

Federal Law No . 7 of 2012

Issued on 10/10/2012 AD

Corresponding to 27 Dhu al – Qi'dah AH

ON THE REGULATION OF EXPERTISE BEFORE THE JUDICIAL AUTHORITIES

Abrogating

Federal Law no . 8/1974 Dated 6/10/1974 AD

We , Khalifa bin Zayed Al Nahyan , President of the United Arab Emirates ,

- Pursuant to the perusal of the Constitution ;
- And Federal Law No . 1 of 1972 on the Competencies of the Ministries and Powers of the Ministers and its amending Laws ;
- And Federal Law No . 10 of 1973 on the Federal Supreme Court and its amending laws ;
- And Federal Law No . 8 of 1974 on the Regulation of Expertise before the Courts ;
- And Federal Law No . 8 of 1980 , on the Organization of Labour Relations and its amending laws ;
- And Civil Transactions Law promulgated by Federal Law No . 5 of 1985 and its amending laws ;
- And Penal Code issued by Federal Law No . 3 of 1987 and its amending laws ;
- And Evidence Law in Civil and Commercial Transactions promulgated by Federal Law No . 10 of 1992 and its amending laws ;
- And Civil Procedures Law promulgated by Federal Law No . 11 of 1992 and laws amending thereof ;

– And Criminal Procedure Law promulgated by Federal Law No . 35 of 1992 and its amending laws ;

– And Federal Decree – Law No . 11 of 2008 on human resources in the federal government and its amending law ;

– Upon the proposal of the Minister of Justice , the approval of the Cabinet and the Federal National Council and the ratification of the Federal Supreme Council ,

Have issued the following Law :

Article 1 – Definitions

In the implementation of the provisions of this Law , the following terms and expressions shall have the meanings assigned thereto , unless the context requires otherwise :

State : The State of the United Arab Emirates .

Ministry : The Ministry of Justice .

Minister : The Minister of Justice .

Committee : The Experts Affairs Committee .

Profession of Expertise : Any technical work practiced by people , as mandated by the judicial authorities to provide their technical or scientific report , as appropriate , according to specialization of each one .

List : Experts' Register in the Ministry .

Expert : Any legal person who practices the profession of expertise and registered on the list .

Charter : The set of rules and regulations governing the work of the expert .

Competent Court of Appeal : The Court of Appeal determined by a decision of the Minister .

Article 2

Non – experts shall not practice the profession of expertise before the judicial authorities in the State with the exception of those to be agreed upon by the litigants in the case , and the court recognizes their agreement , or other specialists whose opinion is sought by the judicial authorities .

Local judicial authorities shall establish the rules and controls needed to practice the profession of expertise without any contradiction with the law herein .

Article 3

Any person whose name is registered on the list shall satisfy the following requirements :

1 – Must be of good conduct and behavior and have never been convicted of a felony or misdemeanor involving a breach of honor or trust , even after he has recovered his civil rights .

2 – Must be a holder of a university degree accredited by one of the universities or colleges recognized in his field of specialization .

3 – Must have an experience of (7) seven years after graduation for the citizens in the area of expertise in which registration is required and (15) fifteen years for non – citizens in the area of expertise in which registration is required .

4 – Must have the approval of his employer .

5 – Must pass the procedures and tests prescribed by the ministry .

Article 4

The Ministry shall keep a list to register the experts in the licensed specializations and each expert shall have a file containing all matters pertaining to the exercise of the profession .

Article 5

1 – The application for registration shall be submitted to the Ministry on the prescribed form .

2 – The expert shall be registered on the list only after paying the prescribed fee and having an insurance contract with an insurance company licensed in the State against liability for malpractice , according to the restrictions specified by the Implementing Regulations of the Law herein .

3 – The Committee will decide on the application within (60) sixty days from its submission along with all the required documents . The applicant shall be notified with the decision and those whose applications were rejected may contest the decision before the Competent Court of Appeal within thirty days from his notification date or the expiry of the decision term without any reply . The Decision thereof shall be conclusive .

Article 6

1 – After being registered on the list before a Chamber of the Court of Appeal , the expert takes the following oath : " I swear by Almighty God that I will perform work of my profession with accuracy , honesty and sincerity and in a manner that preserves its dignity and consideration , taking into account the principles and traditions of the profession ."

2 – The Minutes of the oath shall be issued and filed in the expert's file .

