



# FAMILY ARRANGEMENTS REGULATIONS

In force on 31 January 2023

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# FAMILY ARRANGEMENTS REGULATIONS

The Board of Directors of DIFCA, in the exercise of the powers conferred on them by:

- (a) Article 151 of the Companies Law No. 5 of 2018;
- (b) Article 9 of the Foundations Law No. 3 of 2018;
- (c) Article 58 of the General Partnership Law No. 11 of 2004;
- (d) Article 57 of the Limited Partnership Law No. 4 of 2006;
- (e) Article 42 of the Limited Liability Partnership Law No. 5 of 2004; and
- (f) Article 46 of the Operating Law No.7 of 2018,

hereby make these Regulations.

## 1. INTRODUCTION

### 1.1 Title, repeal and transitional arrangements

1.1.1 These Regulations may be cited as the “Family Arrangements Regulations 2023”.

1.1.2 These Regulations repeal and replace the Single Family Office Regulations (SFO Regulations) issued by the Board of Directors of the DIFCA on 27 December 2011 (the “Previous Regulations”) as they were in force immediately prior to the commencement of these Regulations.

1.1.3 Except where otherwise provided in these Regulations, anything done or omitted to be done pursuant to or for the purposes of the Previous Regulations is deemed to be done or omitted pursuant to or for the purposes of these Regulations.

1.1.4 A Single Family Office established under the Previous Regulations shall, on the Commencement Date:

- (a) automatically be subject to a change in its status to become a Family Office under these Regulations;
- (b) have a period of one (1) year from the Commencement Date to:
  - (i) comply with the requirements of these Regulations, inclusive of the Minimum Net Asset Requirement in Regulation 4.1.2(c), failing which the Registrar shall be entitled to revoke its status as a Family Office pursuant to Regulation 4.5; and
  - (ii) withdraw its registration as a DNFBP with the DFSA in accordance with the requirements of Rule 15.2.1 of the AML Module in the manner prescribed by the DFSA.

1.1.5 A Family Entity or Family Office whose shareholders, interest holders, directors or officers appear on the Public Register on the Commencement Date may, upon application and payment of the prescribed fees in Appendix 2, request the Registrar to remove their details from the Public Register and place them on the Private Register pursuant to the provisions of Regulation 7.2.1.

### 1.2 Application and interpretation

1.2.1 These Regulations apply to:

- (a) every Registered Person who falls within the definition of a Family Business, Family Entity, Family Office or forms part of a Family Structure;
- (b) every person applying for the incorporation, continuation, registration or certification of a Family Business, a Family Entity, a Family Office or any part of a Family Structure in the DIFC;
- (c) every person who seeks to be, or is, accredited as an Accredited Adviser in accordance with these Regulations; and

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- (d) the Registrar.
- 1.2.2 These Regulations fall under the definition of ‘Legislation administered by the Registrar’ for purposes of the Operating Law.
- 1.2.3 In so far as the Family Business Law makes reference to, requires or allows for a local or concerned authority to be responsible in a free zone to administer any part of the Family Business Law locally in an Emirate or in a free zone, or to keep a special register of a Family Business locally in an Emirate or in a free zone in accordance with the requirements of the Family Business Law, the Registrar shall be the competent authority or concerned authority for the DIFC.
- 1.2.4 To the extent that these Regulations apply to any person to whom any provision of DFSA administered legislation also applies, these regulations shall not exempt such person from any requirement applicable to that person under DFSA administered legislation.
- 1.2.5 Defined terms are identified throughout these Regulations by the capitalisation of the initial letter of a word or phrase. Where capitalisation of the initial letter is not used, an expression has its natural meaning.
- 1.2.6 The following defined terms have the meaning given below:

