

Cabinet Resolution No. (16) of 2024
on the Executive Regulations of Federal Decree-Law No. (20) of 2022
Regulating the Notary Profession

The Cabinet,

Having reviewed:

- The Constitution;
- Federal Law No. (1) of 1972, on the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Decree-Law No. (20) of 2022, Regulating the Notary Profession; and
- Based on the Proposal submitted by the Minister of Justice, and the Cabinet approval thereof,

Hereby resolves as follows:

Article (1)

Definitions

The definitions set forth in Federal Decree-Law No. (20) of 2022, referred to hereinabove, shall apply to this Resolution. In addition, the following words and expressions shall bear the meanings assigned thereto respectively, unless the context requires otherwise:

- Profession** : The notary profession, whether carried out by the Public Notary or the Private Notary.
- Office** : An office licensed by both the Competent Licensing Authority and the Ministry for carrying out the Profession in the State.
- Competent Licensing Authority** : The local authority or free zone authority, as the case may be, in charge of issuing the Office’s professional license.

- License** : The document issued by the Ministry, and which includes its approval for the Private Notary to carry out their duties through the Office.
- Roster** : The Private Notary registration roster.
- Institute** : The Judicial Training Institute of the Ministry of Justice.
- Decree-Law** : Federal Decree-Law No. (20) of 2022, Regulating the Notary Profession.

Article (2)

Procedures for Execution and Notarization of Documents, Contracts and Instruments

The Notary shall execute and notarize documents, contracts and instruments according to the following procedures:

1. The Person Concerned shall submit an application, as per the form designated for such purpose, for carrying out the transaction, accompanied by the documents necessary for identity verification, such as an identity card, passport or any other official document issued by the State.
2. The Notary shall verify the eligibility of the Persons Concerned and their capacities and their satisfaction with the transaction content. To that end, the Notary may use IT Means that ensure the identity verification and appearance of the Persons Concerned, such as visual communication and other means of remote communication.
3. The Persons Concerned shall sign the document, contract or instrument, subject of the transaction.
4. The Notary shall add a notarization report at the end of the document, contract or instrument to be signed and stamped by their seal and shall attached with the underlying document or contract.

5. The Concerned Person shall pay the prescribed fees, as per the applicable mechanism.
6. The original document, contract or instrument, subject of the transaction, shall be kept in the Notary's records, and the transaction shall be recorded in the Register.
7. The Person Concerned shall receive a copy of the document, contract or instrument, subject of the transaction, including the report referred to in Clause (4) above.

The Notary shall comply with the controls set forth in Article (8) of the Decree-Law, pertaining to transactions of people with special cases.

Article (3)

Administration of Oath

An oath shall be administered before the Notary according to the following procedures:

1. The Notary shall read out the instrument, subject of the oath administration, before the Persons Concerned.
2. The oath taker shall take the legal oath by saying: "I swear by Almighty God," and shall then mention the wording that relates to the content of the instrument. An oath taker may take the oath, at their request, according to the conditions prescribed in their religion.
3. The Notary shall record oath administration procedures in the report, which shall be signed by the Persons Concerned and the Notary.

Article (4)

Execution and Notarization of Affidavits

1. The Notary shall verify the eligibility of the Persons Concerned and their capacities and consent before executing and notarizing the affidavits.
2. The Public Notary shall execute and notarize the affidavits after administering oath to the Persons Concerned, as set out in Article (3) above. The administration of oath

shall be limited to verifying affidavits that the Persons Concerned desire to have them notarized.

Article (5)

Administration of Oath and Notarization of Affidavits by the Private Notary

1. The Private Notary shall have the power to administer oath and notarize affidavits, as per the following conditions and procedures:
 - a. He must submit an application to the Competent Department, as per the form designated for such purpose, for granting them the power to administer oath and notarize affidavits, accompanied by the documents specified by the Committee for such purpose;
 - b. His name must be registered in the Roster for a period of not less than three (3) years; and
 - c. He must have never been sanctioned by a disciplinary sanction for any violation of the provisions of the Decree-Law or the present Resolution throughout the three years preceding the submission of the application.
2. The Competent Department shall present the application to the Committee to decide thereon within (40) forty business days from the date of its submission, and the applicant shall be notified of the decision within ten (10) business days from the date of issuance. In the event that the Committee issues a decision of approval, it shall be recorded in the register designated for such purpose.
3. The Committee shall issue a reasoned decision rejecting the granting of the power to administer oath and notarize affidavits. Whoever has his application rejected may file a grievance to the Minister against the rejection decision within ten (10) business days from the date of being notified or of becoming aware of the decision. The decision issued by the Minister shall be final.

