

Law No. (12) of 2017

Regulating NGOs in the Emirate of Dubai

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

Having cognizance of the Federal Law No. (2) of 2008 on Associations and Institutions of Public Interest;

The Federal Law No. (7) of 2008 on the General Authority for Youth and Sports Welfare and the Acting Bodies;

Law No. (8) of 1997 Regulating the Dubai Chamber of Commerce and Industry, as amended;

Law No. (3) of 2003 Establishing an Executive Council for the Emirate of Dubai;

Law No. (2) of 2011 on the Islamic Affairs and Charitable Activities Department;

Law No. (8) of 2015 on the Community Development Authority in Dubai;

Law No. (32) of 2015 on the Official Gazette of the Government of Dubai;

Law No. 1 of 2016 on the Financial Regulations of the Government of Dubai;

Law No. (8) of 2016 Regulating Grant of Law Enforcement Capacity in the Government of Dubai;

Law No. (9) of 2015 Regulating Fundraising in the Emirate of Dubai;

Executive Council Resolution No. (26) of 2013 on Charitable Associations, Quran Memorization Centres and Islamic Institutions in the Emirate of Dubai; and

Local Order No. (96) of 1995 on the Licensing and Regulating of Social Clubs in the Emirate of Dubai, as amended;

Hereby promulgate the following law:

Chapter One

Preliminary Provisions

Law Title

Article (1)

This Law shall be called "**Law No. (12) of 2017 Regulating NGOs in the Emirate of Dubai**".

Definitions

Article (2)

Unless otherwise indicated by the context of the text, the following words and phrases, wherever stated herein, shall have the meanings assigned to each of them:

State	: The United Arab Emirates
Emirate	: The Emirate of Dubai
Ruler	: His Highness the Ruler of the Emirate of Dubai
CDA	: Community Development Authority in Dubai
Director-General	: The CDA's Director-General
Concerned Authority	: Any federal or local authority within its competence falls the regulation of any of the activities carried out by the NGOs under the legislation in force in the State.
Non-governmental Associations	: Any non-profit entity comprising a group with a continuing organization, composed of natural and/or legal persons, that practises any of the activities provided for in Article (5) hereof.
Non-governmental Institution	: Any non-profit entity which is created by one founder or a group of founders, which is based on the allocation of a sum of money to carry out any of the activities mentioned in Article (5) hereof.
Non-governmental Organization or "NGO"	: Non-governmental Association or Non-governmental Institution
Licence	: The document issued by the CDA for the NGO which meets the conditions and requirements necessary for exercising the activities authorized in accordance with the provisions hereof.
Articles of Association	: The NGO's Articles of Association
General Assembly	: The General Assembly of the Non-governmental Association
Board of Directors	: The Board of Directors of the Non-governmental Institution
Board of Trustees	: The Board of Trustees of the Non-governmental Institution
Board	: The Board of Directors and Board of Trustees

Scope of Application

Article (3)

A. The provisions hereof shall apply to the UAE NGOs existing when this Law comes into force and those established thereafter.

B. The following entities shall be excluded from the application of the provisions hereof:

- 1- The associations and institutions covered by the provisions of the Federal Law No. (2) of 2008 referred to above;
- 2- The bodies working in the field of youth and sport care covered by the provisions of the Federal Law No. (7) of 2008 referred to above;
- 3- Private associations, institutions, and public interest institutions established by legislation issued by the Ruler.
- 4- Charitable associations, Quran memorization centres and Islamic institutions licensed in the Emirate pursuant to the Executive Council Resolution No. (26) of 2013 referred to above; and
- 5- The business councils, which are licensed by Dubai Chamber of Commerce and Industry in accordance with Law No. (8) of 1997 referred to above.

Law Objectives

Article (4)

This Law aims to:

- 1- Achieve social development in the Emirate by activating the role of the civil society;
- 2- Regulate the licensing of NGOs and granting them a legal personality;
- 3- Enable NGOs to provide their services in all areas of interest to the community; and
- 4- Encourage individuals and entities to engage in volunteer work and community participation.

NGOs Activities

Article (5)

The activities NGOs are authorized to practise in the Emirate in the social, health, educational, cultural, scientific, educational, professional, creative, technical, humanitarian areas and any other areas seeking public benefit shall be determined by a decision of the Director-General.

