2. The local expert firm shall submit the application for registration in the roster to the competent department on the relevant form, accompanied by the following documents:
 - a. A copy of the valid license issued by the competent licensing authority;
 - b. A copy of a proof of registration of the firm's supervising manager in the Roster;
 - c. The names and registration numbers of the firm's experts, provided that it has at least four (4) experts.
 - d. Details of the specialties for which the firm is intended to be registered in the roster, provided that they do not exceed four (4) specialties.
3. The international expert firm shall submit the application for registration in the roster to the competent department on the relevant form, accompanied by the following documents:
 - a. A copy of the valid license issued by the competent licensing authority;
 - b. A copy of the valid license of its headquarters outside the State, in addition to valid licenses of at least two of its branches in different countries;
 - c. A certificate or any official document issued by the competent authority establishing that the firm has had experience of at least ten (10) years in the areas of specialty intended for registration;
 - d. A copy of a proof of registration of the firm's supervising manager in the Roster;
 - e. The names and registration numbers of the firm's experts, provided that it has at least five (5) experts residing in the State.
 - f. Details of the specialties for which the firm is intended to be registered in the roster, provided that they do not exceed five (5) specialties.
4. The competent department shall present the application accompanied by the documents and instruments referred to in Clauses 1, 2 and 3 of this Article to the Committee for consideration according to the mechanism set forth in Article (6) of this Resolution.

Article (6)

Registration Application Examination Procedures

1. The Committee shall scrutinize the application for registration of every expert through scrutinizing all the data and documents attached therewith, reviewing the test set by the Ministry for the expert and the score earned by the expert concerned according to the list of scores set by the Committee for every specialty. The Committee shall then make a decision to approve or reject the registration application.
2. The Committee shall scrutinize the application for registration of every expert firm through scrutinizing all the data and documents attached therewith, reviewing the documents and curriculum vitae of the firm's experts and assessing the extent of their fulfillment of the requirements for registration under the intended category of expert services. The Committee shall then make a decision to approve or reject the registration application.
3. If the Committee approves the registration of the expert or expert firm, as the case may be, in the roster, the approval shall be communicated to the expert or expert firm concerned by the competent department, and the latter shall be provided with the following details:
 - a. The address and location of the office from which the registration applicant intends to carry out the profession, with the exception of the public employee.
 - b. Provide a valid insurance policy against liability for professional errors, to be issued by an insurer licensed to operate in the State, unless the expert's liability is covered by the insurance policy of the expert firm at which the expert works.
 - c. Payment of the prescribed fees according to the applicable mechanism.
9. The competent department, in coordination with the judicial institute, instruct the expert to attend a specialized training course, according to its relevant training plan, before the expert starts to practice the profession of expert.

Article (7)

Roster Registration Term and Registration Renewal Applications

1. The expert and the expert firm shall each be registered in the Roster for a renewable term of three (3) years, provided that the registration renewal application shall be submitted at least thirty (30) days prior to the expiry date of the registration, according to the same conditions applicable to the first-time registration.
2. No new tasks shall be assigned to the expert or the expert firm during the period between the expiry date of registration of either of them and the renewal date of such registration.
3. Failure to submit a registration renewal application after the lapse of ninety (90) days following the expiry date of registration shall give rise to removal of registration from the Roster.
4. The renewal application shall be subject to the same procedures set forth in Articles 5 and 6 of this Resolution.

Article (8)

Practice of Expert Profession Through a Licensed Expert Firm

1. The expert shall practice the expert profession through an expert firm licensed by the competent licensing authority in the State to carry out expert services as per the following conditions:
 - a. The expert firm's license shall cover the same specialty through which the expert intends to carry out the expert activities; and
 - b. The expert's name shall not be listed in any other expert firm.
2. The Committee shall issue a decision establishing the controls and procedures of transferring the expert from one expert firm to another expert firm.
3. The provisions of this Article shall not apply to an expert who is a public employee.

Article (9)

Deregistration and Suspension of Professional Practice

The Committee shall scrutinize the applications for deregistration and suspension of practicing the profession in accordance with the following controls and procedures:

1. The application shall be submitted to the Committee on the relevant form and shall be accompanied by a proof of payment of all fees due.
2. For the application to be approved, it shall be submitted by the expert or the expert firm at least ninety (90) days prior to the expiry date of registration, and shall include the relevant reasons.
3. The expert or expert firm shall finalize all the activities and obligations assigned thereto before submitting the application.
4. The Committee shall consider and scrutinize the applications submitted and shall ensure fulfillment of the necessary documents and requirements.
5. Under all circumstances, the Committee shall decide on such applications within sixty (60) days following their submission date.
6. An applicant, whose application is rejected, may challenge the committee's decision before the competent court within thirty (30) days following the date of notification thereof or following the expiration of the time limit set for deciding on the application with no reply made. The court's judgment in this respect shall be final.