Defined Term	Definition
Accredited Adviser	an adviser or service provider accredited pursuant to Regulation 6.1.
AML Module	the Anti-Money Laundering, Counter-Terrorist Financing and Sanctions Module (AML) of the DFSA Rulebook.
Applicable Law	any law or regulations applicable to an application, registration, certification, accreditation or conduct of business by a person to whom these Regulations apply.
Arbitration Law	the Arbitration Law, DIFC Law No. 1 of 2008.
Confirmation Statement	has the meaning given to the term in the Operating Law.
Commencement Date	the date of commencement of these Regulations.
Companies Law	the Companies Law, DIFC Law No. 5 of 2018.
Corporate Service Provider	a person registered with the DFSA as an Authorised Firm or a DNFBP Licensed to undertake corporate services business in the DIFC.
Court	the DIFC Courts.
DFSA	the Dubai Financial Services Authority.
DIFC	the Dubai International Financial Centre.
DIFCA	the Dubai International Financial Centre Authority.
DIFC Trust	a trust created or continued in the DIFC pursuant to the Trust Law, DIFC Law No. 4 of 2018.
DNFBP	a Designated Non-Financial Business or Profession, as defined in the AML Module.
Family	has the meaning given to the term in Regulation 2.2.1.
Family Business	has the meaning given to the term in Regulation 3.1.1.
Family Business Law	Federal Decree-Law No. 37/2022 regarding Family Businesses.
Family Business Register	a special register of Family Businesses kept by the Registrar as the competent authority to do so for the DIFC under the Family Business Law.
Family Entity	has the meaning given to the term in Regulation 2.3.1

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Defined Term	Definition
Family Member	has the meaning given to the term in Regulation 2.2.2.
Family Office	has the meaning given to the term in Regulation 4.1.1.
Family Office Services	any one or more of the activities listed in Parts 1 and 2 of Appendix 1.
Family Structure	has the meaning given to the term in Regulation 2.5.1.
Foundations Law	the Foundations Law, DIFC Law No. 3 of 2018
GEN Module	the General (GEN) Module of the DFSA Rulebook.
Licence	has the meaning given to the term in the Operating Law, and “Licenced” shall be interpreted accordingly.
Ministry	the UAE Ministry of Economy.
Minimum Net Asset Requirement	in aggregate a net asset value of USD50,000,000 determined by way of a fair market value assessment or, where it is not possible to ascertain fair market value, determined by way of a book value assessment.
NPIO	an Incorporated Organisation as defined in the Non Profit Incorporated Organisations Law, DIFC Law No. 6 of 2012.
Operating Law	the Operating Law, DIFC Law No. 7 of 2018.
Politically Exposed Person	has the meaning give to the term in the AML Module.
Private Company	has the meaning given to the term in the Companies Law.
Private Register	has the meaning given to the term in Regulation 7.2.1.
Public Register	has the meaning given to the term in the Operating Law.
Registered Person	has the meaning given to the term in the Operating Law.
Restricted Services	any one or more of the activities listed in Part 2 of Appendix 1.
Source of Funds	the origin of funds which relate to a transaction or service and includes how such funds are connected to the Source of Wealth of a relevant person.
Source of Wealth	the global wealth or net worth of a relevant person and includes how such wealth or net worth was acquired or accumulated.
Trust Law	the Trust Law, DIFC Law No. 4 of 2018
UAE Family Business	a family business that meets the definition of a “Family Business” under the Family Business Law, where its registration in the Family Business register kept by the Ministry did not emanate from DIFC or the Registrar.
Ultimate Beneficial Owner	has the meaning given to the term in the Ultimate Beneficial Ownership Regulations 2018 issued pursuant to the Operating Law.
UAE	the United Arab Emirates.

### 1.3 References to writing

- 1.3.1 If a provision in these Regulations refers to a communication, notice, agreement or other document ‘in writing’ then, unless the contrary intention appears, it means in legible form and capable of being reproduced on paper, irrespective of the medium used. Expressions related to writing shall be interpreted accordingly.
- 1.3.2 The provisions of Regulation 1.3.1 do not affect any other legal requirements which may apply in relation to the form or manner of executing a document or agreement.

### 2. OBJECT AND SCOPE OF THESE REGULATIONS

#### 2.1 Objective of these Regulations

2.1.1 These Regulations are issued to:

- (a) facilitate and support the objectives of the Family Business Law in the DIFC to the extent that it is consistent with Applicable Law in the DIFC, and all matters relating thereto;
- (b) prescribe the arrangements which Families can make within the DIFC for the better operation of their businesses, the preservation of their wealth and the succession and legacy planning in respect thereof; and
- (c) prescribe the manner in which Accredited Advisers, Corporate Service Providers and Registered Persons can provide services to Families in or from the DIFC.

