

**H.H. The Ruler's Court
Government of Dubai**

**Law No.9 of 2007
In regards of establishing
DUBAI AWQAF & MINORS' AFFAIRS FOUNDATION**

We, *Mohammed bin Rashid Al-Maktoum*, Ruler of Dubai,

After having perused the Federal Civil Transactions Law No. (5) of the year 1985,
the Federal Law No. (28) of the year 2007 in regards of civil status,
and the Endowments (Awqaf) and Islamic Affairs Law No.(7) of the year 1994,
and the Law No. (6) of the year 2004 in regards of the establishment of
Awqaf and Minors' Affairs Foundation, and its amendments,

do hereby issue the following law:

Article (1)

This law shall be named as "**Law of establishing the (Awqaf & Minors' Affairs Foundation), No. (9) of the year 2007**".

Article (2)

The following words and expressions shall have the meanings shown and appeared against each one, unless the context requires otherwise:

Emirate : The Emirate of Dubai.

Executive Council : The Executive Council of the Dubai Emirate.

Foundation	:	Awqaf & Minor's Affairs Foundation
Board	:	The Foundation Board of Directors.
Chairman	:	The Board Chairman
Secretary General	:	Secretary General of the Foundation.
Civil Status Law	:	The Federal Law No. (28) of the year 2005, with all amendments that may made thereon.
Endowments	:	Every item being endowed, whether movable or immovable for the sake of other charity and welfare parties seeking the Almighty satisfaction.
Property	:	Movable and immovable properties which belong to Awqaf, or the Minors and the like.
Maturity Age	:	A person reaching the age of 21 years (Hijri) old, with full mental and intellectual powers, but without any limitations on their legal competences.
Minor	:	Whoever shall have not reached the maturity age, whether known of kinship or not.
Alike Minors	:	The concealed pregnancy, the insane, the fool, inattentive, lost or absent.
Incompetent Minor:		Whoever shall have not reached the age of seven.
Competent Minor :		Whoever shall have reached the age of seven.
The Incapacitated :		The incompetent minor, insane, inattentive.

- The Incompetent : Whoever shall have reached the age of seven, but not being mature; or whoever shall have become mature but inattentive or fool.
- The Foundling : A child with deserted or unknown parentage.
- The Absent : A person who may know not his domicile nor country of origin.
- The Lost : An absentee who may not be known whether alive or dead.
- Attending
Pregnancy : The child being awaited from pregnancy.
- The Spendthrift : The person who spends his money wastefully.
- The Inattentive : The person who is being treated unjustly and is easily deceived.
- The Idiotic
(mentally deranged): Whoever shall be inconsiderable, muddled, perverted and alike the insane.
- The Insane (mad) : Whoever is extremely or intermittently foolish, demented, unwise, irrational or mentally ill.
- Legal Guardian : True or actual father or grandfather.
- The Trustee : A person who assumes the administration of the minor's funds or property and cares of its affairs.
- Elected Trustee : A trustee being selected by the true/actual father or grandfather to assume the burdens of the financial guardianship.

- The Curator : A person who undertakes the administration of the funds and property of the constrained and its affairs.
- Judicial Attorney : A person who undertakes the administration of the funds and property of the lost or the absent.
- Judicial Assistant : A person who assumes the assistance of those physically incapacitated in undertaking and concluding their legal actions.
- The Estate : Whatsoever is left by the deceased of funds and rights.

Article (3)

According to this law, a public foundation shall be established and named as "**Awqaf and Minors' Affairs Foundation**". This foundation shall enjoy the independent corporate character and the legal competence for performing all works and actions which ensure the achievement of all its purposes. It may also contract with others, to litigate and be litigated with this capacity, and may deputize any other person for this purpose, but shall be annexed to the Executive Council.

Article (4)

The foundation head office shall be in Dubai, and may establish branches and offices inside or outside the Emirate.

