

# Annex B

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# Format for providing public comments to DIFCA on Consultation Paper No. 1 of 2024

# Proposed Amendments to the Law on the Application of Civil and Commercial Laws in the DIFC

# (the “Proposed Legislation”)

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| Note 1: DIFCA reserves the right to publish, including on its website, any comments you provide. However, if you wish to remain anonymous, you must expressly request at the time of making comments that this should be the case. Note 2: The second column, ‘comments on proposed policy’ relates to the policy explained in the Consultation Paper paragraphs specified. The third column, ‘comments on legislation’ refers to the draft legislation reflecting the proposed policy.Note 3: It is possible that you may not have any comments, either on the proposed policy or draft legislation, or may have comments on one and not the other. You may leave a blank column if you either agree to the proposed position, or you have no concerns relating it. Note 4: If there are any ambiguities relating to the proposed policy or draft legislation, you may raise those in your comments. |

| **Name of individual / entity providing comments:** |  |
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| No.  | Comments on proposed policy | Comments on legislation |
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| Proposed Legislation |
| Q1: Article 8A(3) allows the DIFC Courts, if appropriate in the circumstances, to modify or develop a doctrine, cause of action, defence or remedy that exists under English common law (but that has not been expressly incorporated into DIFC Law by DIFC Statute). See paragraph 28 of this Consultation Paper for further reference. Do you agree that it is sufficiently clear that in exercising its modification/development power, the DIFC Courts may have reference to other common law jurisdictions? If not, please provide details |
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| Q2: Do you have any comments, proposed amendments or other suggestions in respect of the Proposed Legislation? |
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| Q3: Are there any issues not included in the Proposed Legislation, which warrant attention on this topic? If so, what are they, and why, and how should they be addressed? |
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| Q4: If you do not agree with the approach set out in the Proposed Legislation (either in relation to the Source of Law Issue or the Interpretation issue, or both) what alternative approach would you suggest to dealing with the matters raised by Industrial Group? |
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| Q5: Can you identify any ‘gaps’ in DIFC law that are not covered by a DIFC Statute, and which would require the importation of a common law doctrine, cause of action, defence and/or remedy to address? |
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| Other or general comments |
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