#### 2.2 Families

2.2.1 A Family comprises of two (2) or more Family Members.

2.2.2 A Family Member is any individual who is:

- (a) a common living ancestor, as identified to the Registrar, and the descendants of that common ancestor, including male and female descendants and their spouses (including widows and widowers, whether or not remarried), their stepchildren, adopted children and ex-nuptial children and their descendants and spouses determined in a similar manner; or
- (b) related as a descendant to a common ancestor, as identified to the Registrar, including male and female descendants and their spouses (including widows and widowers, whether or not remarried), their stepchildren, adopted children and ex-nuptial children and their descendants and spouses determined in a similar manner, provided that such common ancestor does not exceed three (3) preceding generations, at the time of either:
  - (i) being registered as a Family Business pursuant to these Regulations;
  - (ii) establishing, registering or continuing a Family Entity or any part of a Family Structure in the DIFC; or
  - (iii) establishing, registering or continuing a Family Office in the DIFC,

after which time all future descendants and spouses (including widows and widowers, whether or not remarried) will be a Family Member for purposes of these Regulations.

2.2.3 A Family Member is not entitled to any rights or remedies in relation to a Family Entity, Family Office or a Family Structure other than those provided for in the constitutional documents, by-laws, trust instrument or similar document of the Family Entity, Family Office or Family Structure concerned or, as may otherwise be available by agreement between the relevant parties or under Applicable Law.

2.2.4 For the purposes of determining whether an individual is a Family Member descending from a common ancestor under Regulation 2.2.2, the Registrar has the sole discretion to determine the issue and may require such supporting documentation as he considers appropriate in the circumstances.

#### 2.3 Family Entities

2.3.1 A Family Entity is any entity including a body corporate, a partnership, a foundation or any other entity or body which has a legal existence separate and distinct from the persons (legal or natural) comprising that entity or body, but excluding NPIOs (or similar not for profit organisations), and that is established for the sole purpose of:

- (a) holding, investing, operating or utilising assets of a Family, a Family Structure or the proceeds thereof; or

(b) the succession or legacy planning of Family assets, or the benefits or proceeds derived therefrom, which entity, whether in its own right or in the capacity of trustee, is controlled by a Family.

2.3.2 A Family Entity may, but need not, be a Registered Person but shall only have a presence or operate in or from the DIFC if it complies with Applicable Law in the DIFC.

### 2.4 Control

2.4.1 A Family Entity is controlled by a Family for the purposes of Regulation 2.3.1 if:

- (a) one (1) or more Family Members;
- (b) one (1) or more other Family Entities of that Family; or
- (c) the board, trustee or council members of one (1) or more other Family Structures of that Family, acting alone or together, could exercise more than fifty percent (50%) of the voting rights of the Family Entity, or are otherwise able to exercise direct or indirect control over the affairs of the Family Entity in a manner accepted by the Registrar as constituting direct or indirect control.

2.4.2 For purposes of Regulations 2.4.1(b) and 2.4.1(c), the reference to 'of that Family' shall require the same level of control set out in Regulation 2.4.1 for any such other Family Entity or other Family Structure.

### 2.5 Family Structures

2.5.1 A Family Structure can be any number or combination of one (1) or more Family Entities or trusts, provided that for any trust or foundation, the trustee, council or governing body must be appointed by one (1) or more Family Members or one (1) or more Family Entities, or in accordance with requirements provided by them.

2.5.2 Subject to Regulation 2.2.3, the beneficiaries, qualified recipients or persons otherwise capable of benefiting from a Family Structure component that is a trust or a foundation must be:

- (a) one (1) or more Family Members of that Family;
- (b) one (1) or more Family Entities of that Family;
- (c) one (1) or more charities or recipients identified in line with the charitable requirements of:
  - (i) a Family Member or Family Entity of that Family; or
  - (ii) a trustee, council or governing body appointed by a Family Member or a Family Entity, or in accordance with requirements provided by them; or
- (d) other Family Structure(s) whose shareholders, partners, beneficiaries or qualified recipients are similarly restricted.

2.5.3 Where a trust or foundation forms part of a Family Structure, it may retain its designation as being part of a Family Structure pursuant to these Regulations in circumstances where beneficiaries, qualified recipients or persons otherwise capable of benefiting from the Family Structure are not the persons, charities or recipients referred to in Regulation 2.5.2, in circumstances where:

- (a) their entitlement does not exceed twenty-five percent (25%) of the value of the benefit derived, or to be derived in future, from the trust or foundation involved;
- (b) the rights in and to the benefits due to a beneficiary, qualified recipient or person otherwise capable of benefiting from the Family Structure, or the ability to enforce them, have passed to a legal successor-in-title due to the legal incapacity of such beneficiary, qualified recipient or persons otherwise capable of benefiting from the Family Structure; or
- (c) it is approved in writing by the Registrar.