Article (5)

The management of the Foundation shall be assumed by a board of directors consisting of a chairman and six members from among those

qualified and competent, to be appointed, and their remuneration shall be determined vide a decision to be issued by the president of the Executive Council. Board membership shall be for three renewable years.

Article (6)

The board of directors shall be the supreme power and authority of the Foundation and shall practice all powers and authorities necessary for the same, and shall in particular have to perform the following tasks:

- 1- Draw up the Foundation's public policy and supervise its implementation.
- 2- Approve the organizational chart, the regulations and by-laws that ensure good performance and work inside the Foundation and surveillance on their implementation.
- 3- Confirm the disbursement from the Foundation funds, work on maintaining them, and protecting them from any defaults, subject to the provisions of the Islamic Law without prejudice to the special funds of those who undertake guardianship or custodianship over them or the judicial agency on them.
- 4- Approve the annual budget draft and the closing account of the foundation.
- 5- Decide upon the laws concerning the foundation's works.

(Article 7)

The board of directors may authorize some of its above mentioned powers to its chairman, or anyone of its members or to any one of the Foundation's committees.

(Article 8)

The board shall select from amongst its members a deputy chairman who shall act on his behalf when being absent, and may also authorize him with certain powers of the chairman.

The Board may form permanent or temporary committees to assist him in performing his duties, and may seek assistance in performing his competences from whomsoever he may invite to attend his meetings of experts, specialists, without giving them the right of having counted votes.

(Article 9)

The Board shall meet at least once every two months. Its invitation for convention shall be made upon the request of the chairman or at least three of his members. It is stipulated for the true convention of the board meeting the attendance of at least four members, provided that the chairman or his deputy shall be among them.

(Article 10)

The Board shall issue its decisions in the absolute majority of the assets of those attending the meeting. And, in the event of equal votes, then side with whom the chairman comes shall be casting. All sessions shall be made in minutes to be approved from the members attending the meeting. Decisions shall be issued vide chairman's signature.

(Article 11)

The Board shall provide the Executive Committee with an annual report on the activities, projects, performance and financial status of the Foundation, within a maximum delay of three months as from the date of the end of the foundation's fiscal year. The said report shall include its proposals and recommendations. A report issued by Department of Financial Review shall be attached hereto.

(Article 12)

The chairman shall represent the Foundation in its relationship with others and before jurisdiction. He shall not, nor any of his members be, during his period of management, liable towards others for any action he may do or default may be committed in relation to this management, except for the fraud and severe decisive error.

(Article 13)

None of the board members nor anyone of the Foundation staff shall have a direct or indirect interest in any project or agreement concluded with it, or purchase or trade in the funds of the endowments which are supervised by the Foundation, or the funds and properties which the Foundation shall assume its custodianship or superintendence. Also, every action made in violation to the provisions of this article shall be void and null.

(Article 14)

The Board shall have a general secretariat presided by a secretary general to be appointed by a decision to be issued from the President of the Executive Council, as proposed by the board, and shall be responsible before the board for carrying out and executing the general policy and the good performance of the Foundation cadres of their duties. Hence, the secretary general shall be the board reporter, and shall attend its sessions without having a counted vote.

(Article 15)

Pursuant to the General Secretary's proposal, a decision shall be issued in regards of the organizational structure, the departments therein and their competence.

The General Secretary might issue a decision allowing the establishment of units or sections within the departments and the determination of the competence of each of them.

(Article 16)

All endowments funds and properties, including all records and registers as well as the documents relating thereto, shall be transferred to the Foundation, as well as those relating to the minors' affairs, those lost of discretion, incompetents, lost and absentees within a term not exceeding six months from the date of effecting this law, whether those have been with the Department of Endowments and Islamic Affairs, Department of Justice or with any other party.

