



LAW ON THE APPLICATION OF CIVIL AND COMMERCIAL LAWS IN THE DIFC

DIFC LAW NO. 3 OF 2004

Consolidated Version
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As amended by
DIFC Laws Amendment Law
DIFC Law No. 2 of 2022

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PART 1: GENERAL

1. Title

This Law may be cited as the “Law on the Application of Civil and Commercial Laws in the DIFC 2004.”

2. Legislative Authority

This Law is made by the Ruler of Dubai.

3. Application of the Law

This Law applies in the jurisdiction of the Dubai International Financial Centre.

4. Date of enactment

This Law is enacted on the date specified in the Enactment Notice in respect of this Law.

5. Commencement

This Law comes into force on the date specified in the Enactment Notice in respect of this Law.

6. Interpretation

Schedule 1 contains a list of defined terms used in this Law.

7. The objectives of this Law

The objectives of this Law are to:

- (a) provide certainty as to the rights, liabilities and obligations of persons in relation to civil and commercial matters arising in the DIFC; and
- (b) allow persons to adopt the laws of another jurisdiction in relation to civil and commercial matters arising within the DIFC.

PART 2: APPLICATION OF LAWS

8. Application

- (1) Since by virtue of Article 3 of Federal Law No.8 of 2004, DIFC Law is able to apply in the DIFC notwithstanding any Federal Law on civil or commercial matters, the rights and liabilities between persons in any civil or commercial matter are to be determined according to the laws for the time being in force in the Jurisdiction chosen in accordance with paragraph (2).
- (2) The relevant jurisdiction is to be the one first ascertained under the following paragraphs:
 - (a) so far as there is a regulatory content, the DIFC Law or any other law in force in the DIFC; failing which,
 - (b) the law of any Jurisdiction other than that of the DIFC expressly chosen by any DIFC Law; failing which,
 - (c) the laws of a Jurisdiction as agreed between all the relevant persons concerned in the matter; failing which,
 - (d) the laws of any Jurisdiction which appears to the Court or Arbitrator to be the one most closely related to the facts of and the persons concerned in the matter; failing which,
 - (e) the laws of England and Wales.

9. Submission to jurisdiction

- (1) The Court shall determine any matter before it in accordance with the laws that may apply by virtue of Article 8.
- (2) An Arbitrator shall determine any matter before him in accordance with the laws that may apply by virtue of Article 8.

**SCHEDULE 1
INTERPRETATION**

1. Rules of interpretation

- (1) In the Law, a reference to:
 - (a) a statutory provision includes a reference to the statutory provision as amended or re-enacted from time to time;
 - (b) a person includes any natural person, body corporate or body unincorporate, including a company, partnership, unincorporated association, government or state;
 - (c) an obligation to publish or cause to be published a particular document shall, unless expressly provided otherwise in the Law, include publishing or causing to be published in printed or electronic form;
 - (d) a day shall refer to a business day, being a calendar day, excluding Saturdays, Sundays and official public holidays;
 - (e) a calendar year shall mean a year of the Gregorian calendar;
 - (f) a reference to the masculine gender includes the feminine.
- (2) The headings in the Law shall not affect its interpretation.
- (3) References in this Law to a body corporate include a body corporate incorporated outside DIFC.
- (4) A reference in this Law to a Part, Article or Schedule by number only, and without further identification, is a reference to the Part, Article or Schedule of that number in this Law.
- (5) A reference in an Article or other division of this Law to a paragraph, sub-paragraph or Article by number or letter only, and without further identification, is a reference to the paragraph, sub-paragraph or Article of that number or letter contained in the Article or other division of this Law in which that reference occurs.
- (6) Unless the context otherwise requires, where this Law refers to an enactment, the reference is to that enactment as amended from time to time, and includes a reference to that enactment as extended or applied by or under another enactment, including any other provision of that enactment.
- (7) References to this Law to a writing, filing, instrument or certificate include any mode of communication that preserves a record of the information contained therein and is capable of being reproduced in tangible form, including electronic means.

LAW ON THE APPLICATION OF CIVIL AND COMMERCIAL LAWS IN THE DIFC

2. Legislation in the DIFC

References to legislation and Guidance in the Law shall be construed in accordance with the following provisions:

- (a) Federal Law is law made by the federal government of the United Arab Emirates;
- (b) Dubai Law is law made by the Ruler, as applicable in the Emirate of Dubai;
- (c) DIFC Law is law made by the Ruler (including, by way of example, the Law), as applicable in the DIFC; and
- (d) the Law is the Application of Civil and Commercial Law, DIFC Law No.3 of 2004 made by the Ruler.

3. Defined Terms

In the Law, unless the context indicates otherwise, the defined terms listed below shall have the corresponding meanings.

Terms	Definitions
Arbitrator	an Arbitrator appointed by the parties for the purpose of arbitrating matters between the parties.
Company	a Company incorporated under the Companies Law.
Court	the DIFC Court as established under Dubai Law.
DIFC	the Dubai International Financial Centre.
Jurisdiction	any jurisdiction in any country for the time being recognised by the UAE.
Law	the Law on the Application of Civil and Commercial Law 2004.
person	has the meaning given in Article 1 of Schedule 1 of the Law.
Ruler	the ruler of the Emirate of Dubai.
Schedule	a schedule to the Law.