CDA's Terms of Reference

Article (6)

In order to achieve the objectives hereof, the CDA shall have the following functions and powers:

It shall:

- 1- License NGOs and their branches in the Emirate;
- 2- Investigate complaints against NGOs, identify violations committed by them, and take appropriate measures regarding them;
- 3- Propose legislation related to the regulations of NGOs in the Emirate; and
- 4- Assume any other functions or powers required to implement the provisions hereof.

NGOs Activities

Article (5)

A. A natural or legal person may establish or incorporate any of the entities covered by the provisions hereof in the Emirate, whatever the purpose thereof is, or open branches of such entities or transfer them from place to place within the Emirate, or practise any of the activities mentioned in Article 5 hereof through a NGO only after obtaining the licence and the necessary approvals and permits from the Concerned Authorities.

B. No public or private entity may allow any of its facilities to be used for practising the activities of NGOs by any natural or legal person not authorized to do in accordance with the provisions hereof.

Chapter Two

Non-governmental Associations

Conditions of Establishing Non-governmental Associations

Article (8)

The establishment of Non-governmental Associations requires the following:

- 1- The number of founders may not be less than (10) ten members, provided that two of them are citizens of the State. The Director-General may make exemptions by way of increasing or decreasing from this provision.
- 2- The founding member shall meet the following requirements:
 - a. The applicant may not be younger than 21 calendar years at the time of application;
 - b. The applicant shall have full legal capacity;
 - c. He shall be of good conduct, and not convicted in a felony or a crime involving moral turpitude or dishonesty unless he has been rehabilitated.
 - d. He shall be a resident of the State if he is a national of a GCC state.

e. His residence in the State shall be valid (for non-nationals of the State) and such residence may not be less than (3) three years.

3- The applicant shall submit the Articles of Association of the Non-governmental Association that complies with the provisions hereof and of the decisions issued hereunder, provided that such Articles of Association shall include the following:

(A) The name of the Non-governmental Association, provided that such name (i) is derived from the purpose for which it was created, (ii) does not create confusion between it and any other NGO within its sphere of activity, and (iii) is approved by the CDA;

(B) The proposed seat of the Non-governmental Association and its geographical scope;

(C) The purpose for which the Non-governmental Association was established and its activities and target groups;

(D) The founding members' names, nationalities, occupations and residence in the State;

(E) Conditions and type of membership, admission and dis-membership procedures, and members' rights and duties;

(F) The rules and principles of the Ordinary and Extraordinary General Assembly, the terms of reference thereof, the procedures for inviting them, the conditions of their validity and the manner of making their decisions;

(G) The manner of forming the Board Directors and its terms of reference;

(H) Lapse and loss of membership;

(I) Rules for amending the Articles of Association of the Non-governmental Association, how to establish or close branches or affiliated centres, or to merge them with other Non-governmental Associations in the Emirate;

(J) Sources of the financial resources of the Non-governmental Association, how they are used, disposed of, the manner of monitoring their expenditure, the beginning and end of their financial year, the system of keeping financial advances, if any, and their value to meet urgent expenses;

(K) Conditions for voluntary dissolution of the Non-governmental Association and its liquidation rules;

(L) Any other details the CDA deems necessary.

4- The Non-governmental Association to be licensed may not be a branch of a licensed Association outside the State.

Application of Requirements to Legal Persons

Article (9)

The conditions provided for in Article (8) hereof shall apply to NGOs composed of legal persons to the extent that they are compatible with the legal nature of such persons.

Pre-incorporation Representation of the Non-governmental Association

Article (10)

(A) The incorporators shall elect from among themselves an interim committee of not less than three (3) members. Such members shall elect from among themselves one or more representative. Such representative(s) shall complete the licensing procedures provided for in Article (11) hereof.

(B) The work of the Committee referred to in paragraph (a) of this Article shall end upon the election of the Board of Directors in accordance with the provisions of Article (19) hereof.

Licensing Procedures

Article (11)

A- The application for a Non-governmental Association licence shall be submitted to the CDA on the form prepared for this purpose, supported by the documents and papers required by the CDA.

B- The CDA shall examine the application for the establishment of the Non-governmental Association and the documents attached thereto. The CDA may request any documents, approvals or permits from the Concerned Authorities that are necessary for the completion of the licensing procedures of the Non-governmental Association.

C- The CDA shall issue its decision on the application for the licence within (30) thirty days from the date of submission thereof. Such period shall be subject to a one-time extension, and the application shall be considered rejected if the decision is not issued during such period.

