



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

DIFC LAW NO. [6] OF 2024

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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) assist in the development of the non-statutory law of the DIFC through decisions of the DIFC Courts; and

~~(b)~~(c) 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~~**

**8. Choice of applicable law**

- (1) Since by virtue of Article 3 of Federal Law No. 8 of 2004, DIFC ~~Law~~ 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~~ any applicable DIFC Statute; failing which,
  - (b) the law of any Jurisdiction other than that of the DIFC expressly chosen by any DIFC ~~Law~~ Statute; 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 DIFC 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.~~

**8A. Content of DIFC law**

- (1) The following provisions apply where DIFC law is the law applicable to a civil or commercial matter pursuant to Article 8 above.
- (2) The content of DIFC law shall be determined by any applicable DIFC Statute, and any DIFC Court judgments interpreting and applying the applicable DIFC Statute in a manner consistent with this Law.
- (3) Where a doctrine, cause of action, defence or remedy exists under the common law of England and Wales (including the principles and rules of equity) but has not been expressly incorporated into DIFC law by a DIFC Statute, the DIFC Courts may, if appropriate in the circumstances, find that the doctrine, cause of action, defence or remedy exists in DIFC law, subject to such modification or development as those circumstances require.
- (4) A finding under Article 8A(3) is:
  - (a) subject to DIFC Statutes enacted before or after this Law, which are to prevail to the extent of any conflict or inconsistency; and
  - (b) not permitted where the doctrine, cause of action, defence or remedy from the common law of England and Wales has been expressly or impliedly excluded by a DIFC Statute.

**8B. Interpretation of DIFC Statutes**

- (1) The interpretation of DIFC Statutes may be guided by the principles developed in respect of analogous laws in established common law jurisdictions.

- (2) Article 8B(1) applies to all DIFC Statutes, regardless of whether the relevant DIFC Statute is based on an international model law or another non-common law source.
- (3) If a DIFC Statute is based on an international model law, its interpretation may also be guided by international jurisprudence interpreting and applying the international model law, as well as interpretative aids and commentary published by international bodies regarding the international model law.

**9. Submission to jurisdiction**

- (1) The DIFC 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~~them 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; and
- ~~(c) DIFC Law is law made by the Ruler (including, by way of example, the Law), as applicable in the DIFC; and~~
- ~~(d)~~(c) 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.
<del>Court</del>	<del>the DIFC Court as established under Dubai Law.</del>
DIFC	the Dubai International Financial Centre.
<u>DIFC Bodies</u>	<u>the bodies established pursuant to Article (3) of Law No. 9 of 2004 concerning the Dubai International Financial Centre (as amended) and any other body established pursuant to a DIFC Statute.</u>
<u>DIFC Court</u>	<u>the DIFC Court of First Instance and the DIFC Court of Appeal.</u>
<u>DIFC law</u>	<u>the law of the DIFC as established by DIFC Statute and the decisions of the DIFC Courts.</u>
<u>DIFC Statute</u>	<u>Laws, Regulations, Rules and other written forms of law made by the Ruler or by DIFC Bodies, as applicable in the DIFC.</u>
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.