Article (17)

Courts, police stations, hospitals, the department of nationality and residence, banks and all concerned parties, aged heirs and partners in the funds shall notify the Foundation with the death of any person who died while having a minor or a fetus in pregnancy, and of the death of the legal guardian or the selected trustee in order take all legal steps towards preserving the rights of the minors, the fetus in pregnancy, and determine all what they shall have or what may against them of dues and rights, within a period of thirteen days as from the date of death.

Article (18)

Upon the notification and pursuant to provisions stipulated by the previous article, the Foundation shall, automatically or upon the request of concerned parties, take all the procedures necessary for the limitation of minors' movable and immovable properties. Furthermore, it shall take steps towards determining their dues and rights and receiving all the estates funds determined within an official report, in order to administrate them to the benefits of minors until the estate distribution or delivery date.

(Article 19)

None of the aged heirs or partners of the deceased person, who dies while having minors or fetus in pregnancy, shall be entitled to dispose of estate

funds or the joint property, as from the date of the death and until determining upon these funds; provided that all that shall be completed within a term not exceeding thirty days from being notified of the occurrence of the death. All and every disposition made by them during such period shall be considered void and null if done without a prior written permission from the Foundation.

(Article 20)

Previous article provisions shall apply on partners:

- 1- of those constrained due to idiocy, inattentiveness or madness, as from the date of being judged in constraint.
- 2- of those lost or absent as from the date of notifying the court decision to the Foundation regarding the proof of absence or loss.

(Article 21)

The Foundation shall undertake the legal superintendence works on endowments, taking care of, investing, raising and managing its funds and disbursing their proceeds within the limits of conditions stipulated by the endower, in a way that will surely realize their legal objectives. Also, it will, and within the limits of this law and the personal status law and subject to the shari', take all necessary procedures that ensure the protection of the funds of the minors: Hence, it shall carry out the following:

- 1- Caring and preserving endowments and working on their survey and description, and keeping its documentation regarding its establishment and registration before the concerned parties pursuant to the laws in-force.

- 2- Conducting and investing endowment funds upon which the endower stipulates superintendence by the Foundation, or those which the endower does not stipulate superintendence thereon by any individual, entity, firm or certain corporation, vide which superintendence has ceased up.
- 3- Appraising advice and guidance of those superintending the zurri endowments (progeny mortmain) and manage these endowments whenever it is required.
- 4- Enhancing and encouraging those capable from among the benevolence providers on extending concern in endowments and calling up reviving and strengthening this very good habit/sunnate.
- 5- Setting up successful economic enterprises, by following latest but modern means and methods of funds investment and their raising, subject to the provisions of the Islamic Law.
- 6- Guarding the national (Emirate) minors who do not have any legal guardian or trustee on them, pursuant to a court decision from the competent courts.
- 7- Custodianship over those losing discretion due to madness, idiocy, incompetent due to foolishness, inattentiveness, those lost and absentees, pursuant to a court decision from the competent courts.
- 8- Supervising the dispositions of the trustees and controlling over the actions of trustees and judicial agents and assistants.
- 9- Surveillance over the minors' funds, and those of same judged of lost discretion, and incompetents who reside in the Emirate, based on a decision from the competent courts.
- 10- Managing the minors' estates, preserving their funds and taking care of their affairs.

- 11- Rendering social, educational and health care to the orphans, pursuant to a special system/order which shall be issued by the President of the Executive Council.
- 12- Undertaking all the legal procedures on behalf of legal representative of the minor, upon his request, including legal actions and complaints before the official parties etc...

Article (22)

The board, and within the regular and legal disciplines, shall dispose of the movable and immovable funds which belong to the minor, with all kinds of disposition as per that which may achieve their interests.

Article (23)

In achieving its purposes and preserving the endowments and managing, investing and raising minors' funds within the limits of the Islamic disciplines, the Foundation may carry out the following:

- 1- Establishing, buying existing companies or sharing in them
- 2- Practicing other commercial and economic activities

Article 24

In implementing the provisions of this law, the Foundation might carry out the following:

- 1- Having recourse to the public authority
- 2- Authorizing its members to visit the minors at their domicile in order to examine their status and issue reports thereon.