4. The Private Notary whom the Committee agreed to grant the power to administer oath and notarize affidavits shall stamp instruments with a special seal showing the Committee's approval number to grant such power, as set out in the register referred to in Clause (2) above, and shall comply with the same controls set out in Articles (3) and (4) above.

Article (6)

Notarizing and Recording Dates of Signatures on Unofficial instruments

1. The Notary shall:
 - a. Notarize signatures of the Persons Concerned on unofficial instruments; and
 - b. Record dates of unofficial instruments.

At the request of the Persons Concerned; provided that the underlying transaction is recorded in the Register and a report thereon is recorded and be signed by, and stamped by the seal of the Notary and be delivered to the Persons Concerned.
2. For applying Clause (1) above, the same procedures set out in Article (2) above shall be applicable.

Article (7)

Keeping Copies of Documents and Instruments

1. When exercising their duties, as set out in the Decree-Law and the present Resolution, the Notary shall keep a copy of any documents relied on when carrying out the transaction.
2. For the purposes of applying this Article, the documents referred to above mean any official documents presented by the Persons Concerned for the verification of identity, such as an identity card, passport or any other official document issued by the State, in addition to any other official documents that the Notary deems

necessary to verify the eligibility, capacities and consent by the Persons Concerned of the content of the transaction.

3. Copies of the aforesaid documents shall be kept in the register designated for such purpose, and failure to do the same shall constitute a basis to hold the Notary accountable on disciplinary grounds.

Article (8)

Official Seals and Writ of Execution Seals

1. The Ministry shall approve official seals of the Notary and writ of execution seals as regards the transactions carried out by the Notary, as follows:
 - a. The official seal of the Notary shall bear the logo of the Ministry, and shall have the following wording on the stamp “The Notary Public and Notarization Department - the Ministry of Justice”.
 - b. The writ of execution seal shall bear the following phrase:
“The competent authorities and bodies shall take necessary actions to enforce this instrument, and shall provide assistance for enforcing the same, even if by force, whenever they are requested to enforce it.”
2. The official seal of the Notary and the writ of execution seal shall be governed by the provisions of electronic seals set forth in Federal Decree Law No. (46) of 2021, on Electronic Transactions and Trust Services.

Article (9)

Procedures of Corrections in the Register

1. The Register shall be free of any scraping, deletion, addition or breaks.
2. Data recorded in the Register may only be modified in the following cases:
 - a. In case of omission in recording the data in the Register;

- b. In case of material or clerical error in any of the data recorded in the Register;
and
 - c. In case such correction, deletion or addition is necessary, as the director of the Competent Department deems appropriate in this regard.
3. The data of the Register, whether in hard or soft format, shall be corrected according to the following procedures:
- a. The competent Notary shall submit a report requesting a correction in the Register's data to the director of the Competent Department, indicating the reason for the correction, as per the cases set out in Clause (2) above;
 - b. The competent Notary shall provide the Person Concerned with a copy of the report requesting correction in the Register, after being approved by the director of the Competent Department;
 - c. The competent Notary shall take the corrective action in the Register in the presence of the Persons Concerned and shall request them to sign an acknowledgment approving the correction in the Register; and
 - d. The competent Notary shall sign the Register next to the correction of their data.
4. The above procedures shall not preclude the applicability thereof pursuant to the provisions for using the information technology means in the Notary's functions, as set forth in the Decree-Law and the provisions of Federal Decree-Law No. (46) of 2021, on Electronic Transactions and Trust Services.

Article (10)

Controls and Procedures for Correcting Instruments

1. The Notary may correct material clerical or arithmetical errors in the Instrument that the Notary detects while practicing their functions, shall notify the Persons Concerned of the correction before making it, and shall only make the correction after their approval.