Article 7

The registration of the expert on the list shall be for a term of three renewable years upon his request , and the renewal application must be submitted at least thirty days before the end of the registration .

Article 8

The delay of the registration renewal by the expert after ninety days of its expiry date shall cause the cancellation of the said registration .

Article 9

The expert shall notify the Committee of ceasing the practice of his profession of expertise in case of impediment , and shall be allowed to practice the profession again when such impediment vanishes .

Article 10

1 – The expert must practice the profession through an office licensed to exercise such work of expertise .

2 – The office shall name a director from the experts .

2 – The Official expert shall be excluded from the provisions of Clause 1 of the Article herein .

Article 11

The expert shall abide by the following :

1 – Practice his profession with accuracy , honesty and sincerity , in a manner that preserves its dignity and consideration , while taking into account the principles and traditions of the profession in accordance with the Charter .

2 – Handle personally the task entrusted to him .

3 – Not to disclose information which he may have accessed by virtue of his work of expertise .

4 – He , nor anyone of his relatives up to the fourth degree of kinship , shall have a personal interest directly or indirectly in any business related to the subject of the case subject to his expertise .

5 – His employer shall not be a party to the dispute being considered .

6 – Not to accept the work of expertise in a dispute in which he has been already asked for consultancy or briefed on the documents related thereto , by any party to the conflict .

7 – Update and develop his skills in the field of specialization in which he is licensed to practice the expertise .

8 – Associate his name , registration number and the name of the office through which he works in all his publications , correspondences , certificates and reports signed by him .

9 – Notify the Ministry of his address and any modification that might occur , within a month of the said modification .

10 – Notify the Ministry of any amendment or modification to the license data , within a month of the said modification .

11 – Maintain a special register where the data of the expertise work performed by him shall be recorded .

12 – Maintain a true copy of the reports prepared by him until a conclusive judgment is rendered regarding the case subjected to his work of expertise .

Article 12

A Committee shall be set up by a decision of the Minister and shall be called the “ Experts Affairs Committee ” including a minimum of five members in addition to two specialist members , provided that the decision shall be issued by the Chairman or Vice Chairman of the Committee .

The Committee shall meet upon the invitation of its Chairman . Such meetings shall not be deemed valid unless attended by the Chairman and four of its members . The Committee meetings shall be confidential and it shall pass its decisions by the absolute majority of the votes of the present members . In case of a tie , the side preferred by the Chairman shall

prevail . The decisions rejecting the registration of the expert or striking off his name from the list shall be justified .

In the event of absence of the Chairman or in the presence of any impediment , the Vice Chairman shall act in his place .

Article 13

The Committee shall be competent in the following :

- 1 – Register the expert or strike his name off the list .
- 2 – Review complaints and reports related to experts and take the necessary procedures as specified by the Implementing Regulation of the Law herein .
- 3 – Any other functions entrusted thereto by virtue of the Law herein or its implementing regulations and decisions .

Article 14

The Public Prosecution shall notify the Committee of the penal cases filed against the experts and of the judgments convicting them .

Article 15

The Committee shall notify the expert and the party for which he works of any complaint filed against him to respond thereto within fifteen days as of the date he receives notification thereof . The complaint shall be submitted to the Committee together with the expert's response for deciding on whether it shall be dismissed or referred to investigation .

Article 16

- 1 – No disciplinary sanctions may be imposed on the expert unless after investigating with him in writing and hearing his statements .

2 – The investigation with the expert shall take place with the knowledge of one member of the Public Prosecution upon the request of the Chairman of the Committee .

Article 17

For disciplinary purposes , a Disciplinary Board shall be set up by a decision of the Minister as follows :

1 – The Minister shall appoint one of the Presidents of the Courts of Appeal as Chairman of the Board and two judges as members of the Board .

2 – The Disciplinary Board shall have the right to assign one official from the Court of Appeal to handle the secretarial tasks .

Article 18

The disciplinary sanctions to be imposed on the experts are :

1 – Warning .

2 – Suspension of registration for a period not exceeding one year .

3 – Striking his name off the list permanently .

Article 19

1 – Disciplinary proceedings shall be established before the Disciplinary Board by the Public Prosecution by a petition including the allegation and supporting evidences .

2 – The Public Prosecution shall summon the expert to appear before the Board at least ten days prior to the date set for the hearing , and pursue disciplinary action until it is adjudicated .

Article 20

The Disciplinary Board shall conduct by itself the investigations it deems necessary . It may delegate one of its members and may suspend the expert from practicing his work until the end of his trial .