- 3- Any unjustified refraining from carrying out the decisions and orders issued by the Foundation shall be considered as a violation of the legal responsibility.

Moreover, the act of refraining intentionally the guardian, trustee, custodians or any member of the Foundation from performing his duties stipulated in paragraph (2) of this article, shall hold the refrained penal liable.

Article (25)

The acts and dispositions of the guardian, custodian, trustee and judicial agent shall be subject to the Foundation superintendence. They shall be compelled to provide the latter with accounts and accredited periodical financial reports in regards of their management of the minors' funds.

Article (26)

The Foundation's financial guardianship shall include the movable and immovable funds which belong to the minor, the mad, the idiot, the inattentive, the constrained, the lost or the absent.

Article (27)

The Foundation shall be entitled to inquire from the Emirates' public banks about the funds and accounts of the minors, and issue special instructions about their utilization (drawing and depositing) or their transfer to the foundation's account.

Article (28)

The Foundation may require the seizure of the minors' cars at the transit department, and dispose of them with all kinds of dispositions.

Furthermore, it may request the putting of seizure signs on those cars and the prohibition of disposing of them without a prior written authorization by it. The seizure shall not be lifted without the foundation's permission.

Article (29)

The Foundation may seize the minors' commercial and professional licenses at the Emirate's economic growth department and dispose of them with all kinds of disposition in a way that guarantees their benefits. Besides, the Foundation may prohibit the disposal of these licenses without its written authorization.

Article (30)

In the event of legal guardian, trustee or custodian absence for more than six months, or being constrained, under guardianship, or if funds of the minor or fetus in pregnancy or the constrained are in danger, then the Foundation may request the competent courts to remove him and appoint a temporary receiver or appoint someone in his place. The issuer of the removal judgment shall deliver the temporary receiver or the Foundation, in the event of appointing anyone of them whatever shall be in hands of funds, with providing a detailed statement of account about his term of management, and all shall be within a term not exceeding thirteen days as from the removal date.

Article (31)

In the event that the minors' funds are in danger due to a bad management by his legal representative or any other reason, the Foundation may have recourse to the court and request to deprive him from his authorities and powers.

Article (32)

1- Foundation guardianship shall expire upon the following:

- a- having the minor reached the age of twenty-one lunar years, enjoying thereby with all mental and intellectual powers; unless if the court may find appropriate to continue guardianship on him upon the request of the court or those concerned
 - b- the death of the minor
 - c- the return of the legal/shar'i guardianship of the father.
- 2- The Foundation custodianship as onto those constrained shall expire upon removing or lifting the constraint vide a decision from the competent court. However, the Foundation shall hand over the funds to those concerned parties within a term not exceeding ninety days as from the date of the request made by those holders of these funds to receive the same, pursuant to a delivery minutes to be signed by the secretary general and those concerned parties.

Article (33)

In the event the heir was a minor, then the custodian shall perform the following:

- 1- Providing the Foundation with accredited copies of minutes in regards of the deposit of funds and financial papers in the Court's Fund until the settlement date.
- 2- Notifying the Foundation with all the procedures taken against the estates in addition to all those prior to his appointment.
- 3- Submitting a periodic account of his estate management to the Foundation.
- 4- Depositing with the Foundation an inventory with respect to the rights and debts relevant to the estates and an evaluation of such funds, within a period of ninety days as from his appointment or within any additional delay determined by the court.
- 5- Notifying the Foundation of his payment of the debts that were not subject to litigation.

6- Providing the Foundation with the minor's share as divided, provided that this complies with the minor's benefit and the minor is not legally compelled to stay in joint ownership.