### 3. FAMILY BUSINESSES

#### 3.1 Family Businesses

3.1.1 A Family Business is:

- (a) a UAE Family Business; or
- (b) one (1) or more Registered Persons in the DIFC controlled by a Family.

entered by the Registrar in the Family Business Register upon application in the appropriate form and payment of the prescribed fees in Appendix 2, provided that the requirements of Regulation 3.2 have been satisfied.

#### 3.2 Family Businesses Register

3.2.1 The Registrar may from time-to-time publish:

- (a) any additional requirements for a Family Business to be entered in the Family Business Register in the DIFC; and
- (b) the rights, obligations, benefits, concessions or incentives applicable or available to any of them.

3.2.2 For purposes of Regulation 3.2.1, the Registrar shall coordinate with the Ministry and consider any relevant decisions published by it, provided that any such decisions (or any part thereof) are not in conflict with Applicable Law in the DIFC.

#### 3.3 Removal or suspension of registration

3.3.1 The Registrar may remove or suspend a Family Business from the Family Business Register if it fails to meet the requirements for such registration under Regulation 3.2 or any relevant requirements of Applicable Law.

3.3.2 Upon exercising his power under Regulation 3.3.1, the Registrar shall, without delay, inform the person(s) to whom the decision relates in writing of such decision and the date on which the decision shall take effect, not being a date earlier than the notice.

3.3.3 Provided that satisfies all the requirements under Applicable Law, a Registered Person who had its status of Family Business removed or suspended may continue its Licenced business as a Registered Person in the DIFC.

3.3.4 Nothing in this Regulation 3.3 limits the powers of the Registrar under any Applicable Law.

### 4. FAMILY OFFICES

#### 4.1 Family Offices

4.1.1 A Family Office is a Registered Person that is Licenced as such by the Registrar.

4.1.2 In order to be Licenced as a Family Office:

- (a) application shall be made in the form prescribed by the Registrar against payment of the prescribed fees in Appendix 2;
- (b) the information, confirmations and documents required in Regulation 4.2 should accompany the application; and
- (c) the Family concerned must meet the Minimum Net Asset Requirement.



### 4.2 Applications

4.2.1 In addition to any information required in the form prescribed by the Registrar, the application to be Licenced as a Family Office must be accompanied by:

- (a) a statement containing the following:
  - (i) the name of the common ancestor of the Family, the details of the identities of the Family Members to be served by the Family Office, either directly or by way of Family Entities or Family Structures, and proof of their common ancestry;
  - (ii) a short explanation of the Source of Wealth of the relevant persons served by the Family Office;
  - (iii) the details of the due diligence that has been conducted to verify the Source of Funds that is funding the Family Office.
  - (iv) the details of who controls the Family Office in accordance with the requirements of Regulation 2.4.1;
  - (v) the details of the Ultimate Beneficial Owner(s) of the Family Office;
  - (vi) the details of Family Entities, Family Structures and Family Businesses to be served by the Family Office;
  - (vii) the details of any Family Members that are Politically Exposed Persons;
  - (viii) the details of the Family Office Services to be provided by the Family Office in accordance with the activities set out in Appendix 1;
  - (ix) confirmation that the Family Office Services will be provided in accordance with the requirements of Regulation 4.3; and
  - (x) confirmation that the Family meets the Minimum Net Asset Requirement plus proof thereof; or
- (b) a letter from a Corporate Service Provider confirming:
  - (i) that to the best of its knowledge and belief, the individuals listed as Family Members constitute a Family, together with the details of what it relied upon for such statement;
  - (ii) the details of the Family Members, the Family Entities, Family Structures and Family Businesses to be served by the Family Office, including their identity or registration details;
  - (iii) that to the best of its knowledge and belief, the Family meets the Minimum Net Asset Requirement, together with the details of what it relied upon for such statement;
  - (iv) that it has carried out appropriate due diligence to identify the Ultimate Beneficial Owner(s) of the Family Office and the persons who control the Family Office and provide the details thereof; and
  - (v) that it has carried out appropriate due diligence to identify the common ancestor identified by the applicant in its application.
  - (vi) that it has carried out appropriate due diligence to verify the Source of Wealth of the Family concerned and Source of Funds that will be funding the Family Office and that such funds are not in any way connected to the proceeds of crime, corruption or terrorist financing.

