



# **DIFC Courts Notary Service Regulations**

## The Dubai International Financial Centre Courts

### Notary Service Regulations

#### Article (1)

##### Interpretations

In these Regulations,

- (a) "State" means the United Arab Emirates.
- (b) "Emirate" means the Emirate of Dubai.
- (c) "Ruler" means the Ruler of Dubai.
- (d) "DIFC" means the Dubai International Financial Centre.
- (e) "Courts" means the DIFC Courts, comprised of the Court of First Instance, the Court of Appeal and judicial tribunals formed by the Chief Justice including the Small Claims Tribunal.
- (f) "Judge" means a Judge of the Courts appointed by a decree issued by the Ruler on the recommendation of the President.
- (g) "Notary Officer" means an employee of the DIFC Courts appointed by and has taken an oath of office before a Judge of the DIFC Courts who is satisfied that the person is qualified for the office.
- (h) "Electronic Signature" means a digital version of a conventional handwritten signature of the signatory.
- (i) "Electronic Seal" means a digital version of a conventional seal bearing the DIFC Courts logo.
- (j) "Affidavit" means a written statement confirmed to be true by swearing an oath or affirming before a Notary Officer.
- (k) "Statutory Declaration" means a written statement of fact made in a prescribed form that a declarant affirms to be true.
- (l) "Oath" means an attestation to the truth of a statement, usually by swearing to a religious deity, which the person taking the oath declares to be binding on the person's conscience.
- (m) "Affirmation" means a solemn statement that is not religious that has the same effect as an oath and can be used instead of an oath.

- (n) "Jurat" mean a certification by the Notary Officer on a document showing when, by whom and before whom the document was sworn, affirmed or declared.
- (o) "Affiant" or "Deponent" or "Declarant" means the person who gives evidence in writing or makes the affidavit or declaration.
- (p) "Attest" means to affirm the truth of a statement or bear witness to something.
- (q) "Swearing", "Swear" means affirmation or declaration.

## **Article (2)**

### **Appointments**

The DIFC Courts may appoint such person(s) as it thinks fit as Notary Officers for the DIFC Courts Notary Services.

## **Article (3)**

### **Requirements for Appointment**

- (1) Any person, who is to be appointed as a Notary Officer:
  - (a) is subject to examination regarding their qualification for the office by a Judge of the DIFC Courts; and
  - (b) shall not be appointed a Notary Officer without taking an oath of office before a Judge of the DIFC Courts who is satisfied that the person is qualified for the office.

## **Article (4)**

### **Powers**

- (1) A Notary Officer may:
  - (a) Administer oaths and take affidavits, affirmations or declarations and attest the oaths, affidavits, affirmations or declarations.
  - (b) Certify and attest a true copy of a document.
  - (c) Witness or certify, and attest, the execution of a document.

- (d) Exercise any other powers and perform any other functions specified in a DIFC Courts practice direction, as maybe prescribed.

(2) A document in respect of which a Notary Officer has exercised a power referred to in subsection (1) and that is attested may be used and recognised in the Emirate, elsewhere in the State and internationally.

## **Article (5)**

### **Restrictions**

- (1) The Notary Officer during the course of exercising the powers specified in Article 4 shall not issue or prepare any document, including a contract or an instrument, or otherwise provide legal advice related to any document requiring notarisation.
- (2) The Notary Officer shall respect the privacy of each signer and not divulge or use personal or proprietary information disclosed during execution of a notarial act for other than an official purpose.
- (3) The powers a Notary Officer may exercise are subject to any restrictions that are imposed by the State's Federal law's prohibitions on matters that are against State public policy.

## **Article (6)**

### **Not In Person**

A Notary Officer may, subject to Article 7, exercise their powers without being in the person's physical presence.

## **Article (7)**

### **Administering Oath, Affirmation and Declaration**

- (1) An oath, affirmation or declaration may be taken by an affiant, deponent or declarant without being in the physical presence of the Notary Officer administering the oath, affirmation or declaration, if the following conditions are met:
  - (a) The oath, affirmation or declaration is being administered by an electronic method of communication in which the Notary Officer administering the oath, affirmation or

declaration and the affiant, deponent or declarant are able to see, hear and communicate with each other in real time throughout the entire transaction.

- (b) The Notary Officer administering the oath, affirmation or declaration confirms the identity of the affiant, deponent or declarant.
- (c) A modified version of the jurat or declaration is used that indicates:
  - i. that the oath, affirmation or declaration was administered in accordance with this Regulation; and
  - ii. the location of the Notary Officer administering the oath, affirmation or declaration and of the affiant, deponent or declarant at the time of the administering.
- (d) The Notary Officer administering the oath, affirmation or declaration takes reasonable precautions in the execution of their duties, including ensuring that the affiant, deponent or declarant understands what is being signed.

## **Article (8)**

### **When Seal Not Needed**

Where a Notary Officer is authorised by this Regulation to administer oaths or to take affidavits or declarations, it is not necessary to the validity of any such oath, affidavit or declaration that the Notary Officer affix a seal.

## **Article (9)**

### **Schedules, Forms and Amendments**

- (1) The DIFC Courts may from time to time create and or amend:
  - (a) A fee schedule prescribing fees payable to the DIFC Courts Notary Service and the requiring of their payment;
  - (b) Prescribing the powers and functions of Notary Officers; and
  - (c) For the purposes of Article 4, any forms as may be necessary.



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