Article (34)

The Foundation shall acquire a rate from the revenue of the funds invested for the account of waqf (endowment) and minors, against its management and raising of these funds. Such rate shall be determined by the board within the shar'i and legal disciplines.

Article (35)

The minor's almsgiving is a duty and obligation. The Foundation shall withdraw it from the minor's funds as part of the shari's expenses.

Article (36)

In the event that the person is deaf-mute, blind, or suffering from a severe physical incapacity which prevents him from expressing his will, then the Foundation shall be his judicial assistant, helping him undertake and conclude the necessary legal acts.

Article (37)

Neither the appropriation of endowed funds, nor the acquisition of real rights over them shall be allowed by prescription.

Article 38

The endowment shall emanate from a court's attestation.

Article (39)

Provided that the endower does not stipulate superintendence by any relative or any specific individual, the Foundation shall assume the funds' superintendence, being in-charge of the general custodianship regarding welfare or charity parties and the investment of the returns of their funds for public benefit for the Almighty God's sake.

Article (40)

- 1- The endowed funds shall be considered eternally constrained from any kind of disposition whether it was sale, donation or mortgage, unless the endowment's interest stipulates otherwise. The disposition shall not be made without the court's permission.
- 2- Mosque's endowment shall be eternal. As to other welfares' endowment, it might be whether temporary or eternal.

Article (41)

Funds' owner may endow all his funds for welfare purposes, and may stipulate for himself the usufruct right to total or partial returns for all his life.

Article (42)

The purpose of the endower shall adapt to his all declarations, and the endowers' expressions shall bear their meaning as agreed.

Article (43)

The Foundation shall disburse what it receives from the endowments' returns, pursuant to the endower's conditions and within the limits of al shari' and legal disciplines and the provisions of this law.

Article (44)

In the event that the endower does not appoint the endowee welfare party, or appoints a non-existing one, or the first welfare party already existed, then the Foundation shall be allowed to disburse the returns totally or partially on the party deemed to be the most suitable and rightful, in compliance with the shari' and legal disciplines.

Article (45)

The endowment depending on death or added after death, is not compulsory in the life of the endower, however, it is necessary and essential after his death.

Article (46)

In the event of the death of the endower who had stipulated for himself the superintendence over the endowment, his heirs shall therefore notify the Foundation of his death and submit the documents related to the endowment within thirty days after the death date. Such notification and submittal shall be also assumed by the holders of the endowment's shares and relevant funds and documents, within a period of thirty days as from the day they were informed of the death. The violation of such duty shall be subject to the sanction applicable to the breach of trust.

Article (47)

The superintendent of the waqf (endowment) shall provide the Foundation with a periodical statement registered in the documents, regarding the returns of endowments at the date fixed by the Foundation. The latter shall fix a date for each endowment (separately).

Article (48)

The previous superintendent (prior to the "waqf"- endowment) shall submit the account statement relative to the period of his superintendence to the Foundation.

Article (49)

Each superintendent shall provide the Foundation with a detailed statement in regards of the endowment's assets. Accredited official copies of the documents stating any increase or replacement in terms of assets shall be attached hereto, within sixty days as from the date the present law has been put into effect. The person who has his superintendence expired shall deliver the endowment's assets and all relevant funds, documents and statements to the Foundation, within thirty days as from the date his superintendence ends. The superintendent shall be considered guardian over the waqf (endowment) until the date the latter shall be delivered.

Article (50)

The Foundation shall undertake the limitation of zurri endowments matriculated in its registers and whose beneficiaries are unknown. All the relevant statements shall be published in two gazettes, and shall be attached to the headquarter of the Foundation for sixty days, and police stations whose departments hold endowment's assets. All concerned individuals shall be allowed to claim their dues in these endowments within one year as from the publication date, otherwise their part shall be deemed as a ceased endowment, therefore its returns shall go to welfare and charity acts. The Foundation shall give the endowment's asset (without its return relative to the previous period) back to its real owners or their heirs as soon as they appear.