### 4.3 Provision of Family Office Services

4.3.1 A Family Office may, in respect of a Family, provide Family Office Services to one (1) or more:

- (a) Family Members;
- (b) Family Entities;
- (c) Family Structures; and
- (d) Family Businesses,

of that Family.

4.3.2 A Family Office may provide Family Office Services to more than one (1) Family, provided that:

- (a) it is approved by the Registrar after it satisfied the Registrar regarding the shared arrangements between the respective Families and the reasons for doing so;
- (b) the requirements of Regulations 4.2 and 7.5.1(c) are met in respect of each Family; and
- (c) where it provides Restricted Services to more than one (1) Family by way of business in or from the DIFC it shall be authorised and licenced by the DFSA to carry out any such Restricted Services.

4.3.3 Any approval by the Registrar under Regulation 4.3.2 for a Family Office to provide Family Office Services to more than one (1) Family shall only be in respect of the specific Families applied for.

4.3.4 The reference to “by way of business” in Regulation 4.3.2 and Part 2 of Appendix 1 shall be interpreted in accordance with the provisions of Rule 2.3.1 of the GEN Module.

### 4.4 Status

A Family Office shall only provide Family Office Services in its own right or as a trustee of a DIFC Trust.

### 4.5 Revocation or suspension of Licence

4.5.1 The Registrar may revoke or suspend the Licence of a Family Office if it fails to meet the requirements of this Regulation 4 or Regulation 7, or any relevant requirements of Applicable Law.

4.5.2 Upon exercising powers under this Regulation 4.5 the Registrar shall, without delay inform the person(s) to whom the decision relates in writing of such decision and the date on which the decision shall take effect, not being a date earlier than the notice.

4.5.3 Nothing in this Regulation limits the powers of the Registrar under any Applicable Law.

## 5. CERTIFICATION

### 5.1 Certification

5.1.1 The Registrar may from time-to-time:

- (a) designate categories of certification or rating of Family Businesses, Family Entities or Family Structures and the fees payable in respect thereof;
- (b) determine the requirements to be certified or rated within each category of certification or rating; and
- (c) establish procedures for assessing whether the requirements of one or more categories of certification or rating have been satisfied.

5.1.2 A Family Business, a Family Entity or a Family Structure that wants to apply for any certification or rating category designated by the Registrar pursuant to Regulation 5.1.1 shall do so on the form prescribed by the Registrar against payment of the prescribed fees in Appendix 2.

### **5.2 Revocation or suspension of certification**

5.2.1 The Registrar may revoke or suspend a certification or rating, or any category thereof if a Family Business, a Family Entity or a Family Structure at any stage fails to meet the requirements for a certification or rating, or the maintenance requirements in respect thereof.

5.2.2 Upon exercising powers under this Regulation 5.2, the Registrar shall, without delay, inform the person(s) to whom the decision relates in writing of such decision and the date on which the decision shall take effect, not being a date earlier than the notice.

5.2.3 Removal or suspension of a certification or rating under this Regulation 5.2 has no impact on the Licence of a Registered Person.

5.2.4 Nothing in this Regulation 5.2 limits the powers of the Registrar under any Applicable Law.

## **6. ACCREDITED ADVISERS**

### **6.1 Accreditation**

6.1.1 The Registrar may:

- (a) accredit specialist and professional advisers to Families, Family Businesses, Family Entities or Family Structures as Accredited Advisers and publish their details on a list;
- (b) designate categories of accreditation applicable to different types of Accredited Advisers and the fees payable in respect of each category of accreditation;
- (c) determine the requirements of each category of Accredited Adviser; and
- (d) establish procedures for accreditation and the maintenance requirements thereof.

6.1.2 An Accredited Adviser may upon application and against payment of the required fees in Appendix 2 be recognised by the Registrar as an Accredited Adviser satisfying the requirements of one or more such categories.

6.1.3 Where an applicant is represented by an Accredited Adviser in any application under these Regulations, the Registrar may deal directly with such Accredited Adviser and receive filings from the Accredited Adviser with no need to directly deal with the applicant or receive filings pursuant to these Regulations.