2. The notary public shall correct any error that may have been made by the Persons Concerned on the data and information recorded in the Instrument, at the request of the Persons Concerned or their legal representatives, in accordance with the following procedures and controls:
 - a. The Persons Concerned shall send the correction application on the electronic system to the Notary who conducted the transaction, the person acting on his own behalf or the Department Director, as the case may be.
 - b. The Notary shall verify the nature of a material error and its place in the Instrument to assess how possible to be modified.
 - c. If the correction is found possible, the Notary shall record the data or information in the Instrument, subject of the transaction.
 - d. The Notary shall send the corrected Instrument to the Persons Concerned via the electronic system, after paying the fee prescribed for the correction.

Article (11)

Obtaining a Copy of Instruments Retained in the Notary's Files

The Persons Concerned may obtain a copy of any of their Instruments retained in the Notary's files or recorded in the Register, in accordance with the following procedures:

1. The Persons Concerned shall submit an application to the Competent Department on the form designated for such purpose, accompanied by the documents that identify their capacities and the transaction number for which a copy of the Instrument papers or the data recorded in the Register are required.
2. The Competent Department shall review the application to verify the applicant's capacity and that the applied Instrument belongs to the applicant.
3. The Department shall send a copy of the required papers to the Persons Concerned after the prescribed fee is paid, as per the applicable mechanism.

Article (12)

Conditions for Registration of the Private Notary in the Roster

In order for a person to be registered in the Roster, he must:

1. Be a citizen of the State;
2. Be fully capacitated and medically fit;
3. Be of good conduct and behavior, and never been convicted of a felony or misdemeanor that involves moral turpitude or breach of trust, even if he has been rehabilitated;
4. Hold a degree in law or Sharia and law from a university or higher institute recognized in the State, or the equivalent degree; and
5. Have previously worked for a period of not less than three (3) years in the judiciary, the Public Prosecution, the Department of Legislation and State Litigation, teaching of law or Sharia and law at a university or higher institute recognized in the State, the Notary Public, the legal profession, legal departments of ministries or government authorities, private legal persons or other legal professions equivalent to the judiciary and the Public Prosecution, as determined by the Committee, including:
 - a. Legal officers of the military judiciary, courts or Military Prosecution/ Armed Forces;
 - b. Members of the Police Judicial Council/Ministry of Interior;
 - c. Legal advisors and researchers serving at federal or local government authorities; and
 - d. Legal advisors of commercial companies, public-benefit associations and private organizations;
6. Provide a valid professional liability insurance policy issued by an insurance company licensed to operate in the State, as per the controls determined by the Minister;
7. Have not been previously removed from the Roster, unless three years have elapsed since the date of issuance of the decision or judgment;

8. Successfully pass the training program and tests prescribed by the Institute;
9. Practice the Profession through a decent and appropriate Office; and
10. Pay the prescribed fees.

Article (13)

Data of Registration in Private Notary Roster

The Private Notary's Roster must include the following information:

1. The Private Notary's name, date of birth, academic degree and date of award, practical experience and contact details;
2. Registration number and date in the Roster;
3. Registration expiration date;
4. Office name and address and any modification thereto, and name of the Office director;
5. The Private Notary's specimen signature;
6. Complaints filed against the Private Notary, actions taken thereon, violations committed and the penalties imposed on the Notary;
7. Data of professional liability insurance policy; and
8. Any other data that the Committee decides to add to the Roster.

Article (14)

Procedures of Registration in the Private Notary's Roster

The registration in the Roster shall be made according to the following procedures:

1. An application for registration in the Roster shall be submitted to the Competent Department, as per the form designated for such purpose, accompanied by the following documents:
 - a. A copy of the applicant's ID card or passport;