Article 21

The meetings and deliberations of the Disciplinary Board shall be confidential . Moreover , the Board shall issue its decisions along with their justifying reasons . The Board shall inform the expert of the decision within fifteen days from the date of its issuance .

Article 22

The expert may appeal the Disciplinary Board's decision before the Competent Court of Appeal within thirty days from the date of its issuance if he were present , and from the date of such decision announcement in case of his absence . Then , the judgment shall be conclusive .

Article 23

The name of the expert shall be struck off from the list by a decision of the Committee in any of the following instances :

- 1 – If he loses a requirement of his registration .
- 2 – If he is convicted of a felony or misdemeanor including a breach of honor or trust .
- 3 – If he is no longer able to perform his work because of his health condition based on the report of the competent medical committee .

Article 24

The expert shall be notified of the decision to strike off his name from the list within ten days from the date of its issuance . The expert may appeal this decision before the Competent Court of Appeal within thirty days from the date of its announcement , then , the judgment shall be conclusive .

Article 25

The technical employees acting as experts and designated by a decision of the Minister shall act as judicial arrest officers for crimes committed in violation of the provisions of the Law herein , its Implementing Regulation and decisions , each within his competence .

Article 26

A term of imprisonment not less than three months and not more than one year as well as a fine of minimum ten thousand Dirhams and maximum thirty thousand Dirhams , or either punishment , may be imposed on those who do not perform the work of the staff referred to in Article 25 of the Law herein .

Article 27

A term of imprisonment not less than six months as well as a fine of minimum fifty thousand Dirhams and maximum one hundred thousand Dirhams , or either punishment , may be imposed on those who perform the profession of expertise without being registered on the list or allowed to do so .

Article 28

A term of imprisonment as well as a fine of minimum thirty thousand dirham and maximum one hundred thousand Dirhams , or either punishment , may be imposed on the expert who violates the obligations stipulated in Clauses 1,2 , 3,4 , 5 and 6 of Article 11 of the Law herein .

Article 29

The sanctions stipulated in the law herein shall not cause any prejudice to any more severe punishment decided by any other Law .

Article 30

1 – Experts shall adapt their conditions in accordance with the provisions of the Law herein and that within one year from its effective date .

2 – Experts who have been registered on the list before the effective date of the Law herein shall retain the right to engage in expertise work if they have already fulfilled the conditions stipulated in Clauses 1,2 , 3,4 and 5 of Article 3 . They shall apply a registration renewal application to the Ministry according to rules set by the Implementing Regulation of the Law herein .

Article 31

Notwithstanding the competence of the judiciary , the Minister may appoint experienced and knowledgeable staff to handle auditing , conducting technical inspection on the work of experts and following – up their reports in the cases assigned to them , and that , in cooperation with the Department of Judicial Inspection at the Ministry . The Implementing regulation of the Law herein shall determine the competences of those officials , their powers and terms of appointment .

Article 32

The court or Public Prosecution , as the case may be , shall assume the expert fees if it seeks his assistance in criminal cases .

Article 33

The fees shall be fixed by a decision of the Cabinet upon the proposal of the Minister pursuant to the provisions of the Law herein and it's Implementing Regulation .

Article 34

The Minister shall issue the Charter of the experts' work . Violating any of its provisions , shall lead to disciplinary sanctions provided for in Article 18 of the Law herein . The Minister shall also issue the regulation related to the classification of experts and the decisions needed for the implementation of the provisions of the Law herein .

Article 35

The Cabinet , pursuant to the proposal of the Minister , shall issue the Implementing Regulation of the Law herein within six months from the date of its publication in the Official Gazette .

Article 36

1 – The Federal Law No . 8 of 1974 on the Regulation of the Profession of Expertise shall be abrogated , as well as any other rules inconsistent with the provisions of the Law herein .

2 – The enforcement of the current Implementing Regulations and decisions shall remain valid on the issuance of the Law herein , provided that the same shall not contradict its provisions until the issuance of its implementing regulations and decisions .

Article 37

The Law herein shall be published in the Official Gazette and shall enter into force within three months from the date of its publication .

Issued at the Presidential Palace in Abu

Dhabi :

On : 24 Dhu al – Qi'dah 1433 AH

Corresponding to : 10/10/2012 AD

Khalifa bin Zayed Al Nahyan

**President of the State of the United Arab
Emirates**

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