6.1.4 An Accredited Adviser may be a natural or a legal person.

### **6.2 Revocation or suspension of accreditation**

6.2.1 The Registrar may:

- (a) revoke or suspend the accreditation of an Accredited Adviser, or any relevant category of accreditation of an Accredited Adviser, if the Registrar is satisfied that the Accredited Adviser at any stage fails to meet the requirements for accreditation, or the maintenance requirements in respect thereof; and
- (b) inform any relevant regulator, supervising body or authority overseeing the activities of the Accredited Adviser of such revocation or suspension.

6.2.2 Upon exercising powers under this Regulation 6.2, the Registrar shall, without delay, inform the person(s) to whom the decision relates in writing of such decision and the date on which the decision shall take effect, not being a date earlier than the notice.

6.2.3 Removal or suspension of an accreditation under this Regulation 6.2 has no impact on the Licence of a Registered Person but, where an applicant is represented by an Accredited Adviser in any application under these Regulations whose accreditation has been revoked or suspended, the Registrar shall directly deal with the applicant in respect of any outstanding requirements or obligations pursuant to these Regulations

6.2.4 Nothing in this Regulation 6.2 limits the powers of the Registrar under any Applicable Law.

## **7. SPECIAL PROVISIONS APPLICABLE TO FAMILY ARRANGEMENTS**

### **7.1 Maintenance of records**

7.1.1 A Family Office, or a Corporate Service Provider acting on its behalf, shall keep all records that are sufficient to show and explain the due diligence conducted to verify:

- (a) the Source of Wealth of the relevant persons served by the Family Office and the Source of Funds funding the Family Office pursuant to Regulations 4.2.1(a)(iii) or 4.2.1(b)(vi), and
- (b) the Source of Funds of any of the persons in respect of transactions and services conducted by the Family Office pursuant to Regulation 4.3,

and such records shall be preserved by the Family Office, or the Corporate Service Provider acting on its behalf, for at least six (6) years from the date upon which they were collected for purposes of these Regulations.

### **7.2 Private Register**

7.2.1 The details of the shareholders, interest holders, directors and officers of a Family Entity or Family Office may, upon application by a Family Entity or Family Office and payment of the prescribed fee in Appendix 2, be kept on a Private Register which shall not be disclosed on the Public Register.

7.2.2 The Registrar shall, upon application by a Family Entity or Family Office and payment of the prescribed fees in Appendix 2, produce an extract of the information maintained in the Private Register.

7.2.3 An extract of information produced pursuant to Regulation 7.1.2 is prima facie evidence of the matters stated in it.

### **7.3 Private Company status**

A Family Entity or Family Office that is incorporated, registered or continued in the DIFC as a company shall, notwithstanding Article 27(1)(b) of the Companies Law, be a Private Company and shall not be subject to Article 27(3) of the Companies Law.

### **7.4 Single Families with a substantial presence in the UAE**

7.4.1 Article 13(3) of the Operating Law does not apply to a Registered Person that is a Family Entity or Family Office, provided that:

- (a) it has satisfied the Registrar, when an application is made and with each Confirmation Statement thereafter, that it, or each Family which owns the Family Entity or Family Office concerned has a substantial presence in the UAE; and
- (b) it appointed a Corporate Service Provider as its registered agent in the DIFC.

7.4.2 For purposes of Regulation 5.1 of the Operating Regulations, the registered office of a Family Entity or Family Office that meets the requirements of Regulation 7.4.1 shall be that of its Corporate Services Provider in the DIFC.

### **7.5 Filings**

7.5.1 In addition to the requirements relating to Confirmation Statements in the Operating Law or applicable to it as a Registered Person:

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- (a) a Family Business that is a Registered Person shall annually with its Confirmation Statement (or such other period prescribed by the Registrar) confirm that it continues to satisfy the requirements to be certified as a Family Business;
- (b) a Family Entity that is a Registered Person shall annually with its Confirmation Statement (or such other period prescribed by the Registrar) confirm that it continues to satisfy the requirements to be recognised as a Family Entity; and
- (c) a Family Office shall annually with its Confirmation Statement (or such other period prescribed by the Registrar) confirm:
  - (i) that it provides Family Office Services solely to a single Family or, in the case of it being allowed to provide Family Office Services to more than one (1) Family under Regulation 4.3.2, solely to the Families approved for this purpose by the Registrar;
  - (ii) the total number of Family Members of a Family served by the Family Office, and their identification details;
  - (iii) the Family Office Services provided to a Family by the Family Office;
  - (iv) the Family continues to maintain the Minimum Net Asset Requirement; and
  - (v) that it is maintaining records of the Sources of Funds involved in the transactions entered into and services provided by the it for the reporting period in question.