- b. A copy of the applicant's academic degree, issued by a recognized university or higher institute, duly attested by the competent authority in the State;
 - c. A certificate of good conduct for the applicant issued by the competent authority in the State;
 - d. A copy of the applicant's practical experience certificate;
 - e. A medical fitness certificate of the registration applicant, issued by the competent authority in the State;
 - f. A statement of the Office through which the applicant will carry out their duties; and
 - g. A proof that the applicant has successfully passed the training program and the tests prescribed by the Institute.
2. The Competent Department shall record the registration application in a list prepared for such purpose, and the registration applicant shall be given notice for submitting their application.
3. The Department shall refer the registration applications that have fulfilled the documents set out in Clause (1) above to the Committee, within (40) business days from the date of submitting the application, to examine them and verify that they meet all necessary conditions and documents in this regard.
4. The Committee shall issue its decision on the application of registration in the Roster, within (40) forty business days from the referral date, and the application shall be deemed rejected upon the lapse of the above time limit without issuing a decision on the application.
5. If the Committee approves the application for registration in the Roster, the registration applicant shall do as follows to complete the procedures of their registration:
 - a. Paying the fee prescribed for the registration;
 - b. Submitting a duly certified copy of the Office lease agreement or certificate of title for the Office through which he will practice their Profession, or a

statement of the address of the Office through which he will conduct their business.

- c. Providing a valid professional liability insurance policy, issued by an insurance company licensed to operate in the State.

Article (15)

Private Notary Term of Registration in the Roster

1. The Private Notary shall be registered in the Roster for (3) three years, renewable for similar terms, at their request.
2. The Private Notary shall submit a renewal application at least (20) twenty business days prior to the expiry of their registration, accompanied by a document proving the update and development of their skills in the area of Notary Public over the past three years, whether through training courses or scientific and practical participations in symposiums, conferences or other areas that indicate the update of such skills, which area organized by the Judicial Training Institute.
3. The Private Notary delay in renewing their registration for (70) seventy business day following the expiry thereof, without an excuse acceptable to the Committee, shall entail the removal of their registration from the Roster.

Article (16)

Deregistration in the Roster

1. The Private Notary's name shall be removed from the Roster by decision of the Committee in any of the following cases:
 - a. Death;
 - b. Upon a written application from the Private Notary;
 - c. Failure to renew the registration after (70) seventy business days from the expiration thereof without an excuse acceptable to the Committee; and

- d. One of the license terms, as set out in the Decree-Law and this Resolution, has been lost.
2. The Private Notary shall be removed from the Roster by a decision issued by the Committee, based on any of the following cases:
 - a. A court ruling of conviction is rendered on a crime involving moral turpitude or breach of trust; or
 - b. A decision is issued by the Disciplinary Board to remove their name from the Roster.
3. Upon the deregistration of the Private Notary from the Roster, he shall hand over the official seals, records and files to the Department.
4. The Department shall receive official seals, records and files in the event of the death of the Private Notary, in accordance with the procedures defined by a decision of the Minister.

Article (17)

Temporary Cessation of Practicing the Profession

1. The Committee may, based on an application submitted thereto by the Private Notary if the latter suffers an accident or an impediment that would preclude them from practicing the Profession, or for any other reason accepted by the Committee, authorize them for a specific period to cease to practice their functions; provided that they submit an undertaking that there are no obligations on the Office arising from such application, without prejudice to the interests of the Persons Concerned, and after the prescribed fee is paid.
2. The Private Notary may request to resume their duties, and the Committee may authorize them to do the same after verifying that the reason preventing them from performing their functions no longer exists, and after the prescribed fee is paid.

Article (18)

Controls for the Notary's Movement Outside the Office

1. The Public Notary may only move outside their office to conduct any transaction set forth in the Decree-Law in the following cases:
 - a. The transaction must be related to a Muslim woman who is unable to leave the marital home during the Sharia waiting period of *Iddah*;
 - b. The transaction must be related to a person with disability who is unable to appear before the Public Notary due to their disability;
 - c. The transaction must be related to a patient who is unable to appear before the public notary due to their medical condition; and
 - d. Any other special case or emergency circumstances determined by the director of the Competent Department or his representative.
2. When practicing the Profession, the Private Notary may conduct any transaction stipulated under the Decree-Law outside their Office whenever he deems it necessary in view of the nature of the transaction or the condition of the Person Concerned, taking into account the applicability of the provisions of the disciplinary liability in the event that he unjustifiably violates the prohibition stipulated in this Article.

