



CONSULTATION PAPER NO. 3

30 October 2025

**PROPOSED AMENDMENT TO REAL
PROPERTY LAW
AND REGULATIONS**

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**PROPOSED AMENDMENTS TO THE REAL PROPERTY LAW NO.10 OF 2018
AND THE REAL PROPERTY REGULATIONS**

Why is DIFCA issuing this paper?

1. The Dubai International Financial Centre Authority ("**DIFCA**") proposes to enact an amendments to the Real Property Law No. 10 of 2018 ("**Real Property Law**") and the Real Property Regulations ("**Real Property Regulations**"). This Consultation Paper 3 of 2025 ("**Consultation Paper**") seeks public comments on the proposed amendments to the Real Property Law made through a Real Property Law Amendment Law ("**Amendment Law**") and the Real Property Regulations ("**Amendment Regulations**").

Who should read this paper?

2. This Consultation Paper would be of interest to persons purchasing or intending to purchase a property in the DIFC, contractors, parties entering into Leases and their respective legal advisers within the DIFC.
3. DIFCA invites interested parties to provide their views and comments on the issues outlined in the Consultation Paper, using the table of comments provided in Annex C.

How to provide comments

4. All comments should be provided to the person specified below:

Jacques Visser
Chief Legal Officer
DIFC Authority
Level 14, The Gate, P. O. Box 74777
Dubai, United Arab Emirates
or e-mailed to: consultation@difc.ae

5. You may choose to identify the organisation you represent in your comments.
6. DIFCA reserves the right to publish, on its website or elsewhere, any comments you provide, unless you expressly request otherwise at the time the comments are made.

What happens next?

7. The deadline for providing comments on the proposals in this Consultation Paper is 28 November 2025.

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8. Once DIFCA receives your comments, DIFCA will consider if any further amendments are required to the Amendment Law and the Amendment Regulations annexed to this Consultation Paper at Annexes A and B, respectively. Once DIFCA considers the Amendment Law and the Amendment Regulations to be in a suitable form, they will be enacted as amendments to the Real Property Law and the Real Property Regulations to come into force on a date specified and published.
9. The Amendment Law and the Amendment Regulations are in draft form only. You should not act on them until the Amendment Law and the Amendment Regulations are formally enacted. DIFCA will issue a notice on its website when this happens.

Defined terms

10. Terms identified throughout this paper by the capitalisation of the initial letter of a word not specifically defined in the Consultation Paper are to be interpreted as having the definition provided in the Amendment Law and Amendment Regulations. Unless the context otherwise requires, where capitalisation of the initial letter is not used, the expression has its natural meaning.

Key changes proposed

11. The key aspects of the proposed changes in the Amendment Law and Amendment Regulations include:
 - (a) introducing a general waiver for the Registrar of Real Property (the “**RORP**”) to waive specific requirements under the Real Property Law and the Real Property Regulations in certain circumstances;
 - (b) increasing the period to Register a Lease with the RORP from 30 days to 45 days;
 - (c) imposing a liability of defect rectification on Contractors towards Developers for construction defects in new buildings;
 - (d) increasing the date to pay the Freehold Transfer Fee for Off Plan Sales from 30 days to 60 days;
 - (e) introducing a penalty of \$100 for failure to Register a Lease (in accordance with Article 49(1) of the Law) at Regulation 5.3 of the Real Property Regulations and removing this default from the applicability of the general \$1000 penalty referred to in Regulation 5.3 of the Real Property Regulations; and

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- (f) removing the application for lapsing a Caveat and associated fee from Appendix 1 of the Real Property Regulations.

General waiver for the Registrar of Real Property

- 12. Currently, there is no general power in the Real Property Law for the RORP to waive specific requirements under the Real Property Law or the Real Property Regulations. This may be desirable in certain circumstances where the RORP considers it equitable or necessary to exercise such power. An example of this can be where it is the obligation of a party under the Real Property Law or Real Property Regulations to perform an act but such party is delayed or prevented from doing so by a third party, or in other extenuating circumstances. To address such circumstances, DIFCA proposes to introduce a general right of waiver in the Amendment Law to allow the RORP to waive penalties, conditions or related consequences in situations that the RORP deems appropriate. DIFCA is of the view that the use of this waiver at the RORP's discretion could avoid issues where penalties automatically accrue against a particular default, producing inequitable results.

Q1. Do you agree that the RORP should have this general waiver? Are there any conditions that you think should apply to the RORP's general power of waiver? Please provide details.