### **7.6 Alternative dispute resolution**

- 7.6.1 Where the instrument governing the affairs of a Family Entity or a trust within a Family Structure, howsoever described, provides that any dispute or question arising between any of the parties in relation to the Family Entity or a trust within a Family Structure shall be submitted to arbitration, that provision shall, for all purposes under the Arbitration Law, have effect as between those parties as if it were an arbitration agreement and as if those parties were parties to that agreement.
- 7.6.2 Where the instrument governing the affairs of a Family Entity or a trust within a Family Structure does not provide that any dispute or question arising in relation to the a Family Entity or a trust within a Family Structure shall be submitted to arbitration but the parties to that dispute agree in writing to have it resolved by arbitration, that agreement shall, for all purposes under the Arbitration Law, have effect as between all the parties affected by the dispute as if it were an arbitration agreement between those parties.
- 7.6.3 Where a foundation or a trust governed by DIFC Law is a Family Entity or forms part of a Family Structure, the application of the Arbitration Law to any dispute where that dispute relates to the affairs of the foundation or trust as the case may be shall be construed in accordance with the relevant provisions and schedules in the Foundations Law or the Trust Law.
- 7.6.4 The Court may make such orders in relation to an arbitration or possible arbitration as the Court deems appropriate in the circumstances.
- 7.6.5 An arbitral tribunal may, in addition to all other powers of the tribunal, at any stage in an arbitration under these Regulations and the Arbitration Law, exercise all the powers of the Court (whether arising by law, under the inherent jurisdiction of the Court or otherwise) in relation to the administration of a Family Entity or a trust within a Family Structure or the rights of any party in relation to the Family Entity or a trust within a Family Structure. The arbitral tribunal has the same powers to appoint a person to represent the interests of any person (including a minor, a person unborn or unascertained) or class of person in an arbitration concerning a Family Entity as the Court has in relation to proceedings before the Court.

### **7.7 Reliance on Corporate Service Providers**

- 7.7.1 The Registrar may enter into an arrangement with a Corporate Service Provider under which:

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- (a) administrative access is granted to the Corporate Service Provider to the DIFC registry services portal in respect of a Family Business, a Family Entity, a Family Office, or a Family Structure in a manner and to the extent determined by the Registrar;
- (b) any information, document, form or fee required by these Regulations or under Applicable Law to be submitted, lodged with or paid to the Registrar may be lodged with or paid to the Registrar by the Corporate Service Provider; and
- (c) the Corporate Service Provider is required to perform some or all assessments, checks and verifications required under these Regulations or under Applicable Law to ascertain and confirm whether an applicant or registrant:
  - (i) adheres to all the requirements of the AML Module, the Ultimate Beneficial Owner Regulations and other requirements of Applicable Law; and
  - (ii) where applicable, continues to meet the relevant Licence, qualification or certification requirements,

and to provide a confirmation of such matters to the Registrar in an agreed format.

7.7.2 The Registrar, in the performance of any function under Applicable Law, may in good faith rely, without further enquiry, upon the confirmation of a Corporate Service Provider given under Regulation 7.7.1(c), provided that a Corporate Service Provider shall not be liable to the Registrar or any third party for doing so, unless it has acted in bad faith or breach of its agreed obligations to the Registrar.

7.7.3 Any arrangement entered into with a Corporate Services Provider by the Registrar under Regulation 7.7.1 shall be amended or terminated in accordance with its terms.

### **8. FEES**

The fees in respect of matters set out in Appendix 2 of these Regulations shall be paid to the Registrar, or his delegate, by the applicant, the Family Business or the Family Office as the case may be, in addition to any applicable fees payable by it to the Registrar as a Registered Person.