Article (19)

Licensing Terms of the Office

1. The Private Notary shall practice their duties through an Office licensed for this purpose or through a licensed law firm.
2. In order to obtain the Office license, the following conditions must be fulfilled:
 - a. The owner or tenant of the Office required to be licensed must be registered in the Roster as a Private Notary;

- b. His Office must be suitable for receiving clients or visitors and carrying out the duties of a Notary, and must be equipped with the facilities and supplies specified by the Competent Department;
- c. Must have a valid professional license from the relevant Licensing Authority in the State;
- d. Must be equipped with office equipment and electronic devices, including an electronic information system and information technology means necessary to practice as a Private Notary, as decided by the Competent Department;
- e. The Private Notary's professional liability insurance contract must be valid throughout the license term; and
- f. Paying the prescribed license fee.

Article (20)

Procedures for Issuing the Office License

The Office license shall be issued according to the following procedures:

1. The license application shall be submitted to the Competent Department, as per the form designated for such purpose, accompanied by the following documents:
 - a. A copy of the ID card or passport of the license applicant; and
 - b. A copy of proof of registration of the Private Notary, the owner of the Office whose license is required.
2. The Competent Department shall record the License application in a list designated for such purpose, and the License applicant shall be given a notice of submitting their application.
3. The Competent Department shall refer the License application to the Committee to examine it and decide whether or not to grant the initial approval, within (10) ten business days from the date of submitting the application that fulfils the conditions, requirements and documents. To that end, the Committee may request any other documents it deems necessary.

4. The License applicant shall complete the professional License procedures of the Office with the competent Licensing Authority in the State, and shall complete the conditions and requirements for obtaining the License within a time limit not exceeding (70) seventy business days, as of the date of being granted the initial approval.
5. The Competent Department shall conduct an on-site inspection and examination of the Office required to be licensed, in order to ensure that all requirements for obtaining the license are fulfilled, and it may take any of the following actions:
 - a. Making a recommendation to the Committee to grant the License to the applicant if he fulfils all requirements necessary to practice as a Private Notary.
 - b. Granting the applicant an additional period not exceeding fifty (50) business days to fulfill or complete the requirements for obtaining the License. If the applicant fails to do so, the Committee shall be recommended to revoke the initial approval granted to the applicant, and to notify the competent Licensing Authority to revoke the professional license granted to them.
6. The Competent Department shall present the application to the Committee to decide thereon within (40) forty business days from the date of its submission, and the applicant shall be notified of the decision within (10) ten business days from the date of its issuance. In the event that the Committee issues a decision approving the License application, the License applicant shall be ordered to pay the prescribed fee.

Article (21)

Term of the Office License and Renewal

1. The License term shall be one year, renewable for similar terms, based on an application to be submitted by the person having the capacity.
2. The License renewal application shall be submitted at least twenty (20) business days prior to the expiry of the License term.

3. The notary public service may not be provided through the Office after the License term thereof expires.
4. The Competent Department shall notify the competent Licensing Authority to revoke the Office's license in any of the following cases:
 - a. In case the License renewal application is rejected; and
 - b. If the Office fails to renew the License within seventy (70) business days from the date of its expiration without an excuse acceptable to the Committee.

Article (22)

Controls of the Office Management

While managing the Office, a licensed Notary shall:

1. Place the registration certificate and the license at a clearly visible place easily accessible by the public;
2. Create a record to draw up and record transactions, as decided by the Competent Department;
3. Maintain files ordered by date for the original copies of Instruments drawn up, documented or their date is recorded by the Notary, or any other transaction;
4. Provide a periodic report to the Competent Department on transactions conducted and a copy of transactions drawn up, documented or registered by the Notary, and any other transactions carried out by the Notary pursuant to the provisions of the Decree-Law and the present Resolution, as decided by the Competent Department;
5. Notify the Competent Department of the Private Notaries who work with the Notary at the Office and any change that occurs to them, within (10) ten business days of the change, to take actions it deems appropriate in this regard;
6. Notify the Competent Department of every amendment or change that occurs to the data of the professional License issued by the competent Licensing Authority in the State to the Notary, or any other statement on the Office, within (20) twenty

business days from the date of the change, in order to take the actions it deems appropriate in this regard;

7. Maintain a special record in which data of transactions completed by the Notary and their date and names of the parties thereto are recorded for the period determined by the Competent Department;
8. The registration of all Private Notaries working at the Office must be valid, and must be working thereat on a full-time basis;
9. Place a sign at a visible place at the Office stating the fees charged for services provided by the Office and the fees the Notary charges for each transaction, in both Arabic and English;
10. Represent the Office before the Ministry; and
11. Not advertise oneself by any means of advertising in a way inconsistent with the traditions of the Notary Profession, or seek to do so by means of advertising or inducement using mediators. In all cases, prior permission from the Committee of the means of advertising shall be required.

