

Federal Decree-Law No. (41) of 2022

On the Civil Personal Status

We, Mohamed bin Zayed Al Nahyan

President of the UAE,

Having Reviewed:

- The constitution;
- Federal Law No. (1) of 1972 concerning the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (5) of 1985 promulgating the Civil Code, as amended;
- Federal Law No. (11) of 1992 promulgating the Civil Procedure Law, as amended;
- Federal Law No. (21) of 1997 concerning the Determination of Dowry in the marriage Contract and its Expenses;
- Federal Law No. (28) of 2005 concerning Personal Status, as amended;
- Federal Law No. (13) of 2020 concerning Public Health;
- Federal Decree-Law No. (31) of 2021 promulgating the Crimes and Penalties Law, as amended;
- Federal Decree-Law No. (10) of 2022 regulating the Registration of Births and Deaths;
- Federal Decree-Law No. (20) of 2022 regulating the Notary Profession;
- Federal Decree-Law No. (35) of 2022 promulgating the Law of Evidence in Civil and Commercial Transactions;
- Federal Decree-Law No. (32) of 2022 concerning the Federal Judicial Authority;
- Federal Decree-Law No. (33) of 2022 concerning the Federal Supreme Court;

— And based on the presentation of the Minister of Justice and the approval of the Cabinet,

Hereby issue this Decree Law:

Chapter One

Preliminary Provisions

Article (1)

The Scope of Application of the Decree-Law

1. The provisions of this Decree-Law shall apply to non-Muslims who are national citizens of the United Arab Emirates, and to non-Muslim foreigners residing in the state, unless any of them adheres to the application of the law of their home country, with regard to the articles of marriage, divorce, inheritance, wills, and proof of parentage, without prejudice to the provisions of Articles (12), (13), (15), (16), and (17). of Federal Law No. (5) of 1985 referred to above.
2. The persons governed by the provisions of this Decree-Law as named in Clause (1) of this Article may agree to apply other legislation regulating the family or personal status matters currently in force in the State instead of applying the provisions of this Decree-Law.
3. The provisions of this Decree-Law shall apply to all incidents that occur after the entry into force of these provisions.

Article (2)

Calculation of Durations

The Gregorian calendar shall be used for calculating the periods of time stipulated in this

Article (3)

Cases of Exception from Referral to Family Guidance

Divorce proceedings filed in accordance with the provisions of this Decree Law shall be excluded from being referred to Family Guidance Committees, and instead, shall be presented directly to the court to render a judgment thereon at the first hearing.

Article (4)

Equality between Men and Women as to Rights and Duties

The application of the provisions of this Decree Law shall take into account equality between women and men in terms of rights and duties, and this shall apply in any way particularly in respect of the following matters:

1. Testimony Equality: While giving testimony before the court, the woman shall receive the same treatment that is typically given to the man in terms of the probative value of testimony, without discrimination;
2. Inheritance: Inheritance shall be equally distributed between men and women in accordance with the provisions of this Decree-Law;
3. The right to request divorce: That both the husband and wife may unilaterally demand that divorce be established by the court without prejudice to their rights related to divorce;
4. Joint custody: that a woman and a man shall have an equal right to assume joint custody of the minor child until the latter reaches the age of (18) eighteen years, after which the child shall have the freedom of choice.

Chapter Two

Provisions of Civil Marriage

Article (5)

Civil Marriage

For a civil marriage contract to be established, the following conditions shall be met:

1. That both the husband and wife have attained at least (21) twenty-one Gregorian years, and that the age is established by any official document issued by the State of their nationality;
2. That the marriage shall not take place between brothers, sons, grandchildren, uncles or aunts, and any other cases specified by the Executive Regulations;
3. That the married couple explicitly express their consent to marriage before the Authentication Judge, and that there is nothing that legally discredit their consent;
4. The married couple must sign the disclosure form;
5. Any other conditions specified by the Executive Regulations of this Decree-Law.

Article (6)

Civil Marriage Contract Procedures and Authentication

1. Marriage procedures may be concluded before the authentication judge with the competent court, by submitting an application in accordance with the standard form prepared for this purpose, subject to the other conditions and procedures stipulated in this Decree-Law and its Executive Regulations.
2. The marriage shall be established by the married couple filling out the form prepared for this purpose before the authentication judge, and the married couple have the right to agree on the terms of the contract, and that both married couple shall invoke the

provisions of this contract concerning the rights of the husband and wife during the marriage period and the post-divorce rights, and in particular the joint custody of the children.

3. The marriage contract form shall include a disclosure by each of the married couple of the existence of any other prior marital relationship established by either of them, indicating the date of divorce, if any, and the wife's acknowledgment that there is no existing marital relationship, taking into account that the husband shall submit this acknowledgment if his legislation does not allow him Polygamy and that, in all cases, the husband shall disclose any existing marital relationship before the authentication judge.
4. The contract shall include a proof of consent of each of them, verbally or in writing.
5. The Executive Regulations of this Decree-Law shall specify the approved bilingual contract form for civil marriage.
6. Having verified that all conditions for a civil marriage contract and that the procedures stipulated in this article are satisfied, the authentication judge shall authenticate the marriage contract which shall be recorded in the register prepared for this purpose.

Chapter Three

Divorce and its Procedures

Article (7)

Divorce by Unilateral Will

In order for the court to pronounce a judgment of divorce, it shall be sufficient for either of the married couple to express his / her wish to get separated and not to continue the conjugal relationship, without having to justify that desire, to specify the aspects of harm, or to lay the blame on the other party.

Article (8)

Divorce Procedures

Either of the married couple may request divorce with no need to prove the harm, in accordance with the form prepared for this purpose, and the divorce shall take place by virtue of a court decision after the other party is duly served.