Q2. Do you have any further comments in this regard that you would like to be taken into consideration?

Amending the period to register a Lease

- 13. The period to Register a Lease, as outlined in Articles 49(1) and 49(3) of the Real Property Law, was amended in the Real Property Law Amendment Law DIFC Law No. 9 of 2024 from 20 days to 30 days. Upon receiving feedback from tenants post-enactment of the 2024 amendments, DIFCA proposes to further extend the Registration period from 30 days to 45 days. This change is proposed to ensure that Lessors have sufficient time to complete the Lease Registration process and pay the Lease Registration fee on time.

Q3. Do you have any comments with regards to the extension of the Lease Registration timeline?

Extending the construction defect rectification obligations to Contractors

- 14. Currently Article 162 of the Real Property Law deals with the construction defect rectification obligations of Developers in the DIFC towards Purchasers. Article 162(1) specifies a defects

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liability period of one (1) year and Article 162(2) imposes a ten (10) year structural liability period. Article 162(3) deals with the obligation to rectify the defects notified under the Articles referred to above. These changes were introduced in the Real Property Law in 2018, with the one (1) year defects liability period specifically designed to mirror the onshore Dubai position under Article 40 of Dubai Law No. 6 of 2019 on the Ownership of Jointly Owned Properties in the Emirate of Dubai.

15. DIFCA proposes to introduce a ten (10) year structural liability period and rectification obligations in the Amendment Law to apply between Contractors and Developers. This proposed provision extracts this element of the onshore position under Article 880 of Federal Law No. 5/1985 On the Civil Transactions Law of the United Arab Emirates State (the “**UAE Civil Code**”) where there is a statutory ten (10) year liability for construction defects on a Contractor towards a Developer. We believe that not all Developers may be aware that this provision of the UAE Civil Code does not apply within the DIFC and to date this liability has needed to be introduced by way of contract.

Q4. Do you agree with DIFCA’s proposal to extract elements of the onshore position in this regard?

Q5. Do you have any further comments in this regard that you would like to be taken into consideration?

Amending the date to pay the Freehold Transfer Fee

16. The period to Register an Off Plan Sale in the Off Plan Register was increased from 30 days to 60 days in the Real Property Law Amendment Law DIFC Law No. 9 of 2024. A corresponding amendment to the period within which purchasers need to pay the Freehold Transfer Fee in Regulation 1.3.1 (a) of the Real Property Regulations is proposed to align the Real Property Regulations with the Real Property Law in this regard, i.e. increasing the period from 30 days to 60 days. A corresponding, clarificatory amendment is proposed to paragraph 5.6 of Appendix 2 of the Real Property Regulations.

Q6. Do you have any comments with regards to the extension of the Freehold Transfer Fee Payment Date timeline?

Penalty for failure to Register a Lease

17. Pursuant to Article 172 of the Real Property Law and Regulation 5.3 of the Real Property Regulations a penalty of \$1,000 may be levied by the RORP for any contraventions of the Real

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Property Law and Real Property Regulations. The feedback DIFCA has received from the RORP and from Lessors is that the current penalty of \$1,000 is too high for a failure to Register a Lease within the specified timeline. DIFCA agrees and therefore proposes to introduce a penalty of \$100 for failing to Register a Lease in Regulation 5.3 of the Real Property Regulations and removing this contravention from the remit of the general penalty of \$1,000.

Q7. Do you agree with the introduction of a separate penalty for failing to Register a Lease and removing this default from the generic statutory penalty? If not, please provide details.

Removing the application for lapsing of a Caveat and associated fee

18. Appendix 1 of the Real Property Regulations lists the fee of \$545 for making an application for the lapsing of a Caveat. The right to lapse a Caveat was removed from the Real Property Law pursuant to the amendments made in the Real Property Law No. 10 of 2018 but the corresponding fee was not removed. A Caveat lapses automatically if a Caveator fails to prove the Caveat, either by Court process or from the lack of a response to a notice from the Caveatee. In view of this, DIFCA recommends removing these provisions and the associated fee from Appendix 1 of the Real Property Regulations.

Q8. Do you have comments with regards to this proposed amendment?

Legislative Proposal

19. This legislative proposal contains the following:
- (a) the Amendment Law (at Annex A);
 - (b) the Proposed Regulations (at Annex B); and
 - (c) a table of comments to provide your views and comments on the consultation paper (at Annex C).