Article (23)

Practicing the Profession through a Licensed Law Firm

If the Private Notary practices notarial duties through a licensed law firm, the following controls shall apply:

1. The law firm's license must be valid;
2. A special and separate part of the law firm must be allocated to the private notary;
and
3. The activity of practicing the Profession of Notary Public must be included in the license issued by the competent authorities to the law firm.

Article (24)

Functions of the Committee

1. The Committee shall:
 - a. Examine and decide on applications for licensing and renewing the License of the Private Notary, and applications for the revocation of the license and cessation of business, and shall decide thereon;
 - b. Examine and decide on applications for transferring the Private Notary from one Office to another;
 - c. Consider acts committed by the Private Notary in violation of the provisions of the Decree-Law and the present Resolution, as referred to it by the Competent Department;
 - d. Examine complaints filed against the Private Notary or the Office, in order to decide either to file or refer them to the Public Prosecution;
 - e. Decide on applications for administering oath and notarizing affidavits by the Private Notary;
 - f. Supervise the Roster;
 - g. Decide on applications for registration of practicing lawyers to practice as a Private Notary;
 - h. Decide on the Office licensing applications;
 - i. Develop training programs that the Private Notary is required to attend; and
 - j. Any other functions assigned under the Decree-Law or the present Resolution.
2. The Committee shall decide on any of the applications referred to in Paragraphs (a), (g) and (h) of Clause (1) above within (40) forty business days from the date of its submission, and the applicant shall be notified of the decision within (10) ten business days from the date of issuance.
3. The Committee shall issue its decisions rejecting any of the applications referred to in Paragraphs (a), (g) and (h) of Clause (1) above reasoned. A person whose application

is rejected may challenge the Committee's decision of rejection before the competent court, within (10) ten business days from the date of being notified of the decision or the lapse of the time limit for deciding on the application without a response, and its ruling in this case shall be final.

Article (25)

Supervision of the Competent Department over the Notary's Functions

1. The Competent Department shall supervise the Notary's functions, and their functions shall be subject to administrative and technical inspection by it on an annual and unscheduled periodic basis or whenever required by exercising the following powers and procedures:
 - a. Supervising the progress of administrative and technical work and verifying its regularity;
 - b. Inspecting the work of the Notary and collecting data that leads to knowing the degree of their competence and keenness to perform the duties and requirements of their work;
 - c. Monitoring, examining and reviewing all types of transactions carried out by the Notary and verifying their compliance with their administrative and technical duties.
 - d. Examining records of the Notary.
 - e. Inspecting the validity and integrity of procedures for notarizing, drawing up or recording the date of private documents and any other transactions within their competence, pursuant to the provisions of the Decree-Law or any other legislation in force.

- f. Verifying whether the Notary is aware and familiar with the legislation and decisions related to their work, in particular the obligations and prohibitions of the Notary.
 - g. Verifying whether the Notary complies with the professional norms and ethics and guideline that he is required to follow.
 - h. Any other functions or competences entrusted by the committee to it.
2. The Competent Department shall submit reports on the results of the administrative and technical inspection of the Private Notary to the Committee to consider them, in accordance with its powers set forth in the Decree-Law and the present Resolution.

Article (26)

Executive Resolutions

The Minister shall issue the resolutions necessary for executing the provisions of the present Resolution.

Article (27)

Repeals

Cabinet Resolution No. (39) of 2014, on the Executive Regulations of Federal Law No. (4) of 2013, Regulating the Notary Profession, and any provision repugnant to, or in conflict with, the provisions of this Resolution, shall hereby be repealed.

Article (28)

Publication and Entry into Force

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

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by Us:

On: Sha'ban 27th, 1445 H.

Corresponding to: March 8th, 2024 AD.