



Real Property Registrar's Directives

SERVICE

2 November, 2009

REAL PROPERTY REGISTRAR'S DIRECTIVES

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The Registrar of Real Property of the DIFC Authority, in exercise of the powers under Article 171 of the Real Property Law, being DIFC Law No. 4 of 2007 issued by the Ruler, and of all other enabling powers, makes the following Directives:

1. Introduction

- 1.1. This instrument is the Real Property Registrar's Directives.
- 1.2. Application and interpretation
 - 1.2.1. A reference in these Directives to a law is a reference to that law as amended from time to time.
 - 1.2.2. A reference in these Directives to a Schedule is a reference to a Schedule in these Directives, unless the contrary intention appears.
 - 1.2.3. In these Directives and the Schedules, unless the contrary intention appears:
 - (a) "approved" means approved for the time being by the Registrar;
 - (b) "prescribed" means prescribed under the Regulations;
 - (c) "the Law" means the DIFC Real Property Law 2007 (DIFC Law No. 4 of 2007);
 - (d) "the Regulations" means the DIFC Real Property Regulations;
 - (e) terms defined in the Law have the same meaning in these Directives and any Schedules as they have in the Law;
 - (f) the Rules of Interpretation contained in the Schedule to the Law apply to the interpretation of these Directives and Schedules.

2. Commencement

These Directives commence on the date of their issuance.

3. Service

- 3.1 A document to be served must be served personally, except
 - 3.1.1 Where a legal representative¹ -
 - (1) is authorised to accept service² on behalf of a party; and
 - (2) has notified the party serving the document in writing that he/she is so authorised,

¹ A legally qualified person authorised to act, issue and conduct proceedings or to appear before the Court on behalf of others (as the context requires) who has been instructed to act for a party in relation to a claim, lodgement or matter.

² Steps required by Registrar's Directives or rules of Court to bring documents to a person's attention

- 3.1.2 A document must be served on the legal representative, unless personal service is required by an Enactment, Rule, Practice Direction, Registrar’s Direction or Court³ order.
- 3.1.3 In civil proceedings involving the Registrar, Centre⁴ any of the Centre's Bodies or the Government⁵, documents required to be served on the Registrar, Centre, any of the Centre's Bodies or the Government, may not be served personally.

3.2 Personal Service

- 3.3.1 A document is served personally on an individual by leaving it with that individual.
- 3.3.2 A document is served personally on a company or other corporation by leaving it with a person holding a senior position within the company or corporation. Each of the following persons is a person holding a senior position:
- (1) in respect of a registered company or corporation, a director, the treasurer, secretary, chief executive, manager or other officer of the company or corporation, and
 - (2) in respect of a corporation which is not a registered company, in addition to those persons set out in sub-paragraph (1), the mayor, chairman, president, town clerk or similar officer of the corporation.
- 3.3.3 A document is served personally on a partnership where partners are being sued in the name of their firm by leaving it with—
- (1) a partner; or
 - (2) a person who, at the time of service, has the control or management of the partnership business at its principal place of business.

3.4 After Service

- 3.4.1 The serving party must—
- (1) send the Registrar a copy of the process, and
 - (2) proof of service⁶; or
 - (3) a statement why the process could not be served; and
 - (4) if the Registrar directs –
 - (i) specify the costs incurred in serving or attempting to serve the process; and/or
 - (ii) serve the notice in such other manner, whether by advertisement or otherwise, as the Registrar directs in writing,

³ The Court of First Instance (including any circuit or division), the Court of Appeal and Tribunals established in accordance Article 14(3) of the Court Law

⁴ Dubai International Financial Centre.