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### APPENDIX 1 FAMILY OFFICE SERVICES

#### Part 1 – Family Office Services (Not Restricted)

Family	<ul style="list-style-type: none"> <li>- Concierge and personal services</li> <li>- Household assistance</li> <li>- Property acquisition management</li> <li>- Travel and leisure assistance</li> <li>- Education related assistance</li> <li>- Succession and legacy planning</li> </ul>
Strategic services	<ul style="list-style-type: none"> <li>- Strategic business advisory</li> <li>- Business management and oversight</li> <li>- ESG related advisory</li> <li>- Business continuity</li> <li>- Family Business/Family Entity/Family Structure advisory</li> </ul>
Technology	<ul style="list-style-type: none"> <li>- Technology platform, controls and related support</li> <li>- Product selection and acquisition</li> <li>- Business continuity and disaster recovery</li> </ul>
Tax and wealth planning	<ul style="list-style-type: none"> <li>- Tax reporting and compliance</li> <li>- Tax planning</li> <li>- Wealth transfer planning</li> <li>- Investment structure design</li> </ul>
Investments	<ul style="list-style-type: none"> <li>- Investment policies and procedures</li> <li>- Investment manager/adviser selection</li> <li>- Investment structure design</li> <li>- Asset allocation strategy</li> <li>- Investment due diligence</li> <li>- Portfolio monitoring</li> <li>- Performance and attribution analysis</li> <li>- Information gathering</li> <li>- Benchmarking</li> <li>- Any of the investment related activities specified in Rule 2.2.2 of the GEN Module, provided that is provided to a single Family and is not restricted under any Applicable Law.</li> </ul>
Risk management	<ul style="list-style-type: none"> <li>- Insurance</li> <li>- Fraud prevention</li> <li>- Enterprise risk identification, analysis and management</li> <li>- Physical security</li> <li>- Cyber security</li> </ul>
Charitable	<ul style="list-style-type: none"> <li>- Defining charitable objectives</li> </ul>

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	<ul style="list-style-type: none"> <li>- Foundation/endowment operations and oversight</li> <li>- Benchmarking</li> <li>- Due diligence</li> <li>- Planning and executing charitable/philanthropic activities</li> </ul>
Legal	<ul style="list-style-type: none"> <li>- Document drafting, review and negotiation</li> <li>- Contracts management</li> <li>- Legal risk management</li> <li>- Litigation oversight</li> <li>- Managing outside counsel</li> <li>- Regulatory and compliance assistance</li> <li>- Due diligence</li> <li>- Company secretarial assistance</li> </ul>
Finance	<ul style="list-style-type: none"> <li>- Budgeting and forecasting</li> <li>- Financial control</li> <li>- Procurement</li> <li>- Bookkeeping</li> <li>- Accounting</li> <li>- External audit assistance</li> <li>- Reporting</li> <li>- Cash Management</li> <li>- Treasury operations</li> <li>- Collections</li> <li>- Any of the financial service related activities specified in Rule 2.2.2 of the GEN Module, provided that is provided to a single Family and is not restricted under any Applicable Law.</li> </ul>
Communications	<ul style="list-style-type: none"> <li>- Media, marketing and corporate communication management and assistance</li> <li>- Social media management and assistance</li> </ul>
Administration and operations	<ul style="list-style-type: none"> <li>- Human resources</li> <li>- Policies and procedures</li> <li>- Compliance</li> <li>- Internal Audit</li> </ul>
Fiduciary	<ul style="list-style-type: none"> <li>- Acting as a holding company, proprietary investment company for a Family, Family Members, Family Business or any relevant Family Structure</li> <li>- Acting as a trustee for a Family, Family Members, Family Business or any relevant Family Structure</li> </ul>
Other	<ul style="list-style-type: none"> <li>- Such other services that are not Restricted Services approved in writing by the Registrar.</li> </ul>



**Part 2 – Restricted Services**

Any of the activities as specified in Rule 2.2.2 in the GEN Module and such activity is carried on by way of business for more than one (1) Family.

## FAMILY ARRANGEMENTS REGULATIONS

### APPENDIX 2 FEES

Table of fees\*

	Upon receipt by the Registrar of:	Fee (USD)
3.1.1	Application to be entered in the Family Business Register	5,000
4.1.2	Family Office Licence	12,000
5.1.2	Certification	As per the relevant fee schedule published by the Registrar, or its delegate
6.1.2	Accreditation application	As per the relevant fee schedule published by the Registrar, or its delegate
7.2.2	Application for entry or removal of shareholders, interest holders, directors and officers into the Private Register (including applications made under Regulation 1.1.5 as part of the transitional arrangements of these Regulations)	1,000

\* These fees may be payable to the Registrar, or his delegate, as per the requirements of any relevant Registrar's Directive