Article (10)

Ceasing to Practice the Expert Profession

1. The expert or expert firm, as the case may be, may cease to practice the expert profession where either has any impediment that would prevent it from practicing the same, according to the following conditions and procedures:
 - a. The competent department shall be notified of the discontinuance of practicing the profession, along with the discontinuance reasons.

- b. Registration in the Roster shall be valid on the discontinuance notification date.
 - c. The prescribed fee shall be paid according to the applicable mechanism.
2. The Committee shall consider and scrutinize the applications submitted and shall ensure fulfillment of the necessary documents and requirements.
3. Under all circumstances, the Committee shall decide on such applications within sixty (60) days following their submission date.
4. An applicant, whose application is rejected, may challenge the committee's decision before the competent court within thirty (30) days following the date of notification thereof or following the expiration of the time limit set for deciding on the application with no reply made. The court's judgment in this respect shall be final.
5. The duration of discontinuance of practicing the profession shall be deemed part of the roster registration period, and an application for resuming practice of the profession may be submitted when such an impediment ceases to exist, provided that the profession practice requirements are satisfied and the registration is still valid.
6. If the registration of an expert or an expert firm expires within the profession practice discontinuance period, the registration shall be renewed according to the provisions of both the Decree-Law and this Resolution.

Article (11)

Annual Performance Report

1. The competent department shall draw up an annual performance report to assess the performance of the expert or expert firm, according to the Form No. (1) attached with this Resolution, including the following aspects:
 - a. Dealing with the expert files and performance thereon;
 - b. The complaints filed against the expert or expert firm;
 - c. The extent of commitment to professional development;
 - d. The extent of compliance with the Expert's Code of Conduct; and
 - e. The overall assessment on technical inspection reports

2. The competent department may assess the performance of the expert or expert firm on every task entrusted to them based on meetings, opinion polls or any other assessment tool that targets the parties to the case, and shall include the assessment findings in the annual performance report referred to in Clause (1) of this Article.
3. The competent department shall submit both the technical inspection reports and annual performance reports to the committee so that the latter would take the necessary actions thereon according to its powers set forth in Article (19) of the Decree Law.

Article (12)

Appointment of Technical Inspector

1. The Minister may appoint Experts with knowledge and experience at the Ministry to perform Expert Services in cases of a special nature, audit and technical inspection over the registered Experts' work and follow up on their reports in the cases assigned thereto, in cooperation of the Judicial Inspection Department at the Ministry.
2. The appointment of the technical inspector referred to in Clause (1) of this Article shall be subject to the following controls:
 - a. The technical inspector shall have practiced the expert profession before the Courts of the State for at least one year for the UAE national and five (5) years for the non-UAE nationals.
 - b. The technical inspector shall not have practiced any expert duties beyond the scope of the expert profession at the Ministry.

Article (13)

Technical Inspector's Functions and Powers

1. The technical inspector shall perform the following functions:
 - a. Review the procedural aspects conducted by the expert in the course of drawing up the expert's report, such as the notification, expert meetings, preparation of minutes of

- meetings and reports; assess the expert's familiarity with the expert profession's duties before the courts; and assess the expert's compliance with the time period for completing the task and submitting the report, based on the dates of referral and submission of the report and comparing the same to the magnitude of the task entrusted to the expert.
- b. Attend the expert meetings held by the roster experts in order to assess the skills of their management of the meetings and commitment to time.
 - c. Scrutinize the reports drawn up by the expert and assess their efficiency and fulfillment of the relevant requirements, and identify the extent of the expert's compliance with the preliminary judgment rendered by the competent court on referral to the technical inspector.
 - d. Consider the technical conclusion drawn by the expert and identify whether the Court relied upon the same or not.
2. The technical inspector shall draw up an assessment report on the expert's performance according to Form No. (2) attached with this Resolution, and shall submit the same to the Department Manager.

Article (14)

Surprise Technical Inspection

The technical inspector may, based on the Department Manager's instructions, conduct an urgent and surprise inspection on an expert or expert firm in order to verify particular incidents, acts or irregularities attributed to either of them or in relation to a particular incident, and shall draw up a report on such a task and submit the same to the Department Manager.

