

Federal Decree Law No. (30) of 2020
Amending Certain Provisions of the Federal Law No. (5) of 1985
Concerning Civil Code

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

- Pursuant to the perusal of the Constitution;
- The Federal Law No. (1) of 1972 On the Mandates of Ministries and Powers of Ministers, as amended;
- The Federal Law No. (28) of 2005 on Personal Status, as amended;
- The Federal Law No. (5) of 1985 on Civil Code, as amended;
- The Federal Law No. (10) of 1992 On the Evidence in Civil and Commercial Transactions, as amended;
- The Federal Law No. (11) of 1992 On the Civil Procedures Code, as amended;
- In accordance with the proposals of the Minister of justice and as approved by the Council of Ministers,

We do hereby enact the following Decree by Law:

Article One

Articles No. (12- Clause 1), (13), (17), (27), and (1166) of the Federal Law No. (5) of 1985 Concerning Civil Code, shall be replaced as follows:

Article (12) Clause (1)

1. For the objective conditions of the marriage validity, the law applicable at the country where the marriage was concluded shall be referred to.

Article (13)

1. The law applicable at the country where the marriage was concluded shall be applicable on personal and financial impacts set by the marriage contract.
2. The law applicable at the country where the marriage was concluded shall be applicable on divorce and separation.

Article (17)

1. Without prejudice to Clauses (3) and (4) of this Article, the law of the country to which the bequeather belongs to at the time of death shall apply to inheritance.
2. The UAE shall be entitled to the financial rights present on its territory and belongs to the foreigner who has no heirs.
3. The objective provisions of the will and all other post-death actions shall be governed by the law of the country determined by the will or such action, or the law of country to which the person carrying out such action belongs to as nationality at the time of death, if not legally determined by the will or action.

4. The format of the will and the rest of post-death actions shall be governed by the law of the country determined by the will or such action, or the law of country to which the person carrying out such action belongs to as nationality at the time of the action, or the country in which the action is made.
5. The UAE law shall apply to the will of foreigner with respect to his or her real estate properties in the UAE.

Article (27)

Any provisions of any law stated in Articles (10), (11), (18), (19), (20), (21), (22), (23), (24), (25), and (26) of this Law shall not be applicable if such provisions contradict the provisions of Islamic Sharia or the public norms and morals of the UAE.

Article (1166)

When a property cannot be divided in kind or when such partition involves a serious damage or defect in the value of the property to be partitioned, every co-owner may sell their shares to another co-owner or appeal to the judge to sell it in the manner prescribed by the law.

If such sale is not possible, such co-owner may demand the sale of the whole property in the manner prescribed by the law and the division of the sale proceeds among co-owners on pro-rata basis. The judge may restrict the auction to the co-owners only if such restriction is requested by any co-owner.

In all cases, the sale request shall not be accepted if it will result in greater damage to other co-owners. Further sale request shall be accepted from the same person only after one year from the date of rejection of the previous sale request or after the damage is removed, whichever is nearer.

Article Two

Any other provisions contradicting the provisions of this Decree Law shall be null and void.

Article Four

This Decree Law shall be published in the Official Gazette and shall come into force on the next day after its publishing date.

Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace in Abu Dhabi:

Date: 10 Safar 1442 H.

Corresponding to 27 September 2020