⁵ The Government of the Emirate of Dubai

⁶ Steps required by these Directives to bring documents being relied on to a person's attention

- 3.5 **Proof of Service** shall accompany each document purported to be served at the time of lodgment for registration and/or the application is made (as the case may be) and shall be separate from the document served.
- 3.5.1 Proof of service shall contain, or be accompanied by –
- (a) a statement that all parties required to be served have been served; and
 - (b) a list of the names, addresses, and telephone numbers of the parties served.
- 3.5.2 It is not necessary that service on each party required to be served be made in the same manner or evidenced by the same proof.
- 3.5.3 Proof of service may consist of any one of the following: -
- (a) an acknowledgment of service, signed by the party served;
 - (b) in the case of (a) above, a notarised affidavit or declaration as to proof of signature and identification of the person served;
 - (c) a certificate of service, reciting the facts and circumstances of identification of the person served and all other relevant facts surrounding service;

4. Acceptable witnesses

- 4.1. The Registrar will accept for lodgment an instrument signed by a natural person, if that person's signature is witnessed by a notary public, a lawyer practising in the UAE or a member of the Registry staff.
- 4.2. Despite paragraph 4.1, the Registrar:
- 4.2.1. may approve other persons as acceptable witnesses, either for a particular instrument, or for instruments of that class, or for instruments generally; and
 - 4.2.2. may refuse to accept an instrument for lodgment if the Registrar considers that the parties to it did not execute it, or that it does not reflect the transaction to which it purports to give effect.

5. Relodgement of instruments

An instrument that is relodged must be relodged in the approved form and manner.

6. Annexure of plans to instruments or caveats

- 6.1. A plan must not be annexed to or endorsed on an instrument or caveat lodged with the Registrar unless the Law so requires or the Registrar so approves.

SCHEDULE 1— REQUIREMENTS FOR CERTAIN INSTRUMENTS

1. Paper size and quality

Unless the Registrar directs otherwise, the paper used must be:

- 1.1. white;
- 1.2. of not less substance than 80 grams per square metre; and
- 1.3. 297mm in length by 210mm in width (standard A4).

2. Text

- 2.1. Unless the Registrar otherwise approves, all text must be in the English language.
- 2.2. Text must be printed or written on one side only of each sheet.
- 2.3. All text must be at least 10 point (1.8mm) in size. Lines must not overlap. Text that is blurred or liable to blur is not acceptable.
- 2.4. All typewriting, printing, and handwriting:
 - 2.4.1. must be clear and legible, and in dense blue or dense black ink;
 - 2.4.2. must be to a standard that enables it to be clearly reproduced by the Registrar's imaging processes; and
 - 2.4.3. must not extend into the margin.
- 2.5. Measurements must be expressed in metric units.

3. Margins

Each sheet used must have a clear margin of not less than 10mm on each side and at the top and bottom.

4. Alterations

- 4.1. The parties to an instrument must verify any alterations by initialing or signing in the margin as close as practical to the alteration.
- 4.2. Alterations may only be made by striking through the matter intended to be altered, and not by rubbing, scraping or cutting the surface of the paper or by using correction fluid.

5. Annexures

- 5.1. The pages of an annexure to an instrument must be numbered sequentially in the centre of the foot of each page as "Page X of pages X-X."
- 5.2. Each annexure must be:
 - 5.2.1. identified (on the annexure itself) as an annexure to the instrument;
 - 5.2.2. signed on each page by the parties to the instrument (or, if a party is a body corporate, by a person who has attested the affixing of the seal of the body corporate or who has otherwise signed on its behalf); and

5.2.3. referred to in the body of the instrument.

5.3. An additional or inserted sheet intended to form part of an instrument:

5.3.1. must be attached to the instrument in a manner acceptable to the Registrar,
and

5.3.2. if it contains matter that would normally be inserted in an approved form,
must be signed by the parties to the instrument (or, if a party is a body
corporate, signed by a person who has attested the affixing of the seal of the
body corporate or who has otherwise signed on its behalf).

6. Photocopy annexures

Annexures, additional sheets or inserted sheets may be prepared by means of a
photographic or similar approved process and, if so prepared:

6.1.1. must comply with clauses 1 to 5 of this Schedule;

6.1.2. must contain only printing that is permanent, legible, dense black, and free
from excessive background.