Provisional Approval

Article (12)

A- The CDA shall grant the applicant a provisional approval of the licence of the Non-governmental Association. Granted such approval, the applicant shall complete the necessary

procedures to complete the final licensing procedures.

B- During period of the term of the granting the provisional approval and prior to obtaining the licence, the Non-governmental Association may not carry out its activities or make any change to the details submitted to the CDA for obtaining such approval.

Rejection to License Non-governmental Associations

Article (13)

The CDA may reject to license the Non-governmental Association if the conditions stipulated herein are not satisfied or for considerations of public interest.

Requirements for Completion of Licensing Procedures

Article (14)

A- Upon obtaining the provisional approval, the Non-governmental Association shall complete all licensing procedures, including:

- 1- Provision of a seat for the Non-governmental Association in accordance with the conditions prescribed by a decision of the Director-General; and
- 2- Obtaining a permit to practise the activity from the Concerned Authority in accordance with the applicable legislation.

B- The Non-governmental Association shall complete the final licensing requirements within a period not exceeding (6) six months from the date of granting the provisional approval.

C- The Director-General may extend the period provided for in paragraph (b) of this Article for a similar period if the Non-governmental Association, for a convincing reason, cannot meet the requirements of the final licence.

D- The provisional approval shall be deemed null and void if the Non-governmental Association fails to meet the requirements of the final licence within the prescribed period.

Licensing and Registration

Article (15)

After the Non-governmental Association fulfills all the conditions stipulated herein, the CDA shall license it and register it in the Register of Non-governmental Associations maintained by the CDA.

Legal Personality

Article (16)

The Non-governmental Association shall acquire its legal personality once it is licensed and registered in the Register of Non-governmental Associations and published in the Official Gazette of the Government of Dubai.

Term of Licence

Article (17)

A) The term of the licence of the Non-governmental Association shall be one year renewable for similar periods. At the request of the Non-governmental Association, and after obtaining the approval of the CDA and the Concerned Authority, the licence term may be more than one year but not more than (3) three years.

B) The Non-governmental Association shall renew its licence issued by the CDA within thirty (30) days from the date of its expiration date, in accordance with the procedures determined by a decision of the Director-General.

Composition of the General Assembly

Article (18)

The General Assembly shall consist of all members who meet the conditions of membership and have paid their contributions to the Non-governmental Association before the General Assembly.

Inviting the General Assembly to Elect the Board of Directors

Article (19)

The Interim Committee referred to in Article (10) hereof shall invite the General Assembly to convene within a period not exceeding (6) six months from the date of the issuance of the licence, in order to elect the Board of Directors.

Establishment of Branches of the Non-governmental Association

Article (20)

The Non-governmental Association may establish branches within the Emirate based on the prior written approval of the CDA. The Articles of Association of the Non-governmental Association shall determine the manner of establishing the branches, their closure, organization of their work and the relationship between them and the Head Office.

Amendment of the Articles of Association

Article (21)

The Non-governmental Association may make any amendment to its Articles of Association, replace the members of the Board of Directors or change its name or its seat only after obtaining the prior written consent of the CDA in this respect.

Administrative Body of the Non-governmental Association

Article (22)

The Non-governmental Association may appoint administrators, specialists and employees to conduct its affairs in accordance with the regulations adopted in this regard in a manner not inconsistent with the legislation in force in the Emirate.

Board of Directors of the Non-governmental Association

Article (23)

(A) The Non-governmental Association shall have a Board of Directors of not less than (5) five members, including at least two citizens of the State as members. Such Board of Directors shall be entrusted with the task of managing the affairs of the Non-governmental Association and providing it with the necessary means for carrying out its activities and achieving its purposes.

(B) The Board of Directors shall be elected by secret ballot. The Articles of Association shall specify the terms of reference of such Board of Directors, the conditions that shall be met by its members, the number of such members, the cases of termination or lapse of their membership and the procedures for calling the Board of Directors to convene and the validity of its meetings, and how to elect the Chairman of the Board of Directors.

(C) The Board of Directors' session shall be a non-renewable period of two years.

(D) The member of the Board of Directors may not be younger than (21) calendar years.

(E) The Board of Directors shall have a Chairman who shall represent the Non-governmental Association before courts and others.

(F) The CDA's prior approval for nomination to chair or to be a member of the Board of Directors is required.