Article (51)

The endowees (in zurri waqf) shall be entitled to entrust the management and supervising of the waqf (endowment) to the Foundation. The latter shall acquire, against its management of the said assets, a rate from the annual returns to be defined by the board.

Article (52)

An annual rate shall be seized from the net return of endowed buildings placed under the supervision of the Foundation. The said rate shall be defined by the board and used to the account of management, maintenance and restoration.

Article (53)

The provisions stipulated by the personal status law in regards of the custodianship over the funds, shall apply to the management of minors' funds assumed by the Foundation, provided that they comply with the provisions of the present law.

Article (54)

The Foundation shall manage the funds deposited in bank accounts which have been immobilized for fifteen years, upon inquiring about the individuals who have rights thereon, whether these funds were deposited with financial institutions and banks operating in the Emirate, or they were deposited with Dubai's courts.

The Foundation may receive these funds for management purposes against a rate to be determined by the board, provided that the said funds shall return to their real owners or their heirs as soon as they appear.

Article (55)

The Foundation may coordinate with the ministry of Justice, the central bank, local courts, official parties and banks operating in other Emirates, in regards of the implementation of decisions issued thereby within the competent departments of the said parties.

Article (56)

As part of the implementation of the present law, the Foundation shall delegate one of the judges of Dubai's court of first instance (shari'a court) to decide upon applications and attestations relative to the waqf (endowment) and minors, transferred from the Foundation or presented by the concerned individuals, and those relative to the provisions stipulated by the personal status law in regards of the custodianship over the funds.

Article (57)

The Foundation shall, in organizing its accounts and records, apply principles and fundamentals of trade accounting subject to the international standards duly recognized. It shall also have independent budget which shall be annexed to the general budget of the Emirate. The fiscal year of the Foundation shall commence on the first of January and shall expire on the thirty-first of December of every year.

Article (58)

The foundation financial resources shall consist of:

- 1- The support presented to the Foundation from the Emirate General Budget.
- 2- Donations, grants and gifts received by the Foundation and accepted by the Board.
- 3- Returns and profits from leasing and investing Foundation funds and properties.
- 4- Any other resources realized by the Foundation from practicing its activities.

- 5- The percentage that the foundation receives according to its management of the properties. This percentage must be provided by the council.

Article (59)

The Foundation funds shall be considered public properties, and upon which all rules and provisions relating to public funds and properties shall apply.

The Department of Financial Review shall assume the control and surveillance over the Foundation works, activities, and accounts in order to realize its good progress and performance in accordance with the provisions of this law.

Article (60)

The Foundation shall be exempted from all fees and taxes which incur onto its transactions and claims, including the customs duties on all its imports necessary for its works and the realization of its purposes.

(Article 61)

The sums due to the Foundation by virtue of the present law shall enjoy the right of preference over debtor's funds.

Furthermore, they shall enjoy the right of priority over all debts (after the judicial expenses).

The Foundation shall have the right to collect them according to the regulations in regards of collecting public funds in-force in the Emirate, or to pay a part or all of them by installments pursuant to the conditions stipulated by the board according to the secretary general's proposal.

Article (62)

Pursuant to the provisions of this law, the board shall issue all the decisions necessary for its implementation.

Article (63)

The periods stipulated in this law shall be counted according to Islamic Calendar (Hegira).

Article (64)

The President of the Executive Council shall issue the executive regulations of this law.

Article (65)

The law No.6 of the year 2004 in regards of establishing “Waqf & Minors’ Affairs Foundation” shall be annulled along with its amendments.

Article (66)

Any provision in any other legislation which may contradict with the provisions of this law shall be cancelled.

Article (67)

This law shall be published in the official gazette and shall be in effect as from the date of its publication.

Mohammed bin Rashid Al-Maktoum
Ruler of Dubai

Issued in Dubai, on: 15/05/2007 AD
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