Article (9)

Divorcee's Alimony

The divorced woman may submit a request to the court, after the judgment granting divorce is rendered, seeking a judgment of alimony from her ex-husband, and any claims subsequent to divorce before the court shall be added in accordance with the form prepared for this purpose. In the event that there is no agreement on the conditions or controls of such alimony or the other financial claims in the marriage contract, the granting of the application and its duration shall be subject to the discretion of the judge after evaluating the following factors:

1. The number of years of marriage, so that the larger number of years of marriage shall give rise to larger amounts of alimony;
2. The age of the wife, so that the value of alimony decreases with the decrease in the age of the wife, and vice versa;
3. The financial situation of each of the married couple, in accordance with a report prepared by an accounting expert who is delegated by the court to assess the economic position of each of the married couple;
4. The extent of the husband's contribution to the divorce through negligence or error, or his commission of any act leading to the divorce;

5. Compensation of either of the married couple to the other for any physical or moral harm caused thereto as a result of the divorce;
6. Financial damage incurred by either of the married couple as a result of the application to grant divorce by unilateral will;
7. The father shall be liable for the expenses and costs of the mother's custody of the children during joint custody, for a temporary period not exceeding two years in accordance with the findings of the accounting expert's report;
8. Whether or not the wife is interested in taking care of the children;
9. In all cases, the wife's alimony shall lapse in the event that she gets married to another man, and in the event that her custody of the children ends for any reason, and that a new application may be submitted to amend the alimony after each year or in accordance with the changing circumstances.

Chapter Four

Custody of Children

Article (10)

Joint Custody

1. Custody of children is a joint and equal right of both the father and mother after the occurrence of the divorce. It is also a right for the children not to live under the control of a single parent without the other, for raising and dealing with the child, in order to preserve the psychological health of the child in custody and limit the effects of divorce on the children.
2. A general principle in the custody of the children is the participation of the father and the mother together in the responsibility of raising the children after the divorce, unless the two parties submit a request to the court to establish custody for the parent who is worthy

of fulfilling the interests of the child subject to custody, one of them submits a written waiver to the court of his right to custody , a parent submits a request to the court to remove the other parent from joint custody and drop his right to custody for any reason acceptable to the court, such as symptoms of eligibility, the danger of the person's participation in custody, or the failure of the joint custodian to perform his duties. In keeping with this, the Executive Regulations of this Decree-Law shall set out the cases of removing the other party from custody and forfeiting his right to it.

3. In the case of a dispute between both parents over an issue related to joint custody, either parent shall be entitled to apply to the court in accordance with the relevant form to challenge the position of the other parent ask the court to decide on the matter subject matter of dispute.
4. The court shall have a discretionary power to decide a particular course of action in the best interest of the child under custody, based on the request of either parent after divorce.

Chapter Five

Estates and Wills

Article (11)

Distribution of Estate

1. The testator shall have the right to leave a will with the entire property he owns in the State in favor of anybody he wants in accordance with the controls specified by the Executive Regulations of this Decree-Law.
2. In the absence of a will, half of the inheritance shall devolve to the husband or wife, and the other half shall be distributed equally among the children with no differentiation between male and female. If the deceased has no children, the legacy shall devolve to the parents of the deceased if they are alive equally or half of the legacy shall devolve to either

of the parents in the case the other parent has died, while the other half shall devolve to the brother and sisters thereof. In absence of such situations all the legacy shall devolve to either parent in absence of the testator's other parent, spouse, children or brothers and sisters. In the event of absence of both parents, the entire legacy shall devolve into the testator's brothers and sisters where it shall be divided on equal basis without differentiation between males and females.

3. Notwithstanding the provisions of Clause (2) of this Article, any of the foreigner's heirs may request the application of the law applicable to the estate in accordance with the provisions stipulated in the Civil Code, unless there is a registered will to the contrary.

Article (12)

Procedures for Opening and Distributing the Estate File

The Cabinet shall issue an inheritance procedures manual for those addressed by the provisions of this Decree-Law.

Article (13)

Wills Registration Procedures

1. The wills of the persons governed by the provisions of this Decree-Law shall be recorded in the register prepared for this purpose in accordance with the procedures specified by the Executive Regulations of this Decree-Law.
2. The married couple may fill out a will registration form during the signing of the marriage contract to indicate how the property will be distributed in the event of the death of either of them.

Chapter Six
Establishment of Parentage

Article (14)

Establishment of Newborn's Parenthood

1. The parentage of the child shall be established by marriage or by the acknowledgment of the father and mother, and the child's birth certificate shall be issued in accordance with the legislation in force in this regard.
2. The court may order a DNA test to be conducted, in accordance with the rules regulating that, and shall only issue an order establishing parentage after verifying the following:
 - a. The child is of an unknown parentage.
 - b. That the age difference is likely to establish the child's relationship with the claiming person.
3. The Cabinet may, based on the proposal of the Minister of Justice, issue a resolution regulating the procedures and provisions for adoption and surrogate families and its implications

Chapter Seven

Final provisions

Article (15)

Matters not Specifically Provided

The laws and legislation in force in the State shall apply to matters not specifically provided for in this Decree-Law.

Article (16)

Executive Regulations

The Cabinet will issue the Executive Regulations for this Decree Law.

Article (17)

Repeals

Any provision that goes against or contradicts the provisions of this Decree-Law shall hereby be repealed.

Article (18)

Publication and Entry into Force of this Decree-Law

This Decree-Law shall be published in the Official Gazette and shall enter into force as of February 1, 2023.

The Presidential Office

Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us on the Presidential Palace in Abu Dhabi

On 7 Rabi' Al-Awwal 1444 (AH)

Corresponding to 3 October 2022 (AD)