Membership of the Board of Directors

Article (24)

A- No person may assume the membership of Board of Directors of more than one Non-governmental Associations which practise the very same activity. Nonetheless, the Director-

General may allow a person to assume the membership of Board of Directors of two Non-governmental Associations.

B- No person may simultaneously assume the membership of the Board of Directors of the Non-governmental Association and working therefor for a fee or a remuneration.

C- No person may simultaneously assume the membership of the Board of Directors of the Non-governmental Association working for the CDA or any of the governmental bodies that supervise the activity of the Non-governmental Association.

D- The CDA may, for the public interest, suspend from work any member of the Board of Directors, including the Chairman of the Board.

Invitation to the General Assembly Meeting

Article (25)

A- Under penalty of nullity, the Non-governmental Association shall obtain the prior approval of the CDA to convene its General Assembly meeting 14 days before its date.

B- The members shall be invited to attend the General Assembly meeting on such dates and in such cases provided for in the Articles of Association, in addition to the meeting referred to in Article (19) hereof, by an announcement specifying the date, place and agenda of the meeting.

C- The agenda of the General Assembly meeting and the reports to be discussed shall be sent to all members on the dates specified in the Articles of Association. If such date is not specified, it shall be at least (5) five days prior to the meeting.

Meetings of the Ordinary General Assembly

Article (26)

A- In addition to the dates and cases of convening the General Assembly as determined by the Articles of Association, the General Assembly shall hold an ordinary meeting within the three months following the end of its financial year. Such meeting shall be devoted to the consideration of the following matters:

- 1- Ratification of the minutes of the last meeting of the General Assembly;
- 2- Approval of the Report of the Board of Directors on its work in the financial year ended, its programmes, activities and action plan for the new year;
- 3- Approval of the draft budget for the new financial year;
- 4- Approval of the draft budget and the final account for the financial year ended;
- 5- The election of a new Board of Directors upon the expiration of the term of office of the Board of Directors or a vacancy in the Board of Directors for any reason;
- 6- Appointment of an auditor and determination of such auditor's fees;

- 7- Consideration of voluntary dissolution and liquidation of the Non-governmental Association; and
- 8- Any other topics identified by its agenda.

B- The Ordinary General Assembly may not consider any matters not included in its agenda.

Quorum of the Ordinary General Assembly Meeting

Article (27)

A- The meeting of the Ordinary General Assembly shall be valid if it is attended by at least 51% of the members. If such quorum is not reached, the meeting shall be postponed to a date not exceeding (30) thirty days from the date set for the first meeting. The new meeting shall be valid whatever the number of attendees is.

B- The General Assembly shall issue its resolutions by a majority of (51%) of the votes of the members present.

C- If a member of the General Assembly has a personal interest in the matter considered by the General Assembly, then such member may not participate in voting on the decisions of the Board.

D- Meetings of the General Assembly may be attended, and its resolutions may be voted on only in person. No other person may be delegated to attend or vote in such meeting.

Meetings of the Extraordinary General Assembly

Article (28)

The General Assembly may be invited to an extraordinary meeting at the request of the CDA, the Board of Directors or a third of the members. If the Board fails to invite the General Assembly at the request of the CDA or the members, then the CDA shall invite the General Assembly to convene at the expense of the Non-governmental Association.

Terms of Reference of the Extraordinary General Assembly

Article (29)

A- The Extraordinary General Assembly shall consider the following matters:

- 1- Deciding on resignations submitted by all or some of the members of the Board of Directors, if such resignations adversely affect the quorum required for its meetings;
- 2- Justifiable lapse of membership of one or more members of the Board of Directors, after obtaining the prior written approval of the CDA;
- 3- Terminating the term of office of the members of the Board of Directors prior to its expiry and electing a new Board of Directors;

- 4- Proposing the merger of the Non-governmental Association with another similar Non-governmental Association having the same objectives, provided that the General Assembly of the other Non-governmental Association shall take the same decision. In all cases, the prior written consent of the CDA shall be obtained;
- 5- Revocation of any of the Board of Directors' resolutions;
- 6- Amendment of the Articles of Association; and
- 7- Consideration of any urgent or emergency matters and any other matters specified by the Articles of Association.

B- Subject to the provisions of paragraph (a) of this Article, the Extraordinary General Assembly may not consider any matters not included in its agenda.

Quorum of Extraordinary General Assembly Meetings

Article (30)

A- The meeting of the Extraordinary General Assembly shall be valid if it is attended by two thirds of the members. If such quorum is not reached, then the meeting shall be postponed to another date not exceeding fifteen (15) days from the date set for the first meeting. The second meeting shall be valid if it is attended by half of the members. Should the quorum be not reached in the second meeting, there shall be a call to a third meeting with the same deadline for the second meeting. The third meeting shall be valid whatever the number of attendees is.

B- The Extraordinary General Assembly shall issue its resolutions unanimously or by a two-third majority of the members present.

Financial Resources of Non-governmental Associations

Article (31)

The financial resources of the Non-governmental Association shall consist of the following:

- 1- Members' subscriptions;
- 2- The returns of the activities, services and investments the Non-governmental Association is licensed to practise; and
- 3- Donations, grants, gifts and wills received by the Non-governmental Association and approved by the CDA in accordance with the legislation in force in the Emirate.

Funds of Non-governmental Associations

Article (32)

The funds of the Non-governmental Association are property of the Non-governmental Association. Its members may not claim any right in such funds. The member who has withdrawn from the Non-governmental Association, has been dismissed therefrom, or

whose membership in the Non-governmental Association has been lapsed may not claim their contributions or any part of its funds.

Depositing the Funds of Non-governmental Associations

Article (33)

The Non-governmental Association shall deposit its cash money in its name in one or more accounts at any of the licensed national banks in the Emirate. It shall notify the CDA of such account and any change in the type of account or the bank in which it has deposited its funds within (10) ten working days from the date of such change.

Spending the Funds of Non-governmental Associations

Article (34)

A- The Non-governmental Association shall spend its funds for the purposes for which it was established. It may not trade or enter financial speculations or distribute any revenues or returns to the members of its Board of Directors, founders, members of the General Assembly or employees.

B- After obtaining the approval of the CDA and the Concerned Authorities in the Emirate, the Non-governmental Association may invest its funds in excess of its needs in order to achieve a return that will help it achieve its objectives, and in a manner not inconsistent with the legislation in force in the Emirate.

Chapter Three

Non-governmental Institution

Non-governmental Institution's Articles of Association

Article (35)

A- The Articles of Association of the Non-governmental Institution shall include the following basic details:

- 1- The name and geographical scope of the Non-governmental Institution and its headquarters in the Emirate;
- 2- The purpose for which it was established and the target groups of its activities;
- 3- A detailed statement of the funds to be allocated to achieve the objectives of the Non-governmental Institution;
- 4- Regulation of the management of the Non-governmental Institution, including the method of appointing the Chairman and members of the Board of Trustees and the manner of appointing the Director; and
- 5- The conditions for voluntary dissolution of the Non-governmental Institution and the

liquidation rules thereof.

B- A Non-governmental Institution may be established by an official document or by an attested will. Such document or will shall be deemed to be the Articles of Association of the Non-governmental Institution. The Director-General shall issue a decision specifying the conditions and procedures for the establishment of Non-governmental Institutions in the Emirate.

Board of Trustees of Non-governmental Institutions

Article (36)

A- The Non-governmental Institution shall be managed by a Board of Trustees in accordance with its Articles of Association, consisting of a Chairman and members of at least (5) five persons, including at least one of the nationals of the State.

B- The Chairman of the Board of Trustees shall represent the Non-governmental Institution before courts and others.

C- The Board of Trustees shall be governed by the provisions provided for herein regarding the Board of Directors and to the extent appropriate to the nature of the Non-governmental Institution.

Application of the Provisions of this Law to Non-governmental Institutions

Article (37)

Non-governmental Institutions shall be governed by the provisions provided for herein relating to the Non-governmental Institutions' licensing, registration procedures, and obligations, as well as other provisions to the extent appropriate to their nature.