Article (15)

Technical Inspection Procedures

1. The technical inspector shall provide advice and guidance to the expert in the event that the former detects any observations which demonstrate that the expert is unaware of certain procedures or has unintentionally committed certain errors.
2. The expert, whose work has been inspected, shall be made aware of the observations detected by the technical inspector in order to respond to the same within fifteen (15) days following the date of notification, and before the inspector draws up and submits the final inspection report to the Department Manager.
3. The Department Manager shall present both the surprise technical inspection report and the final technical inspection report on the expert's work to the Committee in order for the latter to take any of the appropriate actions:
 - a. Send a "Thank You" letter to the committed expert against whom no negative observations are detected, and a copy of such a letter shall be kept in the expert's file;
 - b. Instruct the expert to undergo a training program to improve his performance;
 - c. Invite the expert to attend special guidance meetings for rectifying his errors;
 - d. Draw the expert's attention to the observations detected;
 - e. Send a written warning to the expert, and a copy of such a warning shall be kept in the expert's file; or
 - f. Take any other appropriate action to cover the observations recorded in the technical inspection report.

Article (16)

The Implementing Resolutions

The Minister shall issue the necessary resolutions for implementing the provisions of this resolution.

Article (17)

Repeals

The Cabinet Resolution No. (6) of 2014 concerning the Executive Regulations of Federal Law No. (7) of 2012 Regulating the Profession of Experts before the Judicial Authorities, together with all provisions that contradict or are repugnant to the provisions of this Resolution, shall hereby be repealed.

Article (18)

Publication and Entry Into Force

This Resolution shall be published in the Official Gazette and shall enter into force as on the day following its publication date.

Mohamed Bin Rashid Al Maktoum

Prime Minister

Issued by us:

On: Sha'ban 27th, 1445 H.

Corresponding to: March 8, 2024 AD.

**The Forms attached with Cabinet Resolution No. (17) of 2024
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Form No. (1): Performance Report

Expert's Name:		Type of Expert Services:	
Registration No.		Registration Date:	

Assessment Elements	Score	Performance Achieved
<p><u>First: The Expert's dealing with the Expert Services Files</u></p> <p>The total expert services reports submitted by the expert, the number of timely-completed reports, the reports submitted late by the expert and the reasons for such delay, and the levels of such reports in terms of strength and weakness.</p>	20	
<p><u>Second: Complaints filed against the expert</u></p> <p>The number of complaints filed against the expert by either litigant in relation to the cases on which final judgments have been rendered, the decisions made on such complaints by the committee, and the expert assessment findings from the perspective of the parties to the case based on the meetings, opinion polls or any other assessment tool.</p>	25	

<u>Third: The expert's commitment to professional development</u>			15	
How far the expert is committed to continuing and specialized training and qualification program plans set by the competent department, and the impact of the same on improving their performance.				
<u>Fourth: The expert's conduct</u>			15	
How far the expert is compliant with the Code of Professional Conduct and respects the norms and ethics of the expert profession				
<u>Fifth: Technical Inspection Reports</u>			25	
The average scores earned by the expert as per the reports of technical inspection on their work, and the extent of the expert's compliance with the competent department's observations and directions on performance improvement proposals.				
<u>Total scores earned by the expert</u>			100	
<u>50 Poor</u>	<u>51-60 Average</u>	<u>61-80 Good</u>	81-90 Very Good	91-100 Excellent

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Form No. (2): Technical Inspection Report

Expert's Name:		Type of Expert Services:	
Registration No.		Registration Date:	
The Court:		Case No.:	

Assessment Elements	Score	Performance Achieved
<u>First: The Procedural Aspects</u> 1. Compliance with the dates and legal procedures as to the notices, communications, attendance of the parties concerned or their legal representatives, hearing the witness statements, the organization and regularity of minutes of meetings.	15	
2. Commitment to timely submission of the expert's report after careful review of the documents and memoranda and fulfillment of the task elements according to the preliminary judgment.	5	
Total		
<u>Second: Technical Aspects</u> 1. Full understanding of the task's subject and setting the search steps from the first hearings.	10	

2. Identifying the required documents and the way of scrutinizing them and recording their contents in the minutes, and whether the content of all documents submitted by the parties is recorded in the report.	15	
3. The level of making discussions with the litigants as to the merits of the dispute in order to fulfill the task elements, conduct the inspections and hearing the witness statements.	10	
4. The extent of the expert's familiarity with the laws and resolutions that regulate the expert's work and implementation of their relevant procedures.	10	
5. The ability to conclude the facts and identify areas of dispute to eventually reach the results and true facts of the case.	10	
6. The extent of compliance with the general framework of forms set by the Department for drawing up the reports	5	
Total	60	

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Form No. (2): Technical Inspection Report

Assessment Elements			Score	Performance Achieved
<u>Third: Professional Conduct</u>			10	
1. The extent of cooperation with the experts and teamwork in the tripartite committee cases, and compliance with the professional ethics and norms.				
2. How far the expert deals properly with the litigants and parties concerned and keeps confidentiality of the information			10	
Total			20	
Total expert assessment scores			100	
50 Poor	51-60 Average	61-80 Good	81-90 Very Good	91-100 Excellent