Article 1

This Act may be cited as the Hypothecation (the given of the mortgage property as a security for a loan) of the Structures Erected at Jebel Ali Free Zone Act, 2002.

Section 2

The following words shall have the meanings respectively assigned to each of them unless the context otherwise requires:

2. The Authority: The Jebel Ali Free Zone Authority.
3. Immovable Property: The Structures permanently erected on the land, which can not be removed from one place to another.


5. The Registrar: The employee responsible for the registration of the Mortgage at Jebel Ali Free Zone.

Section (3)

The Proprietor of an immovable property erected on the government land at Jebel Ali Free Zone may perform hypothecation of the immovable property without the land.

Section (4)

A Register shall be established at Jebel Ali Free Zone with the aim of performing mortgage of immovable property; and any mortgage not registered shall be disregarded.

Section (5)

The text of the Contract of Mortgage shall be recorded in the Register including the following statements according to the order of their dates.

a-All the information relating to the immovable property.
b-The approximate value of the immovable property and its contents.
c-The value of the debt.
d-The identity of the creditor, his nationality and his place of residence.

3- المباني المشتراة ثابتة التي لا يمكن نقلها من مكان إلى آخر.
4- السجل: سجل الرهن التأميني على المباني المشتراة في المنطقة الحرة في جبل علي.
5- المسجل: هو الموظف المنوط بالإجراءات تسجيل الرهن في المنطقة الحرة لجبل علي.

مادة (3)

يجوز لمالك العقار المقيم على أرض في المنطقة الحرة بجيل علي والمملوكة للحكومة أن يجري 'رهنا تأمينيا' على هذا العقار دون الأرض.

مادة (4)

ينشأ في المنطقة الحرة سجل لغاية إجراء الرهن على العقارات، ولا يعتد بأي رهن غير مسجل فيه.

مادة (5)

يذهب في سجل الرهن وحسب الترتيب التاريخي نص عقد الرهن متضمنا البيانات التالية:

أ- جميع المعلومات الخاصة بالعقار.
ب- قيمة العقار التقديرية ومشتملاته.
ج- قيمة الدين.
د- هوية الدائن والمدين وحينيته ومكان إقامته.
Section (6)

The mortgage shall be completed by the mutual consent of the two contracting parties and their admission before the Registrar and entering it in the Register pursuant to the procedure provided in this Act.

Section (7)

The Application to register the mortgage for the immovable property, shall be submitted to the Registrar after being signed by the proprietor of the immovable property and the mortgagee; and all the statements and information which must be mentioned in the Contract of Mortgage pursuant to Section No. (5) of the Act, must be stated in the application.

Section (8)

Upon receiving the application to register a mortgage the Registrar shall proceed as follows:

1. Ascertain the competence of the Contracting parties to perform the Mortgage
2. Ensure that the debtor is the owner of the immovable property which is required for the mortgage
3. Ascertain the appropriate value of the immovable property and its contents
4. Record the Contract of the Mortgage
5. Read the text of the Contract of Mortgage to the Parties
6. Collect the fees of the transaction
7. The Two Contracting Parties shall sign the Contract of the Mortgage before the Registrar.
8. The Registrar shall authenticate the Contract of Mortgage by placing his name, signature and the official seal of the Authority.

Section (9)

If it appears to the Registrar that the documents and the statements are incomplete he shall stay the proceedings until the completion of these documents and statements.

Section (10)

The deed of mortgage shall be delivered to the Contracting Parties, recorded in it the statements of the register of the mortgage and the signature of the registrar and sealed with the official seal of the Authority, and the statements of the deed of the mortgage shall be identical with the register of the mortgage.

Section (11)

The titles registered in the register of the mortgage shall remain without any alternation until being altered or cancelled, and the deed of the mortgage registered in accordance with this Act is evidence against third parties of whatever is recorded therein, and any alternation or cancellation of these titles shall be made before its registration in the Register.

Section (12)

The deed of mortgage, which is made pursuant to the provisions of this Act, is deemed an executive deed.
Section (13)

More than one mortgage may be performed on one immovable property, and the records in the register of mortgage, shall be made according to the consecutive dates of their registration, and the priority of the acquired titles on one immovable property shall be determined according to the order of the records in this Register.

Section (14)

The mortgage shall expire, and the records in the register of the mortgage shall be cancelled at the end of the lease of the land on which the immovable property is erected, and the mortgage shall expire before the end of the lease by agreement of the contracting parties or by a final judgement of a Competent Court.

Section (15)

The Registrar shall scrutinize the application of the cancellation and shall ascertain that the documents and the statements which are submitted permit the cancellation of the record, and that the texts of the register of the mortgage or the laws in force do not prohibit this. If the Registrar ascertains all this, he shall cancel the mortgage by recording the cancellation in the Register and shall state the reasons, which led to the cancellation and its date; and it shall be signed by him.

Section (16)

The Mortgagee may levy execution on the mortgaged immovable property if the mortgagor defaults in payment of the debt or for any other reason.
لسببهاروفقاً لعقد الرهن أو أحكام القانون،
والذي عن طريق تقييد سند الرهن إلى قضاء
التقشف وإتخاذ إجراءات البيع حسب ما هو
منصوص عليه في قانون الإجراءات المدنية

مادة (17)

في حالة بيع العقار تنفيذاً لعقد الرهن فإن
المشتري أن يتمتع به شخصياً أو يؤديه وذلك
خلال المدة المتبقية من عقد الإيجار المبرم
بين سلطة المنطقة الحرة والمستأجر (الراهنين)
ووفقاً للشروط المنصوص عليها في قوانين
وأنظمة المنطقة الحرة.

المادة (18)

تستثمر من الراهن الرسوم التالية:

1- رسم تسجيل الرهن : 12,00 درهم
من قيمة الدين.

2- رسم تحديد شروط الرهن: 12,00 درهم
من قيمة الدين.

3- رسم إلغاء الرهن: 500 درهم.

مادة (19)

مع مراعاة أحكام هذا القانون، تسري على
عقود الرهن المسجلة في هذا المجل أحكام
الرهن التأميني وقواعد المساطحة (القرار)
المنصوص عليها في قانون المعاملات المدنية
رقم (5) لعام 1985 وقيماً لا يتعارض مع-
Section (20)

This Act shall be published in the Official Gazette and shall be enforced from the date of its publication.

Maktoum Bin Rashid AL Maktoum
Ruler of Dubai

Issued in Dubai on 16th January 2002
Corresponding 3rd Dhu Al Qada 1422H

حكم هذا القانون.

مادة (20)

نشر هذا القانون في الجريدة الرسمية،
وبعده بما من تاريخ نشره.

مكتوم بن راشد آل مكتوم
حاكم دبي

صدر في دبي بتاريخ 16 يناير 2002 م
الموافق فيه في 3 ذو القعدة 1422 هـ