Chapter Four

Non-governmental Organization or "NGO"

NGO's Obligations

Article (38)

The NGO:

- 1- Shall comply with the legislation in force in the Emirate, and the resolutions, regulations and instructions issued by the CDA;
- 2- Shall comply with the terms of Licence;
- 3- May not to depart from the purposes specified in the Articles of Association;
- 4- May not engage in any unauthorized activity without obtaining the prior written

- approval of the CDA and Concerned Authorities in the Emirate;
- 5- May not practise any commercial activity without obtaining the prior written consent of the CDA and the Concerned Authorities, and obtaining a licence from the Competent Authority concerned with commercial licensing, provided that the proceeds of such commercial activity shall be dedicated to serving its objectives;
 - 6- Shall obtain the prior approval of the CDA before opening any bank account with one of the national banks licensed to operate in the Emirate, provided that the withdrawal from such account shall be made by the signing of two persons with capacity in the NGO to be determined by the Board;
 - 7- Shall provide the place where it will conduct its activities, provided that such place shall be in compliance with the requirements laid down by the CDA and the Concerned Authorities in this regard;
 - 8- May not interfere in politics, or incite hatred, sectarian, racial, religious or ethnic conflicts or any issues related to the security of the State and its regime;
 - 9- Shall deposit all cash received in its bank account before disbursing it on its activities;
 - 10- Shall respond to the reports, observations, enquiries and correspondence of the CDA within the deadlines specified by the CDA for this purpose;
 - 11- Shall obtain a written approval from the CDA in the event of organizing or participating in conferences, seminars, meetings, lectures or any other activities within or outside the State, provided that the application for such approval is submitted (21) twenty one days from the date of such event. The CAD shall issue its decision in this respect within (5) five working days from the date of application;
 - 12- May not form any entity with any other association within or outside the State;
 - 13- May not open branches outside the State, and may not be a branch or a party affiliated to any association outside the State;
 - 14- Shall obtain the prior written approval of the CDA when inviting or hosting any VIPs to/in the Emirate;
 - 15- Shall maintain records relating to the activities of the NGO and make such records include the details to be determined by a decision of the Director-General;
 - 16- Shall enable the CDA's staff or the CDA's authorized persons to inspect and check at any time the NGO's records, documents and books;
 - 17- May not enter into an agreement, coordination or cooperation with institutions or entities outside the State;
 - 18- May not affiliate, participate in, or merge into any association or institution outside the State without obtaining the approval of the CDA; and
 - 19- May not use its own facilities in purposes other than those for which they were established, or use them for sleeping and lodging, except for those who guard such facilities.

Donations

Article (39)

The NGO may collect donations or allow them to be collected or advertise fundraising

through the audiovisual, readable, visual means of communication, or social media only after obtaining the prior written consent of the CDA and the Concerned Authority in this regard.

Details and Information Related to the Affairs of NGOs

Article (40)

The NGO shall provide the CDA with the details and information it requests regarding the NGO's organizational affairs, and local or external activities, in particular the following:

- 1- The NGO's annual plans and work programmes, including its social programmes;
- 2- The establishments and organizations with which the NGO cooperates within and outside the Emirate;
- 3- The external contributions the NGO plans to make;
- 4- The audio, visual or printed materials produced, published or distributed by the NGO. In all cases, the written consent of the CDA shall be obtained prior to such production or distribution.
- 5- The NGO's statements of bank accounts on the dates determined by the CDA, provided that such statements include all the NGO's financial transactions;
- 6- The details, records, books and documents required by the CDA;
- 7- A copy of the NGO's annual budget and final account, within a period not exceeding (4) four months from the date of the end of the financial year, after being approved by one of the auditing offices accredited by the CDA, along with supporting documents and a detailed report thereon;
- 8- A copy of the financial balance of the NGOs for the subsequent year within (15) fifteen days from the date of its approval; and
- 9- A copy of the minutes of the NGO's meetings and a brief annual report on its work and activities.

NGOs' Administrative Organization

Article (41)

The CDA shall take all necessary measures to ensure proper administrative organization of the NGOs. For such purpose, the CDA may require any information or details it deems necessary, in particular the following:

- 1- The NGOs' full-time, part-time, and volunteering employees' names, personal and professional details, passport copies, and resumes;
- 2- The organizational structure and terms of reference of the administrative units and their functions;
- 3- The NGO's internal regulations, instructions and operational manuals; and
- 4- A survey of the NGO's activities, services and beneficiaries' details.

Chapter Five

Control and Supervision

Financial Control

Article (42)

NGOs shall be subject to the financial control of the CDA in order to ascertain the sources of income and types of expenditure and the proper use of the NGOs' financial and in-kind resources for the purposes and projects carried out by NGOs in accordance with their Articles of Association in a manner that achieves the purposes for which the NGOs were established.

Supervision of the NGOs' Programmes

Article (43)

The CDA shall supervise the NGOs' programmes and projects within the scope of their objectives set forth in their Articles of Association. The CDA may organize training courses and provide technical advice and various aspects of care for any of the same so as to enable them to achieve their objectives and raise the level of their services.

Control and Inspection

Article (44)

A- The CDA's staff shall have the power to control and inspect NGOs. For such purpose, they may:

- 1- Have access to the NGO and its various facilities for the purpose of controlling and detecting violations, and have access to all the records and documents it holds; and
- 2- Obtain any documents held by the NGO.

B- Shall be liable to legal accountability any person who:

- 1- Does not allow the CDA's staff to perform the duties assigned to them hereunder and under the decisions issued hereunder;
- 2- Refrains from providing any information that may affect the CDA's investigations;
- 3- Refrains from responding to the CDA's observations or correspondence or delays in responding to them without an acceptable excuse;
- 4- Refrains from implementing any of the measures required by the CDA;
- 5- Covers any incident or case that must be referred to the CDA for investigation in accordance with the provisions hereof; or
- 6- Acts in any other way that would obstruct the work of the CDA's staff.

Procedures for Proving Violations

Article (45)

The Director-General, or his authorized representative, may take one or more of the following actions when the NGO commits any violation of the provisions hereof and of the decisions issued hereunder:

- 1- Instructing the offending body to conduct a preliminary investigation of the violation committed and submit such investigation to the CDA.
- 2- Forming a committee from among the CDA's staff to investigate the violation committed.
- 3- Suspend the employee responsible for committing the violation until the investigation is completed.
- 4- Seizure of papers, documents, records and any other matters used in committing the violation.
- 5- Instructing the Board to impose a disciplinary penalty on the offending employee in accordance with the regulations in force in the NGOs. The Board shall impose this penalty within fifteen (15) days from the date of such instruction, and shall send such papers to the CDA, and notify the CDA of the disciplinary measure taken.
- 6- Referring the investigation papers to the Public Prosecution if it is found that the matter involves a crime punishable by law.
- 7- Closing the investigation if no violation is found.

Administrative Violations and Penalties

Article (46)

A- Without prejudice to any heavier penalty provided for in any other legislation, any person who contravenes the provisions hereof and of the decisions issued hereunder shall be subject to the following penalties:

- 1- Warning;
- 2- A fine of not less than (AED 500) five hundred dirhams and not more than (AED 100,000) one hundred thousand dirhams. Such fine shall be doubled in the event of the recurrence of the same offence within one year from the date of the previous offence, but not to exceed (AED 200,000) two hundred thousand dirhams;
- 3- Suspension of the NGO's activity for a period not exceeding (3) three months;
- 4- Dissolution of the Board; or
- 5- NGO's Closing, Dissolution, and Licence Revocation.

B- The graded penalties stipulated in paragraph (a) of this Article shall not be considered as significant. The CDA may impose the appropriate penalty on the NGO in accordance with the seriousness and gravity of the violation committed.

C- In addition to the penalties prescribed under paragraph (a) of this Article, the CDA may require the NGO to remove the reasons for the violation within the deadline determined by the CDA. Otherwise, the CDA may remove the reasons for the violation and recourse on the NGO for the costs incurred by the CDA in this respect.

Dissolution, Liquidation and Delisting

Article (47)

A- The Director-General may compulsorily dissolve the NGO by a reasoned decision in any of the following cases:

- 1- If it is proved that the NGO has committed acts contrary to the public order or morals.
- 2- The issuance of a final court judgment convicting the NGO with acts that harm the public interest.
- 3- If the number of members in the Non-governmental Association is less than the number stipulated in Article 8(a) hereof.
- 4- If it turns out that its actions do not meet the objectives for which it was established or that it is not longer able to achieve such objectives.
- 5- If it disposes of its funds in other than the specified channels.
- 6- If it becomes unable to meet its financial obligations.
- 7- If it refuses to undergo an inspection, impairs the work of the CDA's inspectors, or provides incorrect or false information.
- 8- If it commits a serious breach of its Articles of Association or the provisions hereof or the laws in force in the Emirate.
- 9- If the General Assembly of the Non-governmental Association fails to convene for two consecutive years.
- 10- If it fails to adjust its situation in accordance with the provisions of Article (54) hereof.

B- The decision to dissolve the NGO shall include the deadline of the dissolution. The Director-General may extend such deadline in the circumstances that so require.

C- The CDA shall appoint one or more liquidators for a consideration to be paid out from the NGO's funds.

D- The dissolved Non-governmental Association shall continue to enjoy its legal personality to the extent necessary for the completion of the liquidation proceedings.

E- The Director-General shall issue a decision to de-list the NGO from the Register of the NGOs after the completion of the liquidation proceedings. This decision shall be published in the Official Gazette of the Government of Dubai and in two wide-spread daily newspapers.

Capacity of Judicial Officers

Article (48)

A- The CDA staff members nominated by virtue of a decision by the Director-General shall have the capacity of judicial officers in terms of proving acts committed in violation of the provisions hereof and of the decisions issued hereunder. For such purpose, they may enter NGOs and their facilities, and issue the necessary violation reports in this regard, and may seek the assistance of the police, if necessary.

B- If the offence committed by the NGOs involves an crime punishable by law, then the CDA shall refer such violation to the competent judicial authority.

Voluntary Dissolution

Article (49)

Subject to the provisions of Article (47) hereof, the NGO may be voluntarily dissolved as specified in its Articles of Association, provided that the CDA is notified of such dissolution thirty (30) days prior the date fixed for such dissolution.

Technical Control

Article (50)

Without prejudice to the role of the CDA in controlling and supervising NGOs, the concerned governmental bodies shall control the activities of such NGOs in accordance with their applicable legislation.

Chapter Six

General Provisions

Disposal of the Funds of the NGOs after Dissolution

Article (51)

The persons in charge of the NGO that has been dissolved, whether compulsorily or voluntarily, may not dispose of its funds and documents. The Director-General shall issue a decision specifying the manner of disposing of its funds and documents and the body to which its rights and obligations shall be transferred, taking into account that, upon the issuance of such decision, the founder of the Non-governmental Institution is enabled to recover his movable and immovable property, after paying the liabilities of the Non-governmental Institution towards third parties, and deducting donations and grants obtained by the Non-governmental Institution.

Members of Board of Directors' Remunerations

Article (52)

By a resolution of the General Assembly, and after obtaining the prior written approval of the CDA, remunerations may be paid to the members of the Board of Directors along with any other financial allowances in respect of performing their duties.

Governance of Boards

Article (53)

The CDA shall enact a code of governance of Boards, and circulate it to NGOs which shall be bound by such code.

Adjustment of Situations

Article (54)

The NGOs existing in the Emirate when this Law enters into force shall adjust their situations and amend their Articles of Association in accordance with provisions hereof within one year from the date of such entry. The Director-General may extend such period for a similar period in the cases so require. Otherwise, the necessary action and measures to dissolve and liquidate the offending NGOs in accordance with the provisions hereof shall be taken.

Seeking Assistance of Government Authorities

Article (55)

For the purpose of fulfilling its powers provided for herein, the CDA may seek the assistance of the governmental authorities in the Emirate. Such governmental authorities shall provide assistance to the CDA whenever requested.

Grievance

Article (56)

A- Any interested party may lodge a complaint in writing to the Director-General regarding the decisions, procedures or measures taken against such party hereunder within thirty (30) days from the date of notification of such decisions, procedures or measures or from the date of expiration of the period stipulated in paragraph (c) of Article (11) hereof.

B- The grievance referred to in paragraph (a) of this Article shall be decided on within (30) thirty days from the date of its submission by a committee formed by the Director-General for this purpose. The decision on the grievance shall be final. Nonetheless, it may be challenged before the competent court.

Fees

Article (57)

For the licence and the services it provides under the provisions hereof and of the decisions issued hereunder, the CDA shall collect the fees determined by a decision of the Chairman of the Executive Board.

Accrual of Fees and Fines

Article (58)

The fees and fines collected hereunder and under the decisions issued hereunder shall accrue to the Public Treasury of the Government of Dubai.

Issuance of Executive Decisions

Article (59)

The Director-General shall issue the necessary decisions to implement the provisions hereof, and they shall be published in the Official Gazette of the Government of Dubai.

Repeal

Article (60)

Local Order No. (96) of 1995, as amended, referred to above is hereby repealed. Any provision in any other legislation is hereby repealed to the extent that it contradicts with the provisions hereof.

Publication and Entry into Force

Article (61)

The present Law shall be published in the Official Gazette and shall come into force as of the date of its publication.

Mohammed bin Rashid Al Maktoum

Ruler of Dubai

Issued in Dubai on 15 June, 2017 AD

Corresponding to 20